



Juvenile Justice Policy and Data Board

# Massachusetts Juvenile Justice System

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2022 JJPAD ANNUAL REPORT

A REPORT OF THE JUVENILE JUSTICE POLICY AND DATA (JJPAD) Board

JANUARY 2023

[HTTPS://WWW.MASS.GOV/JUVENILE-JUSTICE-POLICY-AND-DATA-BOARD](https://www.mass.gov/juvenile-justice-policy-and-data-board)

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## Members of the JJPAD Board

Member Name	Affiliation/Appointing Organization
<b>Maria Mossaides, Chair</b>	Office of the Child Advocate
<b><i>Awaiting New Appointment</i></b>	House of Representatives (Speaker of the House)
<b>Representative Timothy Whelan<sup>^</sup></b>	House of Representatives (Minority Leader)
<b>Senator Adam Gomez</b>	State Senate (Senate President)
<b>Senator Patrick O'Connor<sup>^</sup></b>	State Senate (Minority Leader)
<b>Deputy Court Administrator Thomas Capasso<sup>*</sup></b>	Juvenile Court
<b>Commissioner Edward Dolan<sup>^</sup></b>	Massachusetts Probation Service
<b>Acting Commissioner Cecely Reardon</b>	Department of Youth Services
<b>Assistant Commissioner Rebecca Brink<sup>*</sup></b>	Department of Children and Families
<b>Deputy General Counsel Cristina Tedstone<sup>^</sup></b>	
<b>Assistant Commissioner Nancy Connolly, Psy.D.<sup>*</sup></b>	Department of Mental Health
<b>Yves Singletary<sup>*</sup></b>	Department of Public Health
<b>Dulcinea Goncalves</b>	Committee for Public Counsel Services
<b>Rachel Gwaltney</b>	Children's League of Massachusetts
<b>Naoka Carey</b>	Citizens for Juvenile Justice
<b>Police Chief Kevin Kennedy<sup>^</sup></b>	Massachusetts Chiefs of Police Association
<b>Dawn Christie<sup>^</sup></b>	Parent of child who has been subject to juvenile court jurisdiction (2)
<b><i>No Appointment Made</i></b>	
<b>Ruth Budelmann<sup>^</sup></b>	Juvenile Justice Advisory Committee
<b><i>Awaiting New Appointment</i></b>	Executive Office of Education
<b><i>No Appointment Made</i></b>	Massachusetts District Attorney Association
<b><i>No Appointment Made</i></b>	Individual with experience or expertise related to design and implementation of state administrative data systems
<b>* Abstained from voting on this report</b>	
<b><sup>^</sup> Not present to vote on this report</b>	

*The following Office of the Child Advocate staff members provided support on this report:*

Melissa Threadgill, Director of Strategic Innovation  
 Kristi Polizzano, Juvenile Justice Program Manager  
 Morgan Byrnes, Project and Research Coordinator  
 Alix Rivière, Research and Policy Analyst  
 Jessica Seabrook, Research and Policy Analyst

## About the JJPAD Board

In April 2018, the Legislature passed *An Act Relative to Criminal Justice Reform*, which created the Juvenile Justice Policy and Data (JJPAD) Board under [M.G.L. Chapter 119, Section 89](#). The Legislature charged the JJPAD Board with evaluating juvenile justice system policies and procedures, making recommendations to improve outcomes based on that analysis, and reporting annually to the Governor, the Chief Justice of the Trial Court, and the Legislature. The statute creating the JJPAD Board also placed a special emphasis on improving the quality and availability of juvenile justice system data.

<https://www.mass.gov/juvenile-justice-policy-and-data-board>

### JJPAD and Childhood Trauma Task Force Reports

- June 2019: Improving Access to Massachusetts Juvenile Justice System Data
- November 2019: Early Impacts of “An Act Relative to Criminal Justice Reform”
- November 2019: Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth
- December 2019: Next Step for Addressing Childhood Trauma: Becoming a Trauma-Informed and Responsive Commonwealth
- June 2020: Protecting our Children’s Well-Being During COVID-19
- November 2020: JJPAD Board FY20 Annual Report
- December 2020: Childhood Trauma Task Force FY20 Annual Report
- October 2021: COVID-19 and the Massachusetts Juvenile Justice System
- December 2021: Identifying Childhood Trauma: An Interim Report on Trauma Screening and Referral Practices
- March 2022: JJPAD Board FY21 Annual Report
- November 2022: Racial and Ethnic Disparities at the Front Door of Massachusetts’ Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System
- November 2022: Identifying Childhood Trauma: Recommendations on Trauma Identification Practices in Child-Serving Organizations
- December 2022: Improving Massachusetts’ Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform

All reports can be found on the JJPAD [website](https://www.mass.gov/lists/jjpadcttf-legislative-reports-and-key-documents): <https://www.mass.gov/lists/jjpadcttf-legislative-reports-and-key-documents>

## About the Office of the Child Advocate

The [Office of the Child Advocate \(OCA\)](#) is an independent executive branch agency with oversight and ombudsperson responsibilities, established by the Massachusetts Legislature in 2008. 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 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.

## Guide to Acronyms

Acronym	Definition
<b>BSAS</b>	Bureau of Substance Addiction Services
<b>CAFL</b>	Children and Family Law (Division of CPCS)
<b>CBHI</b>	Children's Behavioral Health Initiative
<b>CBI</b>	Community-based intervention
<b>CPCS</b>	Committee for Public Counsel Services (Public Defenders)
<b>CRA</b>	Child Requiring Assistance
<b>CTTF</b>	Childhood Trauma Task Force
<b>CWOF</b>	Continue Without a Finding
<b>DCF</b>	Department of Children and Families
<b>DESE</b>	Department of Elementary and Secondary Education
<b>DMH</b>	Department of Mental Health
<b>DPH</b>	Department of Public Health
<b>DYS</b>	Department of Youth Services
<b>EOE</b>	Executive Office of Education
<b>EOHHS</b>	Executive Office of Health & Human Services
<b>EOPSS</b>	Executive Office of Public Safety & Security
<b>JJPAD</b>	Juvenile Justice Policy and Data Board
<b>JDAI</b>	Juvenile Detention Alternatives Initiative
<b>MOU</b>	Memorandum of Understanding
<b>MPS</b>	Massachusetts Probation Service
<b>ONA</b>	Overnight Arrest
<b>SRO</b>	School Resource Officer
<b>YAD</b>	Youth Advocacy Division (Division of CPCS)
<b>YO</b>	Youthful Offender

## Executive Summary

The Juvenile Justice Policy and Data (JJPAD) Board was created by [\*An Act Relative to Criminal Justice Reform \(2018\)\*](#). The Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of stakeholders involved in the juvenile justice system.

The Legislature charged the JJPAD Board with **evaluating juvenile justice system policies and procedures, making recommendations to improve outcomes based on that analysis, and reporting annually** to the Governor, the Chief Justice of the Trial Court, and the Legislature. The statute creating the JJPAD Board also placed a special emphasis on improving the quality and availability of juvenile justice system data.

This year's annual report:

- Describes **juvenile justice system data trends**, including:
  - Annual (fiscal year) trends,
  - Pre-pandemic (FY19) data comparisons,
  - The continuing impact of *An Act Relative to Criminal Justice Reform (2018)*.
- **Summarizes the JJPAD Board's work in (calendar year) 2022**, including:
  - Making recommendations to the state for improvements to the Child Requiring Assistance (CRA) System
  - Studying the feasibility of creating an administrative data center in Massachusetts to serve as the central coordinator for child-serving data
  - Understanding the factors leading to racial and ethnic disparities at the “front door” of the Commonwealth's juvenile justice system and making recommendation for improvement
  - Oversight of prior initiatives and impacts of legislative changes

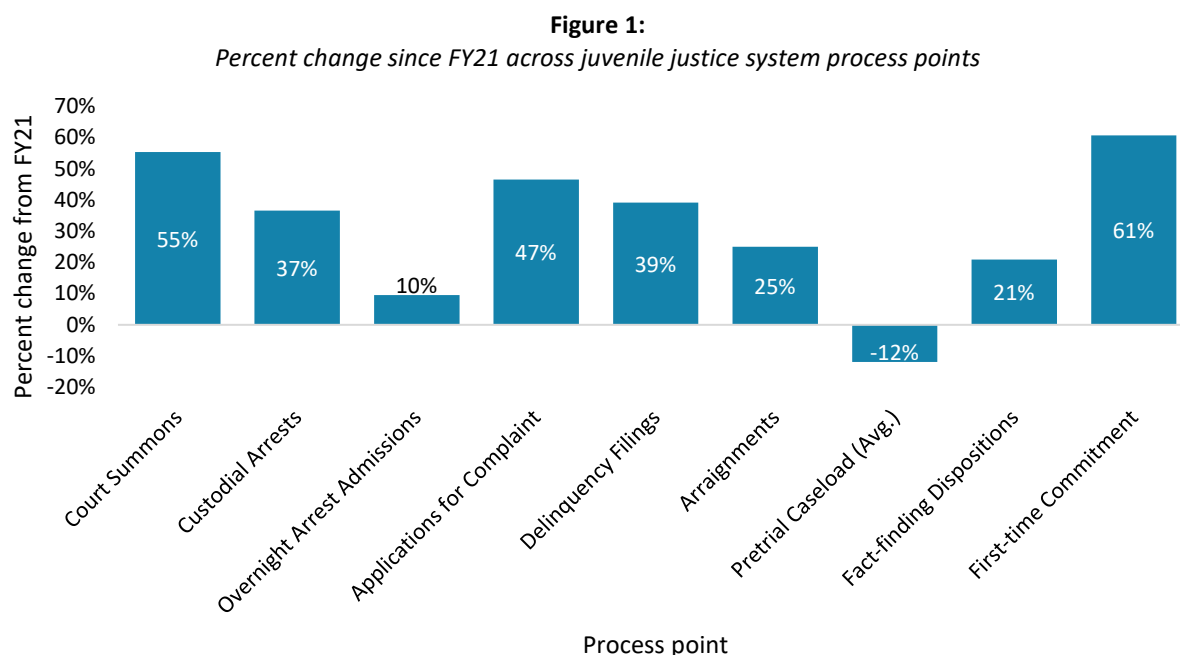
Additionally, this report summarizes the work of the state Childhood Trauma Task Force, which operates under the umbrella of the JJPAD Board and this year issued a report on recommendations for trauma identification in child-serving agencies across the state.

## Key Data Findings

Viewing the available data in totality, and as further described below, there are nine key takeaways the Board wishes to highlight this year:

1. **There was an increase in the utilization of the state's juvenile justice system between FY21 and FY22.** This increase was anticipated as the state emerged from the pandemic. The report further details the individual and societal factors, as well as the systemic responses to the pandemic that caused the increase in system use in FY22 compared to FY21. Given these trends, the Board continues to urge the state to take steps to increase supports for youth and families in the wake of the pandemic, including expanding a variety of delinquency prevention and

diversion efforts, as outlined in the Board's 2021 COVID report.<sup>1</sup> These are concrete steps the state can take to ensure this one-year increase does not become a longer-term trend.

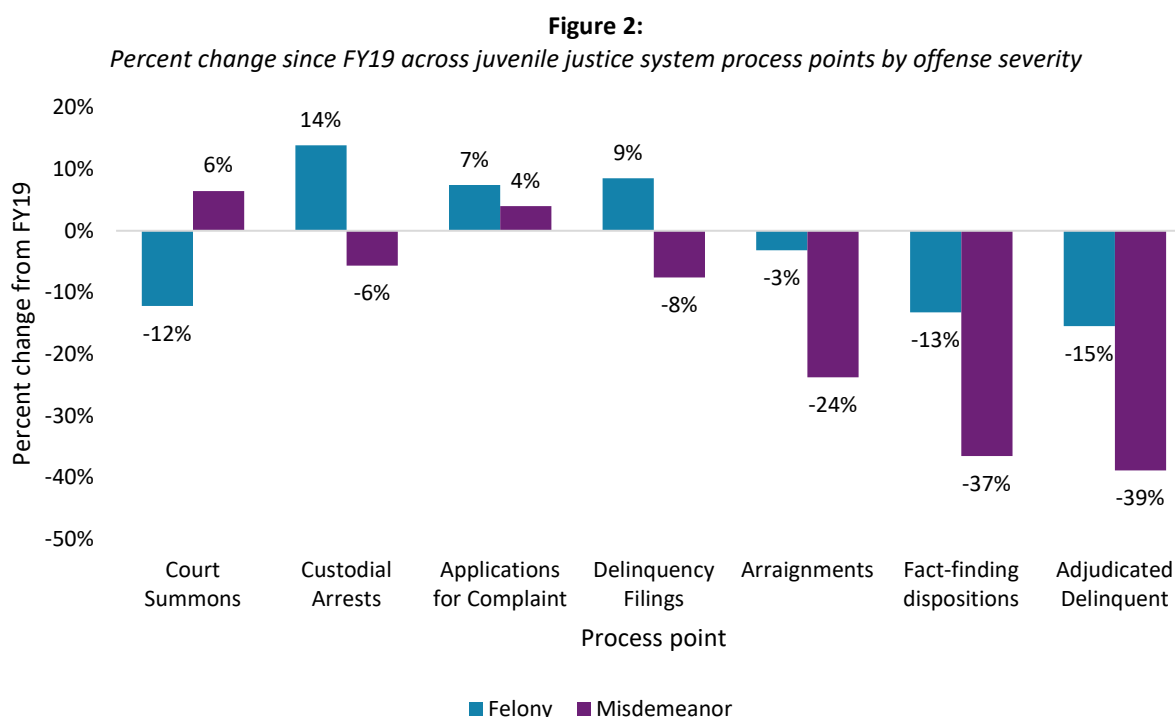


Source: FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

2. This increase was primarily driven by an **increase in youth alleged of committing persons, weapons, and property offenses.**
3. **Compared to pre-pandemic (FY19), overall system use is still declining** at deeper system process points (i.e., post-arraignment), as well as for misdemeanor offenses. This means that, despite the slight increase in use at earlier process points (e.g., 5% increase in applications for complaint from FY19 to FY22), youth continue to be diverted/have their case dismissed at later process points, particularly those youth coming with lower-level offenses.

<sup>1</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download>



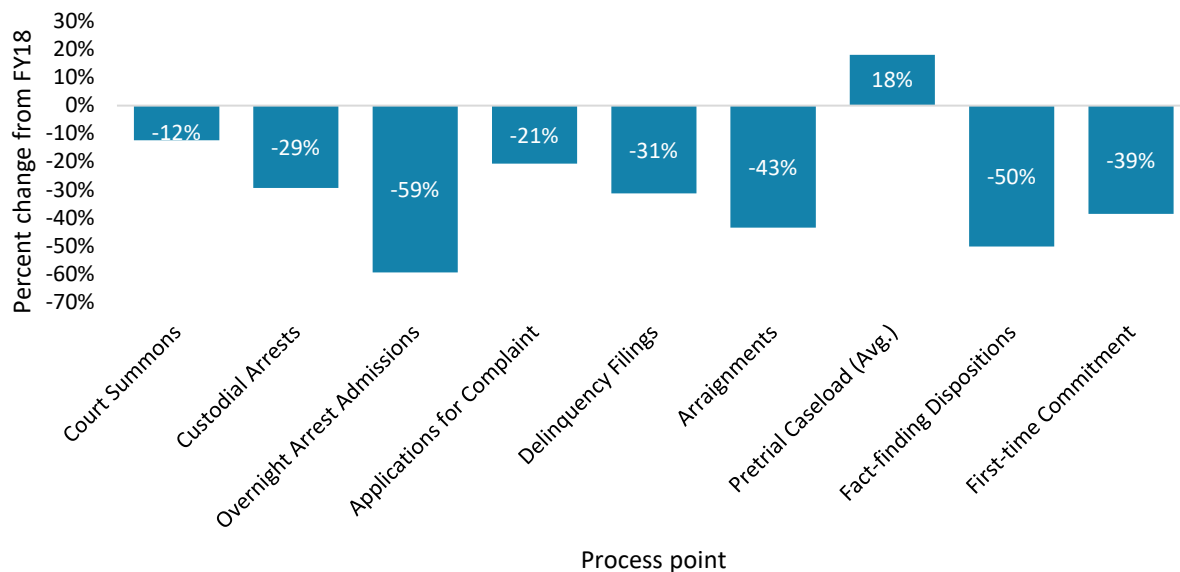


Source: FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

- The Criminal Justice Reform Act (CJRA) of 2018 continues to limit the number of youth coming into contact with the juvenile court.** The overarching goal of the juvenile justice provisions of the CJRA was to limit the number of youth coming into contact with the juvenile justice system. To achieve that goal, the CJRA raised the lower age of criminal responsibility from 7 to 12, removed Juvenile Court jurisdiction for certain offenses, and increased opportunities for judicial diversion.

According to the data, the CRJA is having its intended effect, as almost every process point for which there is available data indicates a decline – ranging from a decrease in use of 12% through 59% between FY18 and FY22. Some of the largest percentage drops between FY18 and FY22 occur from the arraignment stage onward.

**Figure 3:**  
*Percent change since FY18 across juvenile justice system process points*

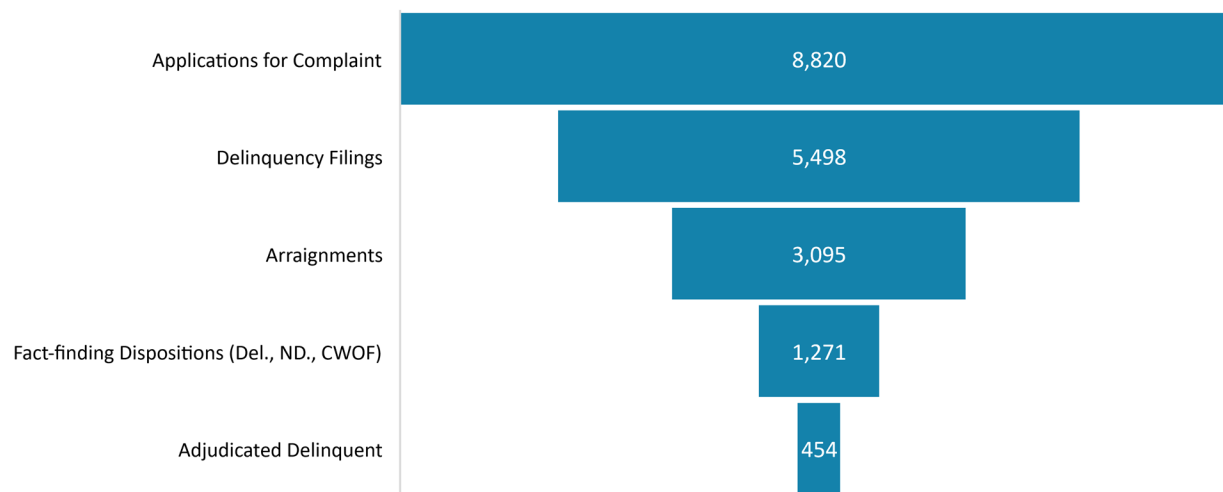


Source: FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

- Most youth delinquency cases are dismissed or diverted**, and therefore do not result in a trial or plea. In FY22, an estimated 86% of applications for complaint, 77% of delinquency filings, and 59% of arraignments were resolved prior to a plea or trial. Given the negative impact that court involvement can have on youth, this is, overall, a positive finding.

However, the Board also finds that there are a significant number of youth who are arraigned but later have their charges dismissed (an estimated 59% of arraignments). This suggests that at least some of these youth, particularly those alleged of committing lower-level offenses, should have been considered for diversion or case dismissal earlier in the process to avoid extended court involvement. (This point is further discussed in the report's Key Finding 9, below).

**Figure 4:**  
*FY22 Juvenile court data*

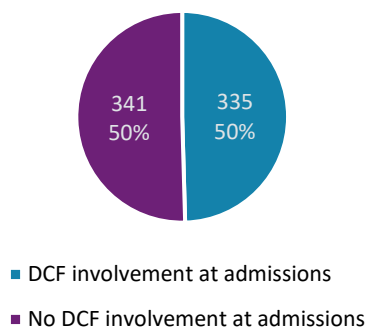


Source: FY22 application for complaint, delinquency filings, arraignments, fact-finding dispositions and delinquent adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

6. **Black and Latino youth and youth with DCF involvement are overrepresented** in the juvenile justice system. In FY22, Black youth were nearly 3.5 times more likely and Latino youth were two times more likely to be the subject of an application for complaint compared to white youth. Black and Latino youth are more likely to be arrested than white youth across all offense types, even less-serious offense types and misdemeanors.

These disparities persist throughout the system across process points, including an overrepresentation of Black and Latino youth in arraignments, detentions, and fact-finding hearings. Further, while youth across ethnic and race categories had roughly similar case dismissal rates overall, the data indicates that white youth are likely being diverted more frequently *pre-arraignment* than Black and Latino youth who, have higher rates of case dismissals *post-arraignment* compared to white youth.

**Figure 5:**  
*FY22 Detention admissions by DCF involvement (n=676)*



*Source: FY22 detention admissions by DCF involvement data provided to the OCA by the Department of Youth Services*

Youth involved in the state's child welfare system are another group that is overrepresented in our juvenile justice system. As detailed further in this report, half of all youth detained pretrial had DCF involvement at the time of their admission. For comparison, about 2% (n=335) of youth (12-17 years old) involved with DCF in FY22 were detained pretrial, compared to approximately 0.07% of Massachusetts' youth population detained pretrial who did not have DCF involvement (about 459,568).<sup>2</sup>

There is room for system improvements to further limit the number of Black and Latino youth, as well as the number of youth with child welfare involvement, entering and moving through the juvenile justice system to minimize the harmful effects system involvement can have on a youth.<sup>3</sup>

**7. Many youth who remain in the system have significant and potentially unmet underlying needs** that may be driving their delinquency system involvement. For example:

- More than half of youth detained pretrial had an individualized education plan (IEP), twice the rate of Massachusetts' students generally.<sup>4</sup>
- A quarter of youth detained pretrial had previously experienced physical or sexual abuse or had been sexually exploited.

<sup>2</sup> These are averages and estimated calculations for FY22. At the time this report was voted on, DCF had not published its Annual Report documenting the unduplicated number of youth involved in the agency. The Board took an average across FY22 quarterly reports accessed online: <https://www.mass.gov/info-details/department-of-children-and-families-reports-data> ; In CY20, there was an estimated 459,568 youth in Massachusetts not involved with DCF (473,738 youth in Massachusetts, minus the 14,170 youth (12-17) involved with DCF).

<sup>3</sup> Shah, S. & Strout, J. (2016). Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records. Juvenile Law Center. <https://jlc.org/resources/future-interrupted-collateral-damage-caused-proliferation-juvenile-records> ; Vera Institute. (2022). The Social Costs of Policing. The Vera Institute. <https://www.vera.org/publications/the-social-costs-of-policing> ; National Academies of Sciences, Engineering, and Medicine. (2022). The Impact of Juvenile Justice System Involvement on the Health and Well-Being of Youth, Families, and Communities of Color: Proceedings of a Workshop. Washington, DC: The National Academies Press. <https://doi.org/10.17226/2662> ; Del Toro, J., Jackson, D. B., & Wang, M.-T. (2022). The policing paradox: Police stops predict youth's school disengagement via elevated psychological distress. Developmental Psychology, 58(7), 1402–1412. <https://doi.org/10.1037/dev0001361> ; Holman, B. & Ziedenberg, J. (2022). The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. The Justice Policy Institute. [https://justicepolicy.org/wp-content/uploads/2022/02/06-11\\_rep\\_dangersofdetention\\_ji.pdf](https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_ji.pdf)

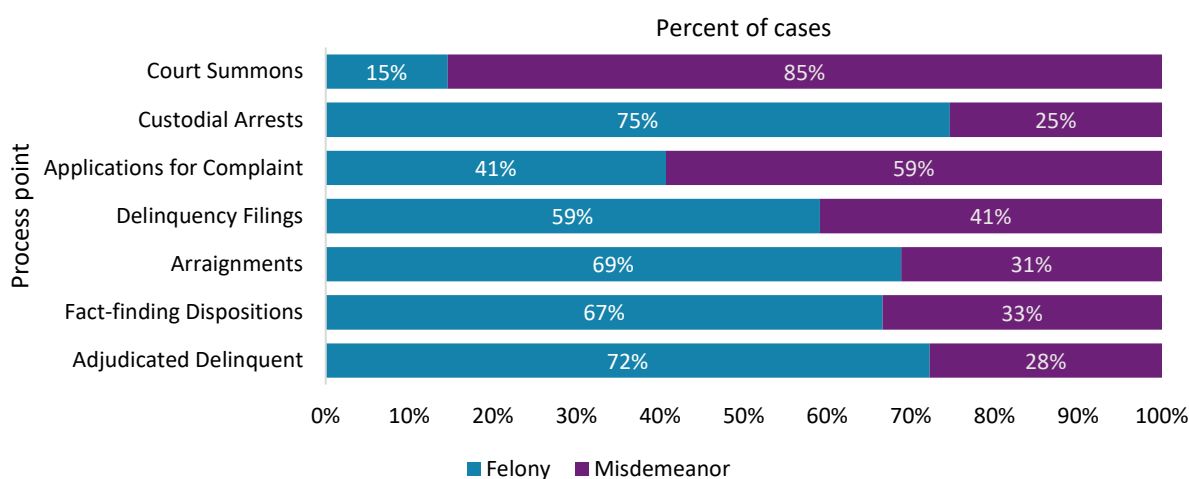
<sup>4</sup> Massachusetts Department of Elementary and Secondary Education. (2021). Enrollment by Special Populations: School Year 2021-22. <https://www.doe.mass.edu/InfoServices/reports/enroll/2022/special-populations.xlsx>

- About a third of youth detained pretrial had identified feelings of depression/anxiety, almost twice the rate of Massachusetts' youth population.<sup>5</sup>

The Board does not have data on what prior interventions or services these youth may have had before being admitted to detention. However, it seems likely that at least some of these youth were not having their behavioral health and/or educational needs met, and that additional community- or school-based services may have helped keep more of these youth out of the delinquency system.

8. **A majority of youth entering the system** – and a significant portion of those that process through parts or all of the system – **are alleged to have committed a misdemeanor and/or a non-violent offense**. A significant portion of the decline in juvenile justice system cases over the past five years was driven by a decline in youth with lower-level, misdemeanor cases processed through the system. However, youth with misdemeanor offenses still account for almost 60% of applications for complaint coming into the Juvenile Court, and almost a third of all arraignments (Figure 6).

**Figure 6:**  
*Juvenile justice system process point by offense severity (FY22)*



Source: FY22 court summons, custodial arrest, application for complaint, delinquency filings, arraignments, fact-finding dispositions and delinquent adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

9. **There remain many opportunities to increase the use of diversion** – especially for the youth in the previously mentioned categories (key takeaways 6-8) who may benefit from diversion at earlier process points. A wide body of research demonstrates that the vast majority of youth will

<sup>5</sup> Data Resource Center for Child & Adolescent Health. (n.d.) 2020-2021 National Survey of Children's Health Starting Point: Child and Family Health Measures. <https://www.childhealthdata.org/browse/survey/results?q=9293&r=23>

“age out” of delinquency naturally and without need for juvenile justice system involvement.<sup>6</sup> The Board has written extensively on the research showing the positive impacts of diverting youth away from the formal juvenile justice system, not just for youth and families, but for public safety as well.<sup>7</sup> While diversion away from the system at any point is beneficial, the earlier diversion can take place, the better.

As mentioned in Key Takeaway 5, above, and further discussed in this report, the vast majority of youth who enter the juvenile court process are ultimately diverted or have their case dismissed prior to a plea or trial. This is good news – and it is evidence that system practitioners believe that many of the youth referred to the justice system do not need to have their cases processed through the Juvenile Court or brought through to the trial/plea stage.

At the same time, the data on the number of youth whose cases are dismissed *after* arraignment, as well as the data presented in Key Takeaways 6, 7, and 8 on disparities and the number of youth coming to the system for lower-level offenses, raises further questions, such as:

- Are we missing opportunities to divert youth *earlier* in the process – including prior to arrest or court referral?
- Are certain categories of youth – including Black and Latino youth or youth with child welfare involvement – being overlooked for diversion opportunities more often, particularly at earlier process points?

Based on the available data, the answer to both questions appears to be yes.

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<sup>6</sup> National Research Council. (2013). *Reforming Juvenile Justice: A Developmental Approach*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685> ; Bekbolatkyzy, D. et al. (2019). Aging out of adolescent delinquency: Results from a longitudinal sample of youth and young adults. *Journal of Criminal Justice*. [https://www.sciencedirect.com/science/article/abs/pii/S0047235218302344#:~:text=One%20of%20the%20most%20well,there%20\(Farrington%2C%201986\)](https://www.sciencedirect.com/science/article/abs/pii/S0047235218302344#:~:text=One%20of%20the%20most%20well,there%20(Farrington%2C%201986).).

<sup>7</sup> [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/diversion-research-brief/download). (2021). *New Research on Diversion*. <https://www.mass.gov/doc/diversion-research-brief/download> ; [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019) *Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth*. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

## Introduction

The Juvenile Justice Policy and Data (JJPAD) Board was created by *An Act Relative to Criminal Justice Reform* (2018).<sup>8</sup> The Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of stakeholders involved in the juvenile justice system.

The Legislature charged the JJPAD Board with evaluating juvenile justice system policies and procedures, making recommendations to improve outcomes based on that analysis, and reporting annually to the Governor, the Chief Justice of the Trial Court, and the Legislature. The statute creating the JJPAD Board also placed a special emphasis on improving the quality and availability of juvenile justice system data, as well as measuring racial/ethnic and gender disparities in the system.

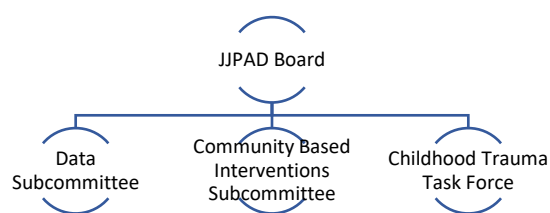


Figure 7: JJPAD and CTTF Structure

The JJPAD Board has two standing subcommittees, one focused on data (referred to as the “Data Subcommittee” in this report) and one on community-based interventions (CBI) such as diversion (referred to as the “CBI Subcommittee” in this report). The Childhood Trauma Task Force (CTTF), which was also created by *An Act Relative to Criminal Justice Reform*, and which, by statute, has its membership drawn from the membership of the JJPAD Board, also operates under the umbrella of the JJPAD Board. The Childhood Trauma Task Force is statutorily mandated to produce an annual report to the Legislature as well.

This report provides a summary of the JJPAD Board and Childhood Trauma Task Force work in calendar year 2022 and presents and analyzes juvenile justice system and other child-serving entities’ data for FY22.<sup>9</sup>

## Summary of JJPAD Board & Childhood Trauma Task Force 2022 Work

The JJPAD Board, CTTF, and Subcommittees met virtually throughout the year. This year, each Subcommittee continued projects that launched last year (2021) in addition to the Board’s ongoing work of monitoring the implementation of its previous recommendations as well as state legislation.<sup>10</sup> This next section summarizes the work of each Subcommittee and the JJPAD Board in 2022.

## Recommendations for Improvements to the Child Requiring Assistance (CRA) System:

<sup>8</sup> See: <https://malegislature.gov/Bills/190/S2371>

<sup>9</sup> See: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section89>

<sup>10</sup> For more information on the JJPAD work plan, see: <https://www.mass.gov/doc/jjp-ad-board-2022-work-objectives/download>

Last year, through the work of the Community Based Interventions (CBI) Subcommittee, the Board launched a study into Massachusetts' Child Requiring Assistance (CRA). In 2022, the Board concluded its study and submitted recommendations for improvements to the state. The legislative report was published in December 2022 and includes:<sup>11</sup>

- Background information on the CRA system and juvenile court process
- Major changes made in 2012 from the prior Children in Need of Services (CHINS) system and implementation of those statutory changes to date
- FY22 CRA data
- Key findings from the Board's research:
  1. The goals of the 2012 reforms to the CHINS system have not been fully realized
  2. There is no shared understanding of what the current CRA system is for, leading to misinformation at every level
  3. The system operates with significant differences in different parts of the state
  4. There are disparities in how the CRA system is used and who is referred to it
  5. Barriers to accessing services outside the court process push families to the CRA system – despite the potential harms of court involvement and limited response options available to the Juvenile Court
  6. The CRA process can be a helpful “fail safe” for families, including for youth with complex needs that require multiple agency involvement
  7. There is limited data from the CRA system that can be used to evaluate the system and understand the needs of the youth in it

Based on the above information, the Board made the recommendations to the state to improve the CRA system in Massachusetts. The following recommendations are broken down into three major themes:

### **Theme #1: Shift a Significant Portion of CRA Cases from the Court Room to the Community**

1. Expand the number and functions of Family Resource Centers across the state
2. Substantially increase diversion of cases from court to FRCs by revising the CRA filing process
3. Educate families and child-serving professionals about all options available for support
4. Explicitly address sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system of certain demographics of youth, including Black and Latino youth

### **Theme #2: Increase Availability of School and Community-Based Services that Specifically Meet the Needs of Youth Currently in the CRA System**

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<sup>11</sup> [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>



5. Support community-based programs aimed at supporting youths' behavioral and mental health needs, as well as those that promote prosocial activities
6. Executive branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements
7. Address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support

### Theme #3: Continue to Study Implementation of these Recommendations

8. Increase data availability
9. Monitor implementation of policy changes

It is critical that the state take steps to implement the Board's recommendations to address the myriad of challenges with our current CRA system. If implemented, the recommendations made in the Board's report can support youth and families across the Commonwealth in ways that keep families intact and prevent future delinquency system involvement and further traumatization.

Click here to read the full CRA Report: <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

## Studying the Feasibility of Creating an Administrative Data Center in Massachusetts:

As part of its work in 2022, the Data Subcommittee studied the feasibility of creating an administrative data center (ADC) to serve as Massachusetts' central coordinator of record-level state data for child-serving entities. An administrative data center is a central, often third party, organization that links datasets from two or more separate organizations to create a final research data file with each organization's administrative data linked to one individual. Administrative data centers enable a significantly richer analysis of data that, often, can better inform policy, practice, and service delivery than individual agencies' siloed datasets.<sup>12</sup>

Currently, child-serving agencies collect data in silos, with individual agencies using their own databases and internal policies to guide their data collection, management, and use. While there are a variety of historical and legal reasons data is collected this way, this structure creates barriers for use in both:

- **Case management:** Youth with complex needs are often involved with multiple state agencies and utilize several services. With each new state agency, a new administrative record that contains their information and important details about their case is created. While agencies can and at times do share case-level data with each other to inform case management, this process is not automatic and there can be a variety of barriers to ensuring current, consistent information is shared every time it would benefit case management. There are also a variety of

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<sup>12</sup> Actionable Intelligence for Social Policy. (n.d.) About Data Sharing. Actionable Intelligence for Social Policy <https://aisp.upenn.edu/about-data-sharing/>

legal privacy/confidentiality considerations that can impede systematic information sharing.<sup>13</sup> All of this can make case management more difficult, as practitioners sometimes have incomplete information about the youth they are serving and lack important context (e.g., past interventions).

- **Research:** The inability to easily share information makes it difficult for researcher to use data to answer questions about the intersections between agency caseloads as well as the pathways by which children and families use services across state agencies. This makes it difficult to track the impact of services on an individual's short and long-term well-being.

A solution to this challenge would be the creation of a single database for case management that all child-serving agencies would have access to with restrictions on access to certain areas of the system depending on the user. Such a system could allow information to be continuously added to a youth's administrative record, while limiting access to certain sensitive information to ensure privacy.

While the creation of one record per youth that would follow them across agencies could eliminate the barriers faced when using data for case management and research, no such system exists – and creating one may be prohibitively expensive, at least in the short to medium term. Therefore, to address the barriers currently faced in using state agency data for research, the Board studied the feasibility of creating an ADC.

This work stems from the Board's 2022 report, [\*Improving Access to Massachusetts Juvenile Justice System Data\*](#), which found that there remain barriers to accessing key juvenile justice data, specifically data that would help the state better understand how youth involved in the juvenile justice system interact with other state agencies. For example, the state is currently unable to report data on youth who are involved in the juvenile justice system who, subsequently, become involved in the adult criminal justice system.

These barriers, including the inability to combine data from different state entities in a way that would allow us to track youth outcomes over time, negatively impact the Board's ability to conduct deeper analysis and make focused policy recommendations.<sup>14</sup> This finding led the Board to recommend the JJPAD Data Subcommittee study ADCs as part of its 2022 work as a potential path forward.

Over the course of 2022, the Data Subcommittee studied the following:

- How ADCs work, including data sharing practices, data matching techniques, and data security measures that ADCs can use

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<sup>13</sup> Massachusetts Court Improvement Program. (n.d.) Guide on the disclosure of confidential information: Court information – Juvenile Court. <https://www.mass.gov/info-details/guide-on-the-disclosure-of-confidential-information-court-information-jvenile-court>

<sup>14</sup> [The Massachusetts Juvenile Justice Policy and Data Board](#). (2022). Improving Access to Massachusetts Juvenile Justice System Data: An Update of the 2019 Report. <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

- Data elements other states' juvenile justice systems are publicly reporting that Massachusetts is not currently publicly reporting, as well as other state's administrative data centers, with a focus on what models are used and how the state leverages the data findings to inform policy<sup>15</sup>
- Current data integration projects in Massachusetts, specifically the Department of Public Health's (DPH) Public Health Data Warehouse (PHD).

### *What is the purpose of an administrative data center?*

Administrative data centers (ADC) allow for the sharing, linking, and management of administrative data<sup>16</sup> across public sector organizations, as further described below. Administrative data centers enable a richer level of analysis than the state's current siloed datasets by creating data sets with more types of information, giving researchers and policymakers the tools needed to better understand how populations of interest use services across agencies or systems over a period of time.

Linking administrative data is especially helpful when looking at populations who are served by multiple agencies, for example, youth who are dually involved with the juvenile justice system and the child welfare system ("crossover youth"). While many researchers and policymakers recognize this group as especially vulnerable, the siloed nature of state agency data makes it difficult to make data-informed decisions about services or policy changes, or to track the impact of new policies to see if they are having their intended effect.

For example, linking records from both the Juvenile Court and the Department of Children and Families (DCF) to create one file that includes select, de-identified information for each youth would allow policy makers to better understand who this group is (e.g., demographic information) and how they move through the system (e.g., which system they are involved with first). What's more, by further linking those records to other data sets (e.g., educational, public health and criminal justice records), policymakers can also better understand how being dually involved impacts youth's overall wellbeing and long-term outcomes or identify early factors that might help identify vulnerable youth. All of this information can then be used to prevent future youth from "crossing over" by providing preventative services to those considered at risk of juvenile justice system involvement and improving the services that are offered to youth and their families after their involvement with the child welfare and juvenile justice systems.

<sup>15</sup> [Office of the Child Advocate. Juvenile Justice Policy and Data Board: Data Subcommittee June 23, 2022 \[PowerPoint Slides\].  
https://www.mass.gov/doc/jjpad-data-subcommittee-june-23-2022-meeting-presentation/download](https://www.mass.gov/doc/jjpad-data-subcommittee-june-23-2022-meeting-presentation/download)

<sup>16</sup> Administrative data is the data that organizations collect about their operations, see: <https://www.chapinhall.org/research/what-is-administrative-data/#:~:text=Administrative%20data%20is%20the%20data,is%20achieving%20its%20intended%20goals>.

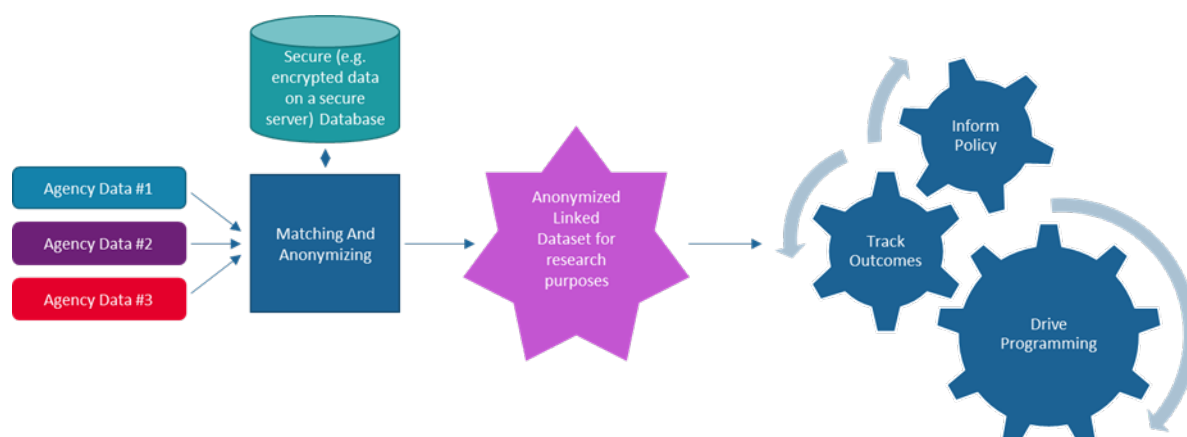


Figure 8: The data linking process

### *How do administrative data centers work?*

ADCs link individual records from multiple data sets from different organizations by one, or both, of the following methods:

- By using one or more unique identifiers across datasets, such as a social security number, that identifies the same person across two or more datasets, called “deterministic matching.”
- By using a common and widely accepted statistical approach that measures the probability that two records represent the same individual in a process, called “probabilistic matching.”<sup>17</sup>

Once the data is linked, analysts create a combined dataset with one record per event that keeps information relevant to the research questions while eliminating private information that could be used to identify an individual later. For example, when DPH’s Public Health Data Warehouse (see text box below) analyzes data on prescription medication use and ties it to an individual’s health outcome, each record of a prescription refill would contain a project specific ID (a randomly generated number) that would assign it to the individual (i.e., if an individual fills ten prescriptions, all ten would have the same project ID). Using the project ID, researchers can link one individual across agencies to further combine administrative data to help answer research questions.

The new dataset is then kept secure by following standard privacy best practices, including:

- Storing data on a secure server & encrypting data
- Creating a dataset that can be linked when analysts are using it, but is stored unlinked

<sup>17</sup> Probabilistic matching begins by first cleaning the data. Then a preliminary rule (or set of rules) is applied to eliminate potential pairs that are unlikely to be true matches. The remaining pairs then go through a quality check, where the fields used to match them are checked for accuracy. Fields used to match across datasets may include, names, dates of birth and zip codes. Finally, after individuals are matched and reviewed, a combined dataset is created with new unique identifiers to ensure anonymity while maintaining individual-level data. Researchers then remove the original, identifiable information from this new dataset. This method was used by Los Angeles County to link juvenile justice records to corresponding child welfare records (see footnote above). Source: Augustine, E., Reddy, V., & Rothstein, J. (2018). Linking Administrative Data: Strategies and Methods. UC Berkeley: California Policy Lab. Retrieved from <https://escholarship.org/uc/item/455309xh>

- When presenting data to stakeholders in an excel/csv file, establishing parameters that will only show values large enough to ensure that the data presented cannot be linked back to an individual. (This is often referred to as automatic cell suppression).
- Requiring login credentials and limiting access to identifiable data to only certain staff during staff working hours
- Only allowing access either on-site or through the use of a virtual private network (VPN) connection when necessary.

The parameters for data sharing between sending agencies and the administrative data center are agreed upon and typically outlined in a memorandum of understanding (MOU) or a data sharing agreement.

The MOU acts as a foundational agreement between the sending agency and the ADC. This document includes an itemized list of requested data elements, and describes the purpose of the request, how the data will be used, and the agreed upon data security standards. Additionally, the MOU outlines any legal considerations<sup>18</sup> that need to be taken into account in regard to data sharing and operational structure. Some MOUs may also include expectations regarding the use of the data in peer reviewed publications and/ or other research briefs.

### *How do other states use their administrative data centers?*

The Data Subcommittee did a national review and identified four states that currently have an ADC that focuses on linking longitudinal data from multiple systems to answer questions about the effects of policies, programs, and practices on the well-being of children and families. Those states include<sup>19</sup>:

- **Minnesota-Linking Information for Kids (Minn-Link):**<sup>20</sup> Housed in the Center for Advanced Studies in Child Welfare at the University of Minnesota, Minn-Link was founded in 2003 and acts as a state administrative data center. Minn-Link collects administrative data from several state agencies, including the Department of Education, Department of Human Services and the Minnesota Trial Courts in order to:
  - Link data across multiple agencies to monitor and track how services are being used and to what effect
  - Provide a more complete account of how policies and programs affect individuals they are intended to serve
  - Allow agency decision-makers to better address inter-connected needs of individuals and families more efficiently and effectively.

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<sup>18</sup> For example, the Family Educational Rights and Privacy Act (FERPA) which dictates how school records can be shared. For a full list of legal considerations by federal and state statute, see appendix A.

<sup>19</sup> This list represents the four states that the Subcommittee focused on to understand the different ADC models currently being used to serve as a state's central coordinator data related to child-serving agencies. However, this is not an exhaustive list. For more information on data sharing efforts nationally, see: <https://aisp.upenn.edu/integrated-data-systems-map/> The Data Subcommittee heard presentations from colleagues in Minnesota and Michigan, the recording of which can be found here: <https://youtu.be/dETdQt9MMn0>

<sup>20</sup> For more information, see: <http://cascw.umn.edu/community-engagement-2/minn-link/>

By linking and sharing this information, Minnesota has been able to better understand complex issues. For example, in one study, the Center linked academic, child welfare and juvenile court records to better understand what impact, if any, out-of-school suspensions had on recidivism among crossover youth. The analysis found that the total number of out-of-school suspensions prior to the youth's first offense significantly predicted the risk of recidivism. Additionally, the risk of recidivism increased by 32% with each out-of-school suspension crossover youth experienced.<sup>21</sup>

- **Michigan's Child and Adolescent Data Lab:**<sup>22</sup> The University of Michigan's Child and Adolescent Data Lab was founded in 2015 and focuses on connecting and analyzing administrative data across state agencies to help inform policy and practice. The Data Lab has worked with numerous states – including Michigan, Illinois, Pennsylvania, Washington, California, Indiana, and Louisiana – on a variety of child welfare administrative data linking and analysis projects.

The Lab's most extensive work has been with the state of Michigan, where it worked in partnership with the state's child welfare agency (DCF), Juvenile Court, the Michigan State Police, the state's juvenile justice agency, and department of education to link data on child welfare and delinquency proceedings, child welfare investigations and open cases, juvenile arrests, and educational records to look at dual-system involvement and other life outcomes for youth. Through data sharing agreements, they receive row-level data from each agency, and then match individuals across data sets using probabilistic techniques and create a combined data set for analysis (removing identifiable information and re-assigning youth with unique identifiers to ensure anonymity). The process is in accordance with federal information sharing laws, which allows data sharing for research purposes with proper safeguards.

In 2018, the Data Lab published a report that used linked data to better understand educational outcomes for youth involved in the state's child welfare agency. The report found that at the state level, 18% of enrolled third graders were associated with a child welfare investigation. In some counties, however, it was 50% of enrolled third graders. Those youth were found to have scored significantly lower on standardized math and reading tests, were more likely to be identified as needing special education, and were more likely to be held back at least one grade. This research helped the state understand the prevalence of child welfare involvement among students and focus the next steps on policies promoting additional educational supports to reverse the achievement gap between child welfare involved youth and their peers.<sup>23</sup>

- **The Wisconsin Administrative Data Core:**<sup>24</sup> This ADC, housed at the Institute for Research on Poverty (IRP) at the University of Wisconsin-Madison, links data from its Wisconsin state agency

<sup>21</sup> Minnesota-Linking Information for Kids. (2016). Out-of-school Suspension and Recidivism among Crossover Youth. [https://cascw.umn.edu/wp-content/uploads/2016/10/Brief\\_Cho\\_30\\_WEB\\_a.pdf](https://cascw.umn.edu/wp-content/uploads/2016/10/Brief_Cho_30_WEB_a.pdf)

<sup>22</sup> For more information, see: <https://ssw-datalab.org/project/child-and-adolescent-analytics/>

<sup>23</sup> Ryan, J. P., Jacob, B. A., Gross, M., Perron, B. E., Moore, A., & Ferguson, S. (2018). Early Exposure to Child Maltreatment and Academic Outcomes. *Child Maltreatment*, 23(4), 365–375. <https://doi.org/10.1177/1077559518786815>

<sup>24</sup> For more information, see: <https://www.irp.wisc.edu/wadc/>

partners, including Health Services, Children and Families, Corrections, and Court Records. Using administrative data cross state agencies, the Data Core has published research briefs to help the state better understand intergenerational “crossover” of children and adults with both juvenile/criminal justice system involvement and current/prior child protective services (CPS) involvement. For example, using the administrative dataset, the Core found that there was a high rate of overlap between adolescent CPS involvement and young adult incarceration: in Milwaukee, about 29% of all CPS-involved 15- to 16-year-olds and nearly 34% of 15- to 16-year-olds who experienced out-of-home placement were in jail or prison at some point between the age 18 and 21. This research helped the state focus the next steps on policies promoting specialized and intensive prevention efforts for youth in the CPS system.

- **California’s Children’s Data Network:**<sup>25</sup> This is a research collaborative that links administrative records from various stakeholders, including state agencies, philanthropic funders, and community-based organizations. The Network has used agencies’ administrative data to better understand how youth were “crossing over” between the county’s juvenile justice and child welfare systems. For example, Los Angeles County linked juvenile justice records to California’s Child Welfare Services-Case Management System. The group found that out of all youth with a first juvenile justice petition between 2014-2016, 64% were identified as “dual system youth.” For most of the youth, their contact with the child welfare system occurred *before* they enter the juvenile justice system. The Network recommended policy solutions that would focus on youth in the child welfare system considered at risk of “crossing over” and provide them/their families with community-based supports, and services to mitigate and address risk (secondary prevention).

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<sup>25</sup> Herz, D., Eastman, A., McCroskey, J., Guo, L., & Putnam-Hornstein, E. (2021). The Intersection of Child Welfare & Juvenile Justice: Key Findings from the Los Angeles Dual System Youth Study. Children’s Data Network. <https://www.datanetwork.org/wp-content/uploads/LADS-study.pdf>

### **Spotlight: Massachusetts Department of Public Health's Public Health Data Warehouse (PHD)**

Authorized in 2017 by the Legislature,<sup>\*</sup> the PHD collects and integrates cross-agency data in order to analyze population health trends, with a special priority on the analysis of fatal and nonfatal opioid overdoses. To create a population-level dataset, the PHD collects a variety of data across systems, including:

- Public health data (e.g., early intervention, Women Infant Children, birth records)
- Criminal justice data (e.g., jails and prisons)
- Health data (e.g., hospitals and healthcare claims)

By collecting and linking data from different databases, the PDH is able to help analysts better understand disparities in health outcomes, with a particular focus on high-risk populations. Policymakers can then use this information to inform programming, and to tailor interventions to help eliminate disparities. For example, by linking criminal justice and public health data, the PDH found that individuals with a history of incarceration are at very high risk of opioid-related overdose death, especially during the initial months after being released from an incarceration. This finding helped inform legislation that now requires seven of the county jails and several prison facilities to provide medication for opioid use disorder upon release.

For more information see: <https://www.mass.gov/doc/jjpada-data-subcommittee-october-13-2022-meeting-presentation/download> and the PHD website: <https://www.mass.gov/public-health-data-warehouse-phd>

<sup>\*</sup>[M.G.L c. 111 s. 237](#)

### *Is a state Administrative Data Center feasible?*

Based on the Data Subcommittee's research, **the JJPAD Board concludes it is technically feasible for Massachusetts to create an ADC to serve as the central coordinator of record-level state data for child-serving entities.**

The creation of an ADC would significantly improve our ability, as a state, to use data to improve policies and practices to support better long-term outcomes for children and youth. Linked administrative data allows for a "deeper dive" into data, which in turn can be used to inform policy development and service delivery. The implementation of ADCs at the state level is expanding nationwide, and other states are already demonstrating how this resource can be used to better define and serve vulnerable populations, such as crossover youth.

Further, the Board wants to highlight the fact that state has *already invested in creating a type of ADC* at the Department of Public Health, (see the "Spotlight" textbox below for more information). This in of itself demonstrates the feasibility of such an effort. It also means that Massachusetts has the opportunity to build on this prior investment, by expanding the types of data DPH collects and the types of analysis it conducts. While this will still require additional financial resources and statutory changes, as described above, the cost to the state of expanding the DPH Public Data Warehouse is much less than it would be to build a new ADC from scratch.



Although we believe implementation is feasible, there are barriers that would need to be overcome:

- **Stakeholder Buy-in:** A successful ADC relies on strong partnerships and buy-in from participating state entities. The JJPAD Board is aware that not all potential state participants here in Massachusetts are in agreement with this approach. Additional efforts to secure buy-in (the optimal approach) and/or mandate participation through statute would be necessary to successfully launch an ADC focused on children and youth in Massachusetts. However, full participation across all child-serving entities should not be a prerequisite for the state launching an ADC. The state could, for example, launch an ADC starting with select agencies (e.g., EOHHS agencies).
- **Resources:** The expansion of DPH's PHD would also require additional funding to hire the additional staff needed to meet the increased workload, including additional data analysts with expertise in child/family policy. Currently, the PHD operates with four data analysts, who clean, link, and analyze the data. They also act as the liaison between external researchers and the PHD. Additional staff resources may also be needed to support DPH's legal department (to work on MOUs/data sharing agreements) and IT department (to maintain the data management system). Further, partner agencies would likely need additional funding to work with the ADC on a regular basis to update the shared dataset. Currently, the annual cost of operating DPH's PHD is approximately \$3 million.
- **Statutory Barriers:** Finally, there are a number of statutes and regulations<sup>26</sup> governing data sharing that would need to be considered when creating the parameters around how data can be shared, and what it can be used for (i.e., research purposes). The legal barriers are not insurmountable, and other states (highlighted above) and Massachusetts have navigated a variety of laws establishing privacy protections while still sharing rich data. However, establishing this system and parameters will require legal expertise, and it is possible Massachusetts will need to consider additional statutory changes to ensure the ADC can be implemented effectively.

The barriers are real, but the benefit to the Commonwealth of overcoming these barriers to establish an ADC are significant. Ultimately, an ADC would help ensure the state is able to get the full value out of data the Commonwealth is already collecting, albeit in various silos, to analyze population needs, quantify overlap across various agencies and systems, and evaluate medium to long term impacts of various policy decisions and programs on youth and family outcomes.

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<sup>26</sup> See Appendix A for details regarding certain federal and state statutes, as well as state regulations that address sharing personally identifiable information for research purposes.

## Racial and Ethnic Disparities at the Front Door of the Juvenile Justice System and Recommendations to Reduce Disparities:

In each of its annual reports to date, the JJPAD Board identified racial and ethnic disparities (RED) in the numbers of youth at each juvenile justice system process point. This year, through the Data Subcommittee, the Board sought to better understand *why* these disparities exist with the goal of providing recommendations for ways the state can address them. The results of this analysis were published in the Board's brief on the subject, *Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System*.<sup>27</sup>

The Board concludes that while Massachusetts has made substantial progress limiting the number of youth coming into contact with the juvenile justice system, including a 50% decline in applications for complaint between 2017 and 2021,<sup>28</sup> more must be done to directly address the overrepresentation of Black and Latino youth in the state's juvenile justice system.

The Data Subcommittee began with a review of available FY21 data and found that although disparities can be observed in the data throughout the juvenile justice system, the largest disparities are at the "front door" of the system: the arrest and application for delinquency complaint stage. Youth can be arrested for an alleged offense by either a custodial arrest (e.g., being handcuffed) or summonsed to appear in court.<sup>29</sup> Once a youth is arrested or the police choose to seek a summons, an application for delinquent complaint may be filed with the Clerk Magistrate's office. The application is the first step in the court process.

The OCA analyzed FY21 application for complaint data by *how* youth entered the system (i.e., via arrest or summons). That analysis found that compared to white youth in Massachusetts:

- Black youth were over three times more likely and Latino youth were almost twice as likely to be the subject of an application for complaint.
- Black youth were over four times more likely and Latino youth were almost three times more likely to experience a custodial arrest than their white peers.

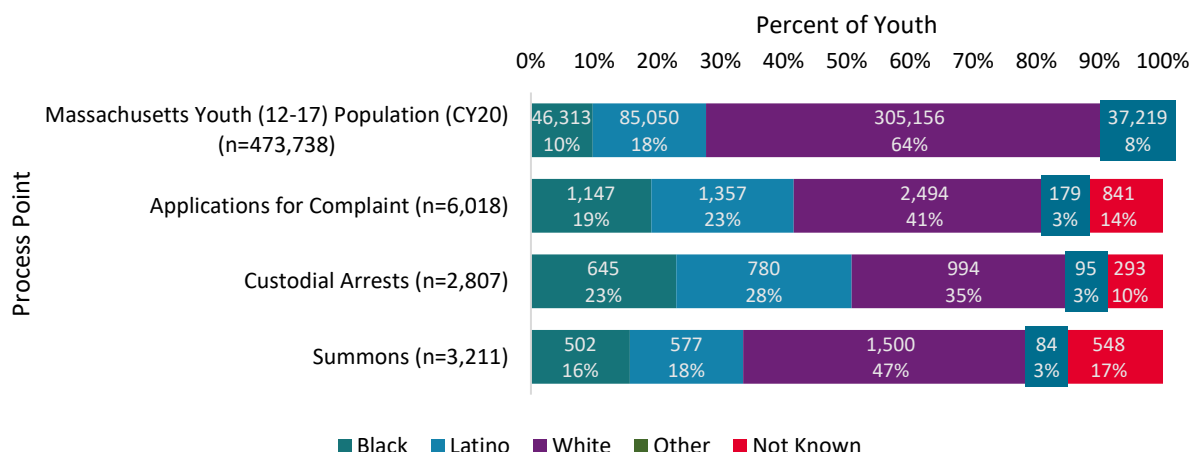
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<sup>27</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

<sup>28</sup> [Office of the Child Advocate](https://www.mass.gov/info-details/data-about-delinquency-cases-filed-with-the-juvenile-court). (n.d.). Data about delinquency cases filed with the Juvenile Court. Retrieved on 10/25/2022 here <https://www.mass.gov/info-details/data-about-delinquency-cases-filed-with-the-juvenile-court>

<sup>29</sup> Massachusetts' general law states that "a summons is the preferred method on bringing a juvenile to court ([MGL c. 119 § 54](#))."

**Figure 9:**  
*FY21 RED at the "Front Door"*



Source: FY21 court summons, custodial arrest, application for complaint retrieved from the Massachusetts Trial Court's Tableau  
Public page here: <https://public.tableau.com/app/profile/drap4687>

To better understand what is driving these disparities and therefore what changes Massachusetts needs to make to reduce them, the data was broken down to test four commonly heard hypotheses:

- Hypothesis #1: Racial disparities can be explained by offense severity (i.e., misdemeanor, felony). (e.g., "Youth of color are brought to court for more serious crimes than white youth").
- Hypothesis #2: Racial disparities can be explained by offense type (e.g., alcohol, drug, persons, weapons) (e.g., "Youth of color are brought to court for offense types that are more likely to result in arrest because they threaten public safety, such as weapons and person offenses").
- Hypothesis #3: Racial disparities can be explained by different regional practices (e.g., "Some police departments are more likely to use arrests compared to summons (or diversion) than others, and those same jurisdictions have a higher percentage of youth of color than other counties").
- Hypothesis #4: Racial disparities can be explained by police department policies and practices, particularly, policies that allow for more individual police officer decision making, which can introduce biases (e.g., "Police officers are more likely to use arrests compared to summons or diversion for Black and Latino youth than white youth").

The Data Subcommittees' analysis found that each of the four hypotheses can account for some, but not all, of the differences seen in the data. This aligns with national research on the subject, which states that there is no *single* reason for racial and ethnic disparities in the juvenile justice system, but rather, a

combination of factors stemming from both differences in individual behaviors influenced by societal factors and differences in the treatment of youth of color.<sup>30</sup>

Because of this, the Board's recommendations to reduce racial and ethnic disparities at the "front door" of the system are multifold and include:

### **Investing in Prevention and Alternatives to Arrest**

1. The state should increase investments in community-based programs aimed at reducing system involvement and promoting prosocial activities.
2. The state should continue to support and expand the state Diversion Learning Labs.

### **Gathering and Using Data to Spot Problem Areas and Improve Practice**

3. Police departments should uniformly report their decision to seek summonses to the FBI's NIBRS data system, which would allow the state to continue to monitor and analyze this data in the context of racial and ethnic disparities.
4. Police departments should review internal data: Departments should use their internal data to see if the disparities highlighted in this brief are replicated at the department and/or individual officer level to guide further practice recommendations.
5. Police departments should require officers to document *why* they decided to arrest a youth instead of seeking a summons and publish their findings.

### **Reducing Disparities through Practice and Policy Change**

6. Police departments should provide more guidance and limitations on when to use a custodial arrest, when to seek a summons, and when to offer diversion.
7. Police departments should re-examine what department policies and practices may be contributing to racial and ethnic disparities in arrests, including policies and practices regarding how decisions on where (e.g., what neighborhood), when (e.g., during the day, in school, overnight), how (e.g., traffic stops, on foot patrol, in schools) and in what manner (e.g., use of stop & frisk techniques) police enforce public safety.

The full brief can be found on the JJPAD Board's website here: <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

### **Recommendations for Trauma Screening and Referral Practices:**

The legislative mandate creating the Childhood Trauma Task Force (CTTF) tasked the group with determining how the Commonwealth can better identify and provide services to youth who have

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<sup>30</sup> Office of Juvenile Justice and Delinquency Prevention. (n.d.) Literature Review: Racial and Ethnic Disparity in Juvenile Justice Processing. <https://ojdp.ojp.gov/model-programs-guide/literature-reviews/racial-and-ethnic-disparity#7>

experienced trauma and are currently involved with the juvenile justice system or at risk of future juvenile justice system involvement.

This year, the CTTF developed recommendations on what, if anything, state government should do to support trauma identification practices in child-serving organizations across sectors, as well as in specific sectors (i.e., K-12, pediatric primary care, early childhood settings, juvenile justice, child welfare, and first responder settings).

For more information on the CTTF FY22 work, download the Task Force’s Annual Report:

<https://www.mass.gov/doc/childhood-trauma-task-force-cttf-2022-report-identifying-childhood-trauma-recommendations-on-trauma-identification-practices-in-child-serving-organizations/download>

## JJPAD Board Continued Oversight of Prior Initiatives and Impact of Legislation:

In 2022, the JJPAD Board provided support to advance prior Board and Subcommittee projects and continued its mandated core functions to evaluate juvenile justice system policies.

### *Monitoring the Implementation of Statewide Diversion Learning Labs*

At the end of 2021, DYS, in partnership with the OCA, launched three learning labs to test a state-level youth diversion initiative and provide high-quality, evidence-based youth programming to serve as an alternative to arresting or prosecuting youth. This work stemmed from the Board’s 2019 report on the benefits of diversion and, in particular, the Board’s recommendation to create a common infrastructure, policies and procedures for state Diversion Coordinators to follow.<sup>31</sup> The pilot sites for this project (called “learning labs”) also use the CBI Subcommittee’s diversion model program guide<sup>32</sup> as guidance for programming.

At the time of this report, two more sites were recently added for a total of five learning labs:

1. Middlesex County—led by [NFI Massachusetts](#)
2. Essex County—led by [Merrimack Valley Family Services](#)
3. Worcester County—led by [Family Continuity](#)
4. Hampden County—led by [Gandara](#)
5. Plymouth County—led by the [Old Colony YMCA](#)

The Diversion Learning Lab program model has the following goals:

- Reduce the likelihood of future offending by youth in the program and increase public safety
- Hold youth responsible for their actions
- Support positive youth development (PYD)

<sup>31</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](#). (2019). Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

<sup>32</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](#). (2021). Massachusetts Youth Diversion Program: Model Program Guide. <https://www.mass.gov/doc/diversion-model-program-guide/download>

- Promote and ensure equity in the process

Diversion Learning Lab sites can accept diversion “referrals” from all four juvenile justice system professionals legally permitted to divert youth away from the system: police, clerk magistrates, district attorneys, and judges. Diversion Coordinators work with youth referred to the program to connect them with the supports needed to promote positive youth development and reduce the likelihood of future juvenile justice system involvement. If youth are successful, their case is dropped/dismissed from the traditional court process.

To support the statewide diversion initiative, the JJPAD Board and CBI Subcommittee act in an advisory role to the Learning Lab sites and are updated by the Diversion Manager and Coordinators on data, challenges, and lessons learned on a regular basis.<sup>33</sup>

### *Monitoring the Launch of the Center on Child Wellbeing and Trauma (CCWT)*

The [Center on Child Wellbeing and Trauma](#) (CCWT), the creation of which was a recommendation made by the CTTF in 2020, was established in October 2021 as a partnership between the Office of the Child Advocate and UMass Chan Medical School. With funding included in the annual state budget, the CCWT supports child-serving organizations and systems in becoming trauma-informed and responsive through training, technical assistance, professional learning opportunities, and other practice advancement support.

In its first nine months, staff at the CCWT held over 100 stakeholder meetings to understand the specific needs of child-serving organizations in the Commonwealth and hosted extensive informational sessions to explain how it planned on helping professionals working with children and families become more trauma-informed and responsive. Equipped with an understanding of what is needed on the ground, the Center created a website and developed resources on childhood trauma and resilience, trauma-informed and responsive practices, as well as organizational toolkits based on local initiatives focused on racial equity and resilience.



*Figure 10: The Center on Child Wellbeing and Trauma's logo*

<sup>33</sup> Juvenile Justice Policy and Data Board: CBI Subcommittee. (2022). *February 17, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-cbi-subcommittee-february-17-2022-meeting-presentation/download> ; Juvenile Justice Policy and Data Board: CBI Subcommittee. (2022). *March 24, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-cbi-subcommittee-march-24-2022-meeting-presentation/download> ; Juvenile Justice Policy and Data Board: CBI Subcommittee. (2022). *June 16, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-cbi-subcommittee-june-16-2022-meeting-presentation/download> ; Juvenile Justice Policy and Data Board: CBI Subcommittee. (2022). *November 17, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-cbi-subcommittee-november-17-2022-meeting-presentation/download> ; Juvenile Justice Policy and Data Board. (2022). *March 2, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-board-march-2-2022-meeting-presentation-2/download> ; Juvenile Justice Policy and Data Board. (2022). *June 29, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-board-june-29-2022-meeting-presentation/download> ; Juvenile Justice Policy and Data Board. (2022). *October 25, 2022, Meeting* [PowerPoint Slides]. <https://www.mass.gov/doc/jipad-board-october-25-2022-meeting-presentation/download>

In 2022, the Center also provided assessment and coaching to organizations wanting to strengthen their trauma-informed and responsive policies and practices, including Family Resource Centers (FRCs), schools/school districts, and DCF-funded congregate care facilities.

### *Advising on the OCA's Interactive Juvenile Justice Data Dashboard*

As recommended in the JJPAD Board's June 2019 report on juvenile justice system data, and as envisioned by the Legislature in *An Act Relative to Criminal Justice Reform*, the OCA, in partnership with the Executive Office of Technology Services and Security (EOTSS) and with the Data Subcommittee as advisors, launched a juvenile justice system data website. This interactive website, which makes aggregate juvenile justice system data publicly accessible, went live in November 2020. In FY22, the website was viewed 8,318 times.

The Board receives regular updates as new data is uploaded. Updates in 2022 included:

- A population-level heat map showing the number of arrests in police municipalities adjusting for the region's youth population numbers
- Additional pretrial supervision and post-disposition probation demographic data
- DYS data (overnight arrests, detention admissions, first-time commitments and post-commitment services) showing county-level admission data broken down by demographics (age, race, gender)

The OCA, in collaboration with EOTSS and the JJPAD Board, intends on continuing to update the website in FY23 with new pages on key topics.

### *Monitoring the Implementation of Any New Legislation Impacting the Juvenile Justice System and Reporting Any Impact Legislation Has on the System*

Each year, the JJPAD Board monitors the implementation of new legislation and uses available data (both quantitative and qualitative) to analyze whether legislative and agency policy changes are having their intended effect and if there are any implementation challenges. Since the Board began meeting in 2018, two major pieces of legislation have passed that impact the juvenile justice system:

- ***An Act relative to criminal justice reform*** (2018),<sup>34</sup> which established the JJPAD Board: In the JJPAD Board's 2019 Report, *Early Impacts of "An Act Relative to Criminal Justice Reform"* the Board presented an in-depth analysis of the first year of implementation of this law, including recommendations for additional changes in statute and practice that could help smooth challenges discovered in the implementation process.<sup>35</sup>

<sup>34</sup> See: <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

<sup>35</sup> Click [here](https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download) to download the Board's 2019 Annual Report which details other implementation challenges identified by the Board: <https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download>



Since 2020, the JJPAD Board has focused on tracking evidence of the law's ongoing impact on juvenile justice system utilization rates. So far, the law is having its intended effect of decreasing the number of youth coming into contact with the juvenile justice system. For a more complete discussion on this topic, see the Key Data Findings section of this report (page 34, below).<sup>36</sup>

- ***An Act relative to justice, equity and accountability in law enforcement in the Commonwealth*** (2020):<sup>37</sup> In December 2020, the Legislature passed *An Act relative to justice, equity and accountability in law enforcement in the Commonwealth* (referred to in this report as the “2020 Policing Act”), which included four provisions specific to the juvenile justice system. Three of these provisions related to schools establishing guidance on police/school partnerships and trainings for schools with school resource officers have been implemented. Appendix C details each relevant provision and implementation updates available to the JJPAD Board at the time of this report.

In addition to monitoring the implementation and impact of enacted legislation, the Board makes recommendations to the Legislature for changes to statutes impacting the juvenile justice system. In the last legislative session (2021-2022), two bills passed in the Senate that were related to prior JJPAD Board recommendations. Neither bill passed the House during the session:

1. *An Act updating bail procedures for justice-involved youth (S.2943/H.1557)* would have eliminated the \$40 bail administrative fee for youth, given the authority to decide to detain a youth overnight to the Bail Magistrate (not the officer in charge), and allowed virtual payment options. This was a JJPAD Board recommendation made in 2019.
2. *An Act promoting diversion of juveniles to community supervision and services (S. 2942, H.1569)* would have expanded the opportunity for judicial diversion for youth charged with certain offenses. The JJPAD Board recommended increased opportunities for diversion in its 2019 report.

While neither bill ultimately passed, each would have been steps forward in creating a more equitable juvenile justice system and addressing challenges with the current system as previously documented by this Board. Therefore, the JJPAD Board urges the Legislature to file and pass these bills in the upcoming legislative session.

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<sup>36</sup> Appendix B details the juvenile justice reforms made in the 2018 Criminal Justice Reform Act and FY21 data findings supporting the finding that the legislation is having its intended effect.

<sup>37</sup> See: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter253>



## Juvenile Justice System Data Trends

This section provides an overview of Massachusetts’ juvenile justice system data for fiscal year (FY) 2022 (July 1, 2021- June 30, 2022) and identifies recent trends in use of the system at various points in the process. To the extent available, the data is broken down by:

- offense type and severity<sup>38</sup>
- race/ethnicity, gender, sexual orientation, and transgender status of youth at the point of analysis
- county of involvement

Whenever possible, data on each process point is compared to data from three prior years:

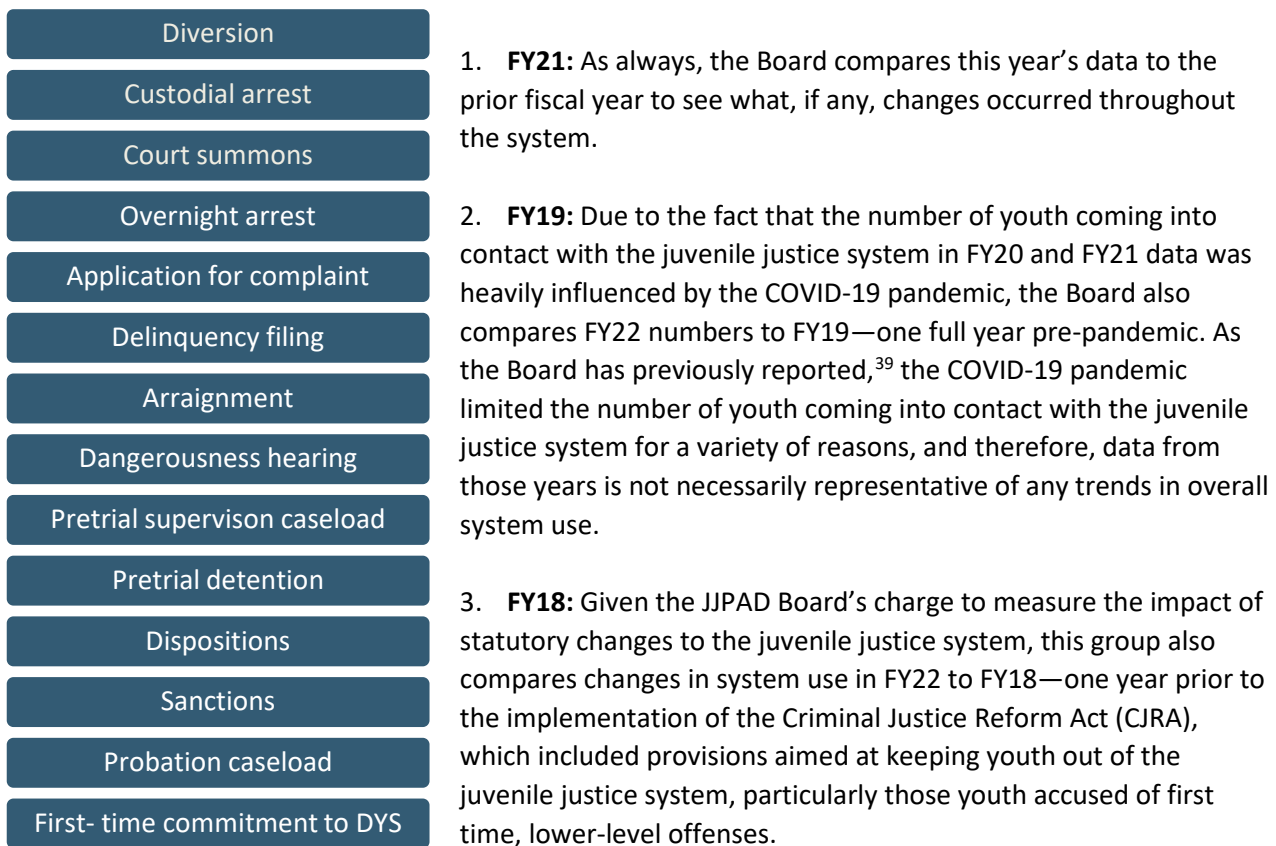


Figure 11: Data points presented in this report

<sup>38</sup> *Offense types* tell us what kind of delinquent offenses youth involved with the justice system are alleged of committing; *offense severity* measures the seriousness of offenses.

<sup>39</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jypad-report-october-2021/download). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jypad-report-october-2021/download>

As previously documented in other JJPAD annual reports, the (pre-COVID) decrease in system use “cannot be attributed to any single factor, but rather a collection of initiatives, agency policy and practice changes, reform legislation, and public attitudes. **It seems likely that the [CJRA] legislation has accelerated the decline at certain process points in the first year, but also that the decreases cannot be solely attributed to the new statute.**”<sup>40</sup> That finding continues to hold true.

**The data presented in this annual report is the most comprehensive to date.** This is due to the JJPAD Board and Data Subcommittee identifying critical data elements in the state’s juvenile justice system and the **JJPAD member entities fulfilling increasingly detailed and complex data requests each year.** As discussed in the Board’s *2022 Data Availability Report*, data gaps exist in some places/process points, but since the JJPAD Board began meeting in FY19, tremendous progress has been made in the amount of publicly reported data.<sup>41</sup>

Individual juvenile justice entities have increased the availability of data for this year’s data report in several important ways:

- Publicly accessible district attorney diversion data is now available through the Massachusetts Legislature website. The Massachusetts District Attorney’s Association (MDAA) submits an annual report to the Legislature detailing the number of cases handled by each District Attorney Office (DAO) and the various paths those cases take (e.g., how many are arraigned or diverted).<sup>42</sup> In 2021, the Legislature published this report on its website. The JJPAD Board has incorporated information from the MDAA/DAO reports to the Legislature into this report to help provide a more complete picture of the juvenile justice system.
- New publicly reported data on the juvenile court process, including data on arraignments, which was previously only reported by the Department of Criminal Justice Information Services (DCJIS). Last year, the Board documented how arraignment data reported by DCJIS was incomplete, as DCJIS was unable to report the number of Latino/Hispanic youth arraigned each year.<sup>43</sup> The Trial Court is able to report Latino/Hispanic as a race category, and therefore, this new dataset is more complete. The Trial Court also reported 58A hearings by demographics and offense severity this year.
- New data from the Department of Youth Services that details some of the needs of youth admitted to pretrial detention, those with a first-time commitment to DYS, and those who participate in the Youth Engaged in Services (YES) programming. This included data regarding history of sexual and physical abuse, as well as mental health and educational needs. DYS also

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<sup>40</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download). (2019). Early Impacts of “An Act Relative to Criminal Justice Reform”. <https://www.mass.gov/doc/early-impacts-of-an-act-relative-to-criminal-justice-reform-november-2019/download>

<sup>41</sup> For more information, see the 2022 Data Availability report: <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

<sup>42</sup> Pursuant to line item 0340-2100 of Chapter 24 of the Acts of 2021: <https://malegislature.gov/Laws/SessionLaws/Acts/2021/Chapter24>

<sup>43</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/jipad-2021-annual-report/download). (2022). Massachusetts Juvenile Justice System: 2021 Annual Report. <https://www.mass.gov/doc/jipad-2021-annual-report/download>

reported data on youth with both DYS and DCF involvement at the time of their admission to DYS.

- Additional data on the utilization of other child-serving state systems, including data on the Department of Mental Health (DMH) applications disaggregated by those applications ultimately approved, denied, or withdrawn. The Department of Public Health (DPH) was also able to report across all 62 violence prevention programs this year, representing the total number of DPH violence prevention programs.

### The OCA's Interactive Data Dashboard

Due to continuous data updates, it is recommended that readers do not compare the numbers in this report to previous reports or presentations. For the most up to date, detailed data available to the JJPAD Board, **visit the OCA's interactive data website\*** In addition to the state-level trends detailed in this report, the OCA's interactive data website also presents:

- county level trends by demographics whenever possible and total system utilization heat maps at each process point adjusting for youth population rates
- data broken down by age at each process point
- custodial arrests broken down by offense type and reporting municipality based on federal data reporting (calendar year)
- overnight arrest admissions, detention admissions, first-time commitments and YES transitions by calendar year
- monthly probation caseload and violation of probation notices issued
- detention and commitment caseload (i.e., individual youth) utilization trends and demographic breakdowns

\*Click [here](https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth) to visit the Juvenile Justice Data Website: <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>. Further, data presented in this report and on the OCA's website should not be compared to agency's public data reporting, as individual entities may update their data at different points in time.

## Key Data Takeaways

Viewing the data in totality, and as further described below, there are nine key takeaways the Board wishes to highlight:

1. **There was an increase in the utilization of the state's juvenile justice system between FY21 and FY22.** This increase was anticipated as the state emerged from the pandemic.
2. The increase was primarily driven by an **increase in youth alleged of committing persons, weapons, and property offenses.**
3. **Compared to pre-pandemic, overall system use is still declining** at deeper system process points (i.e., post-arraignment), as well as for misdemeanor offenses.

4. **The Criminal Justice Reform Act (CJRA) continues to limit the number of youth coming into contact with the juvenile court.**
5. **Most youth delinquency cases are dismissed or diverted**, and therefore do not result in a trial or plea.
6. **Black and Latino youth and youth with DCF involvement are overrepresented** in the juvenile justice system.
7. **Many youth who remain in the system have significant and potentially unmet underlying needs** driving their delinquency system involvement.
8. **A majority of youth entering the system** – and a significant portion of those that process through parts or all of the system – **are alleged of misdemeanor and/or non-violent offenses.**
9. **There remain many opportunities to increase the use of diversion** – especially for the youth in the above-mentioned key takeaways (6-8) who may benefit from diversion at earlier process points.

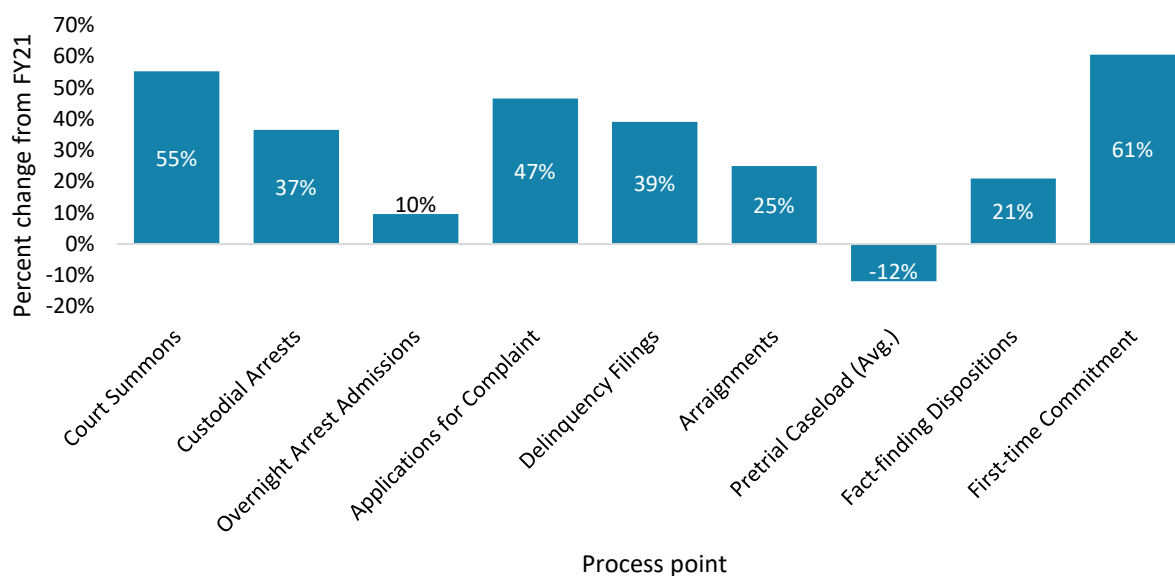
**KEY TAKEAWAY 1:**

As Figure 12 shows, **there was an increase in the utilization of the state’s juvenile justice system between FY21 and FY22** across all process points, except average pretrial caseload, ranging from an increase of 10% to 61%, depending on the process point.<sup>44</sup>

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<sup>44</sup> Because data is available by “event” (e.g., an admission) rather than by “youth” in most cases, this report discusses “use” of the system at various process points for technical accuracy rather than talking about increases or decreases in the number of youth that enter and move through the system.

**Figure 12:**  
*Percent change since FY21 across juvenile justice system process points*



Source: FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

This increase in system use over the past year can likely be attributed to two responses to the COVID-19 pandemic:

- Individual and societal factors:** During the height of the pandemic (the end of FY20 and most of FY21), the number of youth coming to the attention of the juvenile justice system was at an all-time low.<sup>45</sup> This was largely due to more youth isolating and staying home as schools and business remained physically closed during the Governor's emergency order. As vaccines became more readily available, more people returned to in-person activities and thus, youth returned to activities and situations involving peer influences and potential delinquent behavior. Furthermore, as described in the Board's 2021 report on the impact of COVID-19 on the juvenile justice system, the potential for delinquency was exacerbated by the challenges and trauma youth and families endured throughout the pandemic, a lack of supportive programs/services, disengagement from schools, and an increase in behavioral health issues that, research shows, can contribute to delinquency.<sup>46</sup>

<sup>45</sup> As detailed in the Board's FY21 Annual Report: <https://www.mass.gov/doc/jjpad-2021-annual-report/download>

<sup>46</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/jjpad-report-october-2021/download). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download>

- **Systemic responses:** One other reason the number of youth coming to the system in FY21 was at an all-time low was due to a concerted effort by justice system practitioners to keep youth out of custodial settings (i.e., physical arrests, lock up, detention and residential commitments) due to the potential health risks associated with congregating individuals. As people returned to in-person activities, that concerted effort diminished across the system, which can be seen in the data showing an increase in admissions to custodial settings, specifically. Additionally, while the courts remained operational during the pandemic, capacity decreased as emergency hearings were prioritized and most matters were heard virtually. As a result, a number of cases were delayed and so a portion of the increase in process points deeper in the system (i.e., fact-finding hearings, sanctions, first-time commitments) can likely be attributed to these “back-logged” cases being processed through the system.

In our 2021 annual report as well as our 2021 special report on the impact of COVID-19 on the juvenile justice system, the Board anticipated all of the above. For that reason, this year’s increase in juvenile justice system utilization does not come as a surprise.

Given these trends, the Board continues to urge the state to take steps to increase supports for youth and families in the wake of the pandemic, including expanding a variety of delinquency prevention and diversion efforts, as outlined in the Board’s 2021 special report on the impact of COVID-19. These are concrete steps the state can take to ensure this one-year increase does not become a longer-term trend.

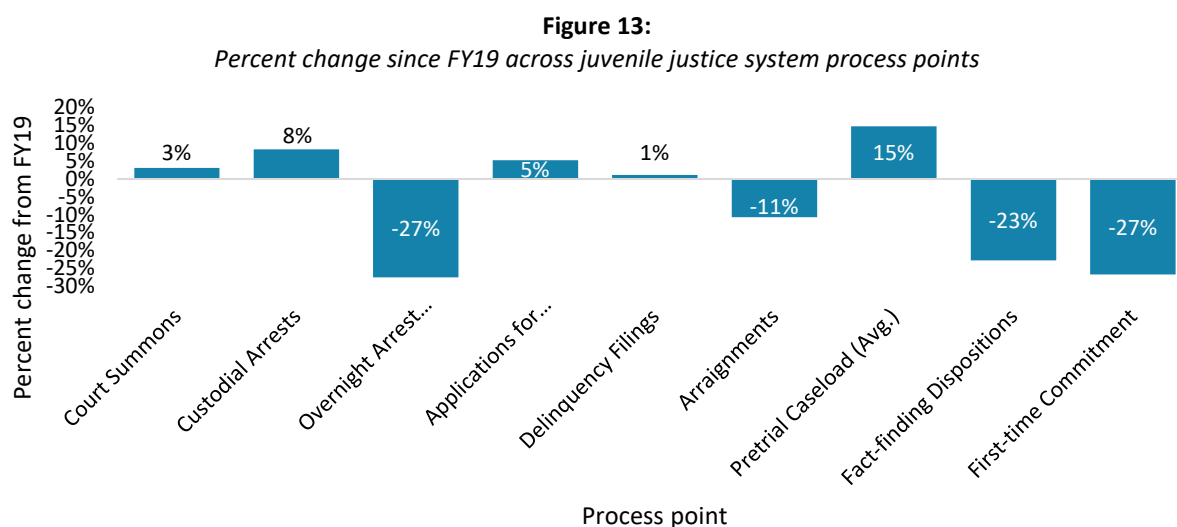
## KEY TAKEAWAY 2:

**The increase in juvenile justice system utilization was primarily driven by an increase in youth alleged of committing *persons, weapons, and property* offenses, as shown in Table 1.**

Table 1: 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
Source: FY22 applications for complaint data retrieved on 11/14 from the Massachusetts Trial Court’s Tableau Public page <a href="#">here</a>				

### KEY TAKEAWAY 3:

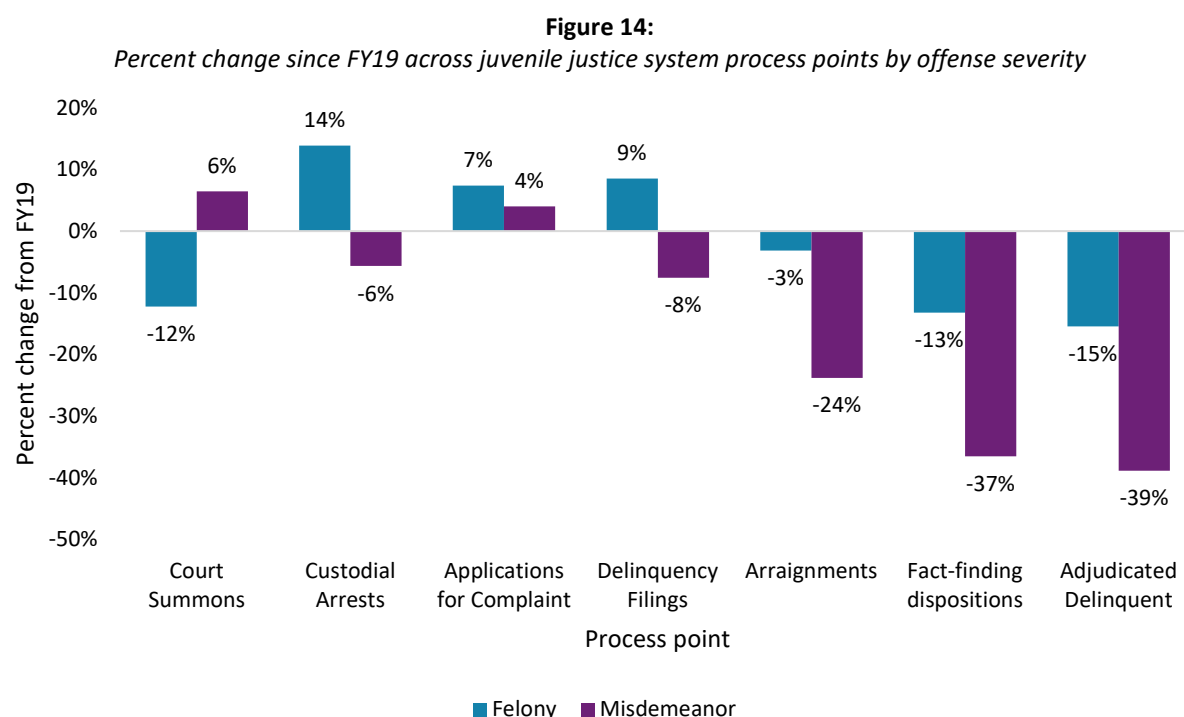
When comparing FY22 to FY19 (one year prior to the start of the pandemic), overall system use is still declining at deeper system process points (i.e., post-arraignment), as well as for misdemeanor offenses (Figure 13). This means that, despite the slight increase in use at earlier process points (e.g., 5% increase in applications for complaint from FY19 to FY22), youth continue to be diverted/have their case dismissed at later process points, particularly those coming with lower-level offenses.



Source: FY19 and FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments, and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; FY19 and FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

While there has been heightened attention to a perceived increase in juvenile delinquency in recent months,<sup>47</sup> the data in Massachusetts shows a more complicated picture: applications for complaint for youth increased slightly since FY19, yet arraignments for both felony and misdemeanor offenses are still below their pre-pandemic numbers. Similarly, while the number of applications for youth alleged to have committed a person-related offense is slightly higher in FY22 compared to pre-pandemic (5%), that is not the case for person offense-related arraignments, which are down by 7%. Taken together, this data suggests that decision-makers believe that many of the incoming offenses do not need to be processed through the Juvenile Court.

<sup>47</sup> National Public Radio. (2022). Youth crime is down, but media often casts a different narrative. [https://www.npr.org/2022/09/04/1121072142/youth-crime-is-down-but-media-often-casts-a-different-narrative?utm\\_campaign=2022-10-18+PSPP&utm\\_medium=email&utm\\_source=Pew&subscriberkey=00Q0e00001XLUgkEAH](https://www.npr.org/2022/09/04/1121072142/youth-crime-is-down-but-media-often-casts-a-different-narrative?utm_campaign=2022-10-18+PSPP&utm_medium=email&utm_source=Pew&subscriberkey=00Q0e00001XLUgkEAH)



Source: FY19 and FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments, fact-finding dispositions and delinquent adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

At the same time, the Board notes that both applications for complaint and arraignments are up significantly (42% and 45%, respectively) for one offense category: weapons offenses (Table 2 and 3). While weapons offenses make up only a small portion of overall cases in the juvenile justice system, they can be among the more serious offenses. This trend may indicate an increased need for interventions “upstream” including family supports and school engagement, as well as violence intervention programming, policy interventions, and other services targeted specifically toward youth who carry weapons, especially guns.<sup>48</sup>

<sup>48</sup> Boston recently launched a Youth Safety Task force that aims to address this concern: <https://www.bostonglobe.com/2022/11/27/metro/juvenile-gun-arrests-spike-boston-wu-launches-youth-safety-task-force/>



**Table 2: Applications for complaint**

Offense Type	FY19	FY22	Percent change	Number change
Alcohol	188	197	5%	9
Drugs	227	121	-47%	-106
Motor Vehicle	855	1,216	42%	361
Not Available	549	460	-16%	-89
Person	3,680	3,854	5%	174
Property	2,161	2,155	0%	-6
Public Order	337	277	-18%	-60
Weapons	380	540	42%	160
Source: applications for complaint data retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page <a href="#">here</a> .				

**Table 3: Arraignments**

Offense Type	FY19	FY22	Percent change	Number change
Alcohol	19	15	-21%	-4
Drugs	116	49	-58%	-67
Motor Vehicle	181	197	9%	16
Not Available	204	119	-42%	-85
Person	1,761	1,634	-7%	-127
Property	822	677	-18%	-145
Public Order	134	73	-46%	-61
Weapons	228	331	45%	103
Source: arraignment data retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page <a href="#">here</a> .				

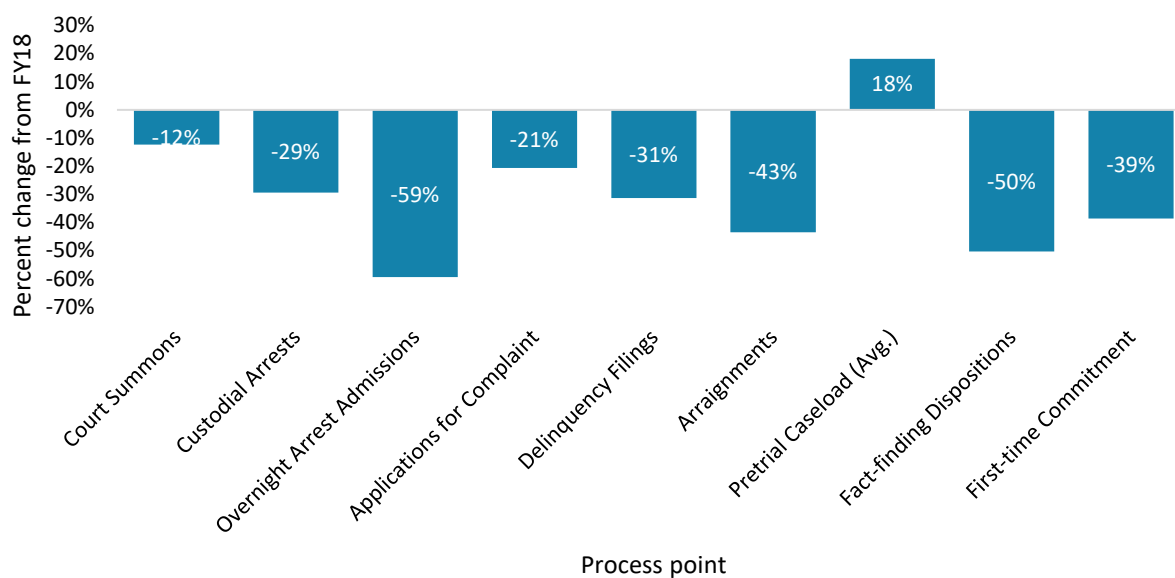
#### **KEY TAKEAWAY 4:**

**The Criminal Justice Reform Act (CJRA) continues to limit the number of youth coming into contact with the juvenile court.**<sup>49</sup> As detailed above in the “JJPAD Board Continued Oversight of Prior Initiatives and Impact of Legislation” section, the overarching goal of the juvenile justice provisions of the CJRA was to limit the number of youth coming into contact with the juvenile justice system. To achieve that goal, the CJRA raised the lower age of criminal responsibility from 7 to 12, removed Juvenile Court jurisdiction for certain offenses, and increased opportunities for judicial diversion.

According to the data, the CRJA is having its intended effect, as almost every process point for which there is available data indicates a decline in overall contacts – ranging from a decrease in use of 12% through 59% between FY18 and FY22. Some of the largest percentage drops in the number of admissions between FY18 and FY22 occur from the arraignment stage onward.

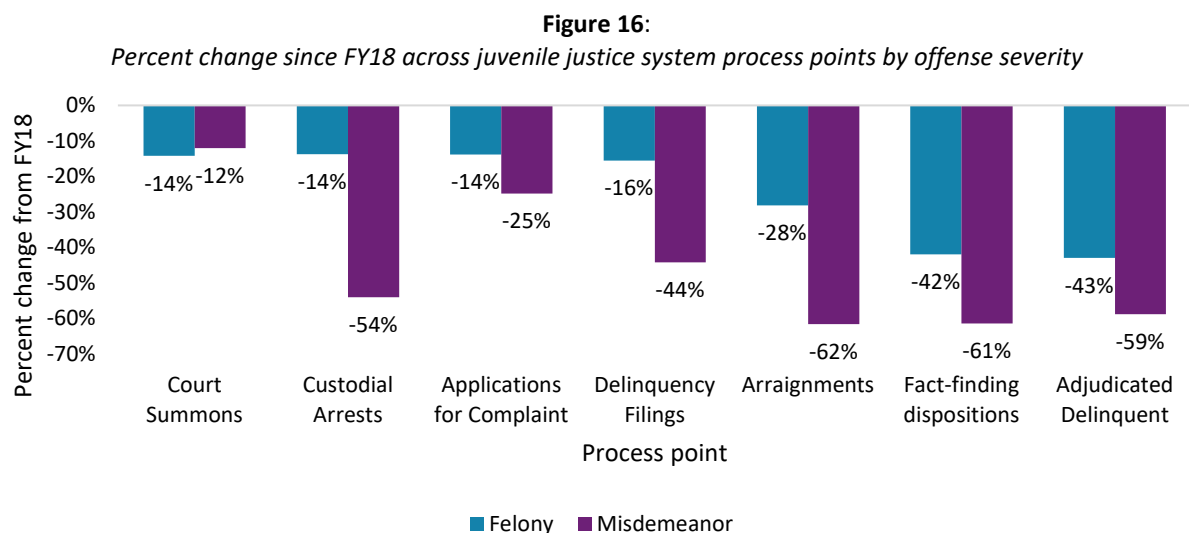
<sup>49</sup> For data reflecting each of the juvenile justice provisions of the CJRA, see Appendix B.

**Figure 15:**  
*Percent change since FY18 across juvenile justice system process points*



Source: FY18 and FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/dt>; FY18 and FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

Further, the decline in system use was driven, in part, by a decline in the number of cases for misdemeanors, which were directly impacted by the CRJA.



Source: FY18 and FY22 Court summons, custodial arrest, application for complaint, delinquency filings, arraignments, fact-finding dispositions and delinquent adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/dr>

Table 5: Applications for complaint				
Offense Type	FY18	FY22	Percent change	Number change
Alcohol	420	197	-53%	-223
Drugs	287	121	-58%	-166
Motor Vehicle	1,164	1,216	4%	52
Not Available	822	460	-44%	-362
Person	3,935	3,854	-2%	-81
Property	3,007	2,155	-28%	-852
Public Order	1,019	277	-73%	-742
Weapons	462	540	17%	78
Applications for complaint data retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page <a href="#">here</a>				

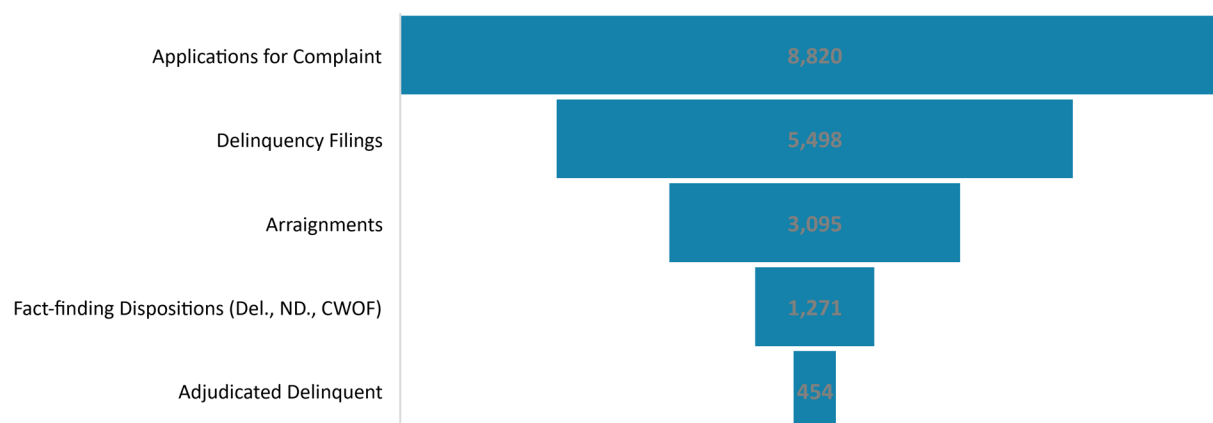
Table 6: Arraignments				
Offense Type	FY18	FY22	Percent change	Number change
Alcohol	61	15	-75%	-46
Drugs	182	49	-73%	-133
Motor Vehicle	393	197	-50%	-196
Not Available	351	119	-66%	-232
Person	2,242	1,634	-27%	-608
Property	1,446	677	-53%	-769
Public Order	503	73	-85%	-430
Weapons	292	331	13%	39
Arraignment data retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page <a href="#">here</a>				

### KEY TAKEAWAY 5:

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

In last year's annual report, the Board highlighted that more than half of the cases arraigned each year did not result in trial or plea (i.e., delinquent or not delinquent) or CWOFF finding,<sup>50</sup> and most cases in the juvenile court process were dismissed or diverted. That trend continued this year: in FY22, an estimated 86% of applications for complaint, 77% of delinquency filings, and 59% of arraignments were resolved prior to plea or trial.

**Figure 17:**  
FY22 Juvenile court data



Source: FY22 application for complaint, delinquency filings, arraignments, fact-finding dispositions and delinquent adjudications were retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page here:

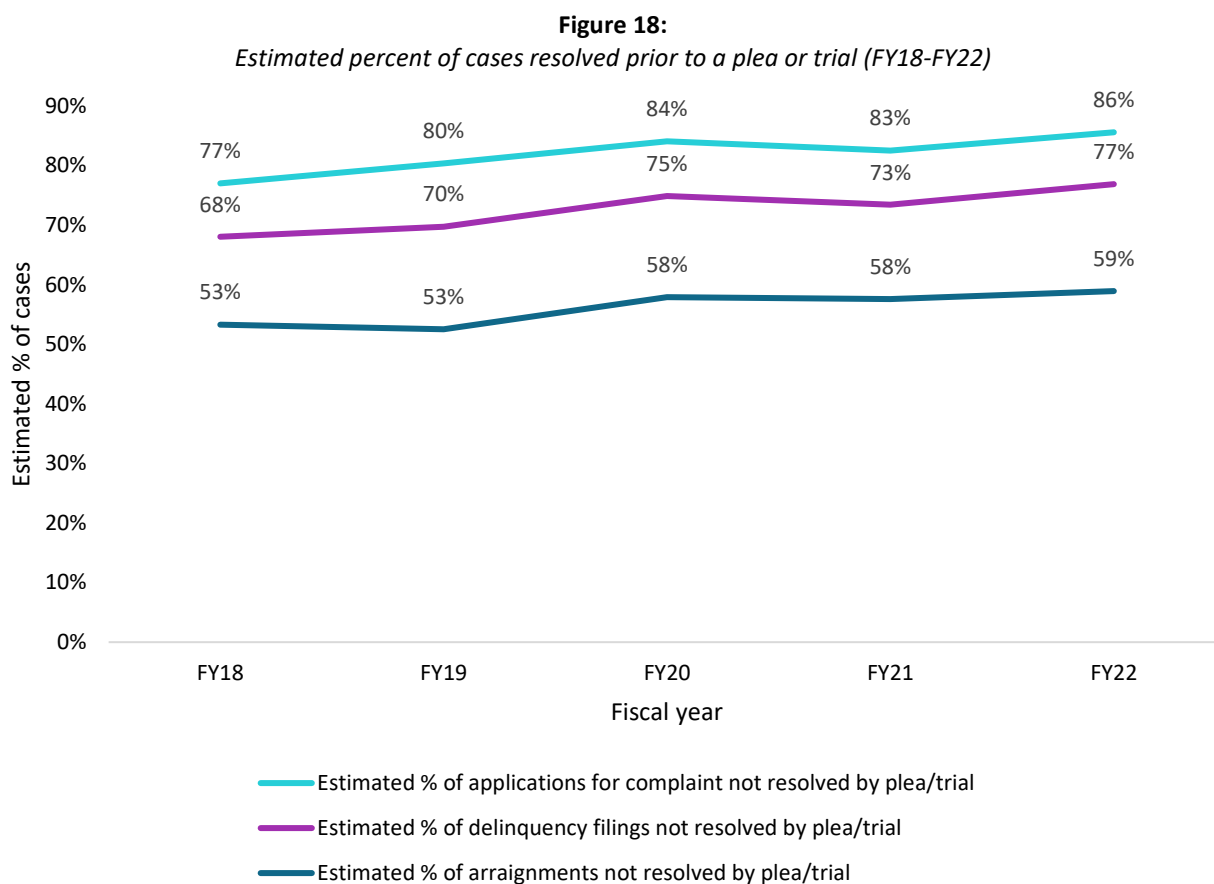
<https://public.tableau.com/app/profile/drap4687>

The Board does not have data that connects individual applications for complaint to individual dispositions, and, therefore, is unable to report the exact percent of cases that do not result in a court finding each year because a case has been dismissed/diverted or because a case lasts longer than a year (a case may be filed in FY22, but subsequent stages may not happen until FY23).

However, using available data, the Board is able to *estimate* the percent of cases each year that do not result in a finding by calculating the percent difference between the number of cases resulting in a fact-finding hearing each year and the number of cases processed at earlier points (i.e., applications for complaint, delinquency filings, arraignments).

<sup>50</sup> A CWOFF determination means a case is continued without entering a formal adjudication into the youth's record. In order for there to be a CWOFF determination, a youth must give up their right to a trial and admit there are sufficient facts to merit a finding of delinquency, and in exchange the court agrees to continue the case without entering a finding of delinquency, subject to the youth's agreement to comply with certain conditions. The case can be dismissed if the youth meets all their conditions. If youth do not meet their conditions, the case may be brought back to court, a finding of delinquency may enter and the youth may face additional consequences up to commitment to the Department of Youth Services.

Since FY18, there has been a higher percentage of cases that do not result in a plea/trial each year, except for during the pandemic (FY21).



Given the negative impact that court involvement can have on youth, this is overall a positive finding. However, the Board also finds that there are a significant number of youth who are arraigned but later have their charges dismissed (an estimated 59% of arraignments) – which suggests that at least some of these youth, particularly those alleged to have committed lower-level offenses, should have been considered for diversion or case dismissal earlier in the process to avoid extended court involvement. (This point is further discussed in Key Takeaway 9, below).

#### **KEY TAKEAWAY 6:**

**Black and Latino youth and youth with DCF involvement are overrepresented in the juvenile justice system.**

#### *Black and Latino Youth*

As well-documented by this Board in this and previous Board reports, Massachusetts' juvenile justice system – like those across the nation—disproportionately impacts Black and Latino youth. This is

particularly true at the “front door” of Massachusetts’ juvenile justice system, which includes arrests, summons, and applications for complaint.

**In FY22, Black youth were 3.43 times more likely and Latino youth were 2.03 times more likely to be the subject of an application for complaint compared to white youth.**<sup>51</sup> Further, while the types of offenses Black and Latino youth are alleged to have committed and are arrested for are, in some cases, more serious than what white youth are alleged of committing, Black and Latino youth are also more likely to be arrested across *all* offense types, even less-serious offense types and misdemeanors. The Board recently reported on the fact that police department policies and practices are likely contributing to the disparities seen in the data.<sup>52</sup>

When looking at the experiences of youth in the justice system, data on case dismissals (reasons for which include a lack of probable cause or diversion, among others) from the Juvenile Court indicates that youth across ethnicities and races have their cases dismissed at roughly similar rates: Black youth are slightly less likely to have their cases dismissed/diverted than white youth, and Latino youth are about just as likely.

However, the point in the process at which youth are diverted matters: earlier use of diversion or case dismissal can help minimize the length of time a youth is involved with the juvenile justice system, and therefore help minimize some of the documented harmful effects to youth of contact with the justice system.<sup>53</sup>

Compared to white youth, Black and Latino youth had a higher estimated percentage of cases arraigned that did not resolve through a trial/plea this year (Table 7). In FY22, about 66% of cases arraigned for Black youth, 58% of cases arraigned for Latino youth and 53% of cases arraigned for white youth did not result in a trial/plea. Conversely, white youth had a higher estimated percentage of applications for complaint that did not resolve through a trial/plea in FY22 compared to Black and Latino youth, suggesting that white youth are likely being diverted more frequently pre-arraignment than Black and Latino youth.

<sup>51</sup> See Appendix J for data on racial and ethnic disparities at each juvenile justice process point

<sup>52</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts’ Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

<sup>53</sup> Shah, S. & Strout, J. (2016). Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records. Juvenile Law Center. <https://jlc.org/resources/future-interrupted-collateral-damage-caused-proliferation-juvenile-records> ; Vera Institute. (2022). The Social Costs of Policing. The Vera Institute. <https://www.vera.org/publications/the-social-costs-of-policing> ; National Academies of Sciences, Engineering, and Medicine. (2022). The Impact of Juvenile Justice System Involvement on the Health and Well-Being of Youth, Families, and Communities of Color: Proceedings of a Workshop. Washington, DC: The National Academies Press. <https://doi.org/10.17226/2662> ; Del Toro, J., Jackson, D. B., & Wang, M.-T. (2022). The policing paradox: Police stops predict youth’s school disengagement via elevated psychological distress. *Developmental Psychology*, 58(7), 1402–1412. <https://doi.org/10.1037/dev0001361> ; Holman, B. & Zidenberg, J. (2022). The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. The Justice Policy Institute. [https://justicepolicy.org/wp-content/uploads/2022/02/06-11\\_rep\\_dangersofdetention\\_ji.pdf](https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_ji.pdf)

Table 7: RED by process point				
	Total	Black/ African American	Latino/ Hispanic	White
Applications for complaint	8,820	1,788	1,951	3,426
Delinquency filings	5,498	1,326	1,510	1,883
Arraignments	3,095	837	945	982
Fact-finding hearings	1,271	286	393	461
Percent of applications for complaint not resolved by plea/trial this year	86%	84%	80%	87%
Percent of delinquency not resolved by plea/trial this year	77%	78%	74%	76%
Percent of arraignments not resolved by plea/trial this year	59%	66%	58%	53%
Source: FY22 application for complaint, delinquency filings, arraignments, and fact-finding dispositions retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page <a href="#">here</a> .				

Since many cases for Black and Latino youth are ultimately being dismissed at deeper parts of the system, **one of the most effective ways to help reverse the disparities seen in Massachusetts' juvenile justice system is to focus on reducing the number of Black and Latino youth coming into contact with the beginning stages of the system.**

#### *Youth with DCF Involvement*

Another group that is overrepresented in our juvenile justice system are youth involved in the state's child welfare system.<sup>54</sup> As detailed further in this report, **half of all youth detained pretrial had DCF involvement at the time of their admission.** For comparison, about 2% (n=335) of youth (12-17 years old) involved with DCF in FY22 were detained pretrial, compared to approximately 0.07% of Massachusetts' youth population with a detention admission who did *not* have DCF involvement (about 459,568).<sup>55,56</sup>

<sup>54</sup> The Board does not have data showing the number of youth arrested, arraigned, placed on pretrial probation, or adjudicated with DCF involvement. Only DYS is currently able to report this data to the Board for this report. Still, the data that is presented here demonstrates disparities that likely exist throughout the juvenile justice system.

<sup>55</sup> These are averages and estimated calculations for FY22. At the time of this report, DCF has not published its Annual Report documenting the unduplicated number of youth involved in the agency. The Board took an average across FY22 quarterly reports accessed online: <https://www.mass.gov/info-details/department-of-children-and-families-reports-data>

<sup>56</sup> In CY20, there was an estimated 459,568 youth in Massachusetts not involved with DCF (473,738 youth in Massachusetts, minus the 14,170 youth (12-17) involved with DCF).

Further, the Board has heard unique challenges that DCF involved youth experience that may be contributing to these disparities. For example, DCF does not pay bail for youth; this means that youth who are in the care and custody of DCF are unlikely to be released on bail while awaiting resolution of their cases. This is important because, as the FY22 data indicates, youth with DCF involvement who are detained pretrial are held on bail slightly more frequently than youth detained pretrial without DCF involvement and, compared to youth detained pretrial who don't have DCF involvement, those with DCF involvement have lower cash bail amounts. For example, youth with DCF involvement accounted for 69% (n=24) of all detention admissions for youth with bail set under \$50.

Many of the youth with DCF involvement who were detained pretrial in FY22 were not detained for serious offenses. For example, 50% (n=168) of youth with DCF involvement detained pretrial were detained for lower level (DYS grid levels 1-2) offenses. On average, youth with DCF involvement spent six days longer in detention compared to the overall admissions population.

This is an example of the way that our juvenile justice system can exacerbate traumas children have endured as a result of maltreatment and child welfare system involvement.

#### **KEY TAKEAWAY 7:**

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

Data from DYS presented in this report indicates that the needs of youth in the juvenile justice system are extensive. While similar data does not exist relative to youth involved in earlier parts of the system,<sup>57</sup> data on the needs of the youth who ended up in pretrial detention indicates there is a group of youth whose underlying needs may be driving delinquency. For example:

- More than half of youth detained pretrial had an individualized education plan (IEP). This is more than twice the rate of youth enrolled in Massachusetts' schools in the 2021-2022 school year, during which 19% of enrolled students had an IEP.<sup>58</sup>
- 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. This is almost twice the rate of Massachusetts' youth population: according to the 2020-2021 National Survey of Children's Health, an estimated 19% of youth (3-17) were identified by parents as having depression<sup>59</sup> or anxiety.<sup>60</sup>

The Board does not have data on what prior interventions or services these youth may have had before being admitted to detention. However, it seems likely that at least some of these youth were not having

<sup>57</sup> Practitioners (i.e., police and judges) at this stage also may not have this information at these stages.

<sup>58</sup> [Massachusetts Department of Elementary and Secondary Education](https://www.doe.mass.edu/InfoServices/reports/enroll/2022/special-populations.xlsx). (2021). Enrollment by Special Populations: School Year 2021-22. <https://www.doe.mass.edu/InfoServices/reports/enroll/2022/special-populations.xlsx>

<sup>59</sup> Data Resource Center for Child & Adolescent Health. (n.d.) 2020-2021 National Survey of Children's Health Starting Point: Child and Family Health Measures. <https://www.childhealthdata.org/browse/survey/results?q=9293&r=23>

<sup>60</sup> Ibid.



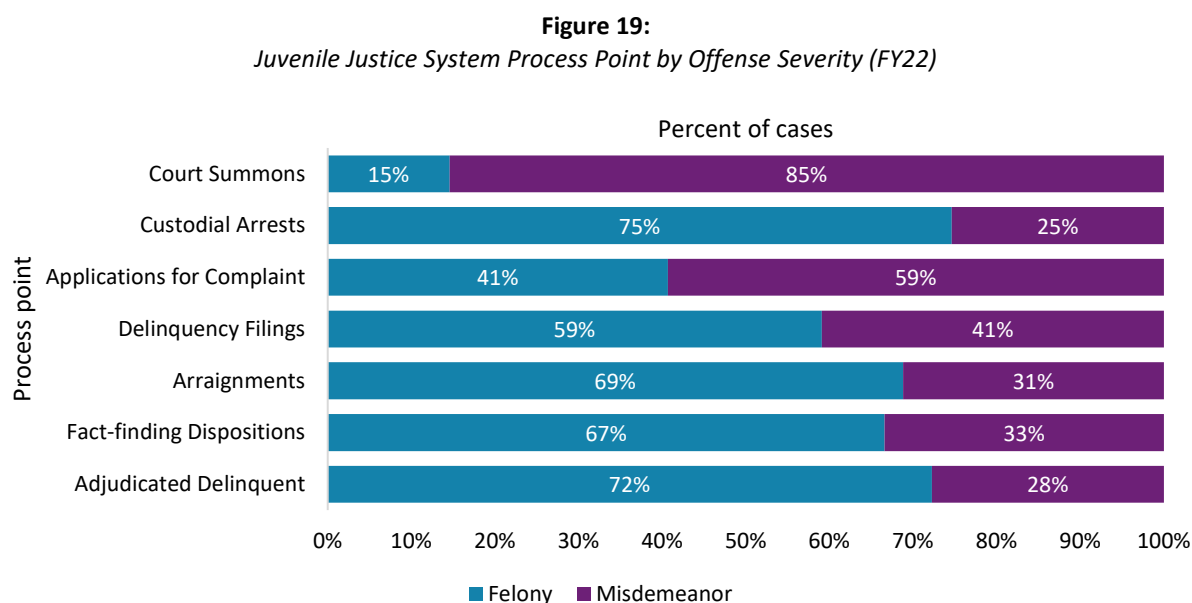
their behavioral health and/or educational needs met, and that additional community- or school-based services may have helped keep more of these youth out of the delinquency system.

The Board came to a similar conclusion in its recently published CRA report.<sup>61</sup> While the CRA system is a civil process (i.e., not the delinquency system), the Board found that many youth coming to the attention of the Juvenile Court in this system had unmet school- and behavioral-health related needs that could be better addressed outside of the court process. It seems likely this is also the case in the delinquency system.

### KEY TAKEAWAY 8:

**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.**

A significant portion of the decline in juvenile justice system cases over the past five years was driven by a decline in youth with lower-level, misdemeanor cases processed through the system. However, youth with misdemeanor offenses still account for almost 60% of applications for complaint coming into the Juvenile Court, and almost a third of all arraignments.<sup>62</sup>



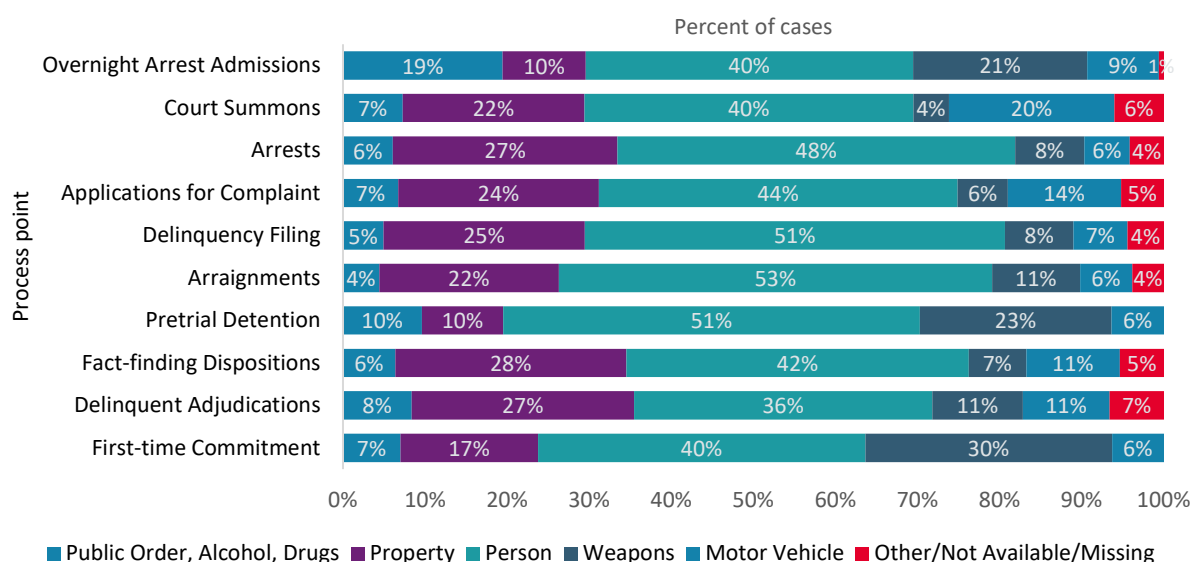
Source: FY22 court summons, custodial arrest, application for complaint, delinquency filings, arraignments, fact-finding dispositions and delinquent adjudications retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

<sup>61</sup> [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

<sup>62</sup> Offense severity and type data reported by the Trial Court is for the charge listed first on a case (called the "lead charge").

Despite the decriminalization of certain juvenile offenses and the additional judicial diversion possibilities established in the 2018 CJRA, there are still a small group of youth involved in the system with offense types that are generally thought of as less severe. These include youth with public order, alcohol and drug related cases, as well as lower-level property offenses.

**Figure 20:**  
*Juvenile justice system by offense types (FY22)*



Source: FY22 court summons, custodial arrest, application for complaint, delinquency filings, arraignments, fact-finding disposition and delinquent adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; FY22 overnight arrest admissions, pretrial detention and first-time commitment data was provided to the OCA by the Department of Youth Services

Although non-violent offenses are highlighted here, it's important to note that youth alleged to have committed "violent" offenses are also regularly diverted or have their cases dismissed. Indeed, a plurality of cases brought to the juvenile court are allegations of person-related offenses, the majority of which are related to Assault and Battery charges.<sup>63</sup> Assault & Battery can cover a wide range of conduct, and misdemeanor Assault & Battery charges in particular can apply to conduct many people would consider low-level. Many referrals (41%, n=22 of total referral as of 6/30/2022) made to the state Diversion Learning Labs have had Assault and Battery related charges.<sup>64</sup>

### KEY TAKEAWAY 9:

**There remain many opportunities to increase the use of diversion -- especially for the youth in the previously mentioned categories who may benefit from diversion at earlier process points.**

<sup>63</sup> Massachusetts Trial Court. (2022). All Charges Filed in District/Municipal Court, FY2022: 256,032. <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtChargesDashboard/AllCharges>

<sup>64</sup> Examples of a person offense includes assault and battery, home invasion, carjacking.

For most people, adolescence is a time of risk-taking behaviors and testing of boundaries; “delinquent” behaviors are common among adolescents in this period of life, even if most of those behaviors will not come to the attention of the justice system. A wide body of research demonstrates that the vast majority of youth will age out of delinquency naturally and without need for juvenile justice system involvement.<sup>65</sup> The Board has written extensively on the research showing the positive impacts of diverting youth away from the formal juvenile justice system, not just for youth and families, but for public safety as well.<sup>66</sup>

While diversion away from the system at any point pre-arraignment is beneficial, the earlier diversion can take place the better, including before and at the time of an arrest. In a recent report on racial and ethnic disparities in the juvenile justice system, the Board described the negative consequences of using custodial arrests and recommended police departments provide more guidance on when to seek a summons or divert a youth to minimize harm.<sup>67</sup>

Taken together, the research is clear there are harmful consequences to system involvement from the earliest stages through an ultimate disposition, and the state should continue to limit the number of youth that come into contact with the system.<sup>68</sup>

### Diversion Points

The following system actors have the authority to dismiss/divert a case at their respective points in the juvenile justice system:

1. **Police** may divert a youth prior to/instead of making an arrest or issuing a summons
2. **Clerk Magistrates** may divert a youth after an applications for complaint
3. **District Attorneys** may divert a youth pre-arraignment or dismiss the case pre-fact-finding hearing
4. **Judges** may divert a young person pre-arraignment (only certain charges)

<sup>65</sup> National Research Council. (2013). Reforming Juvenile Justice: A Developmental Approach. Washington, DC: The National Academies Press. <https://doi.org/10.17226/14685> ; Farrington, D. P. (1986). Age and Crime. Crime and Justice, 7, 189–250. <http://www.jstor.org/stable/1147518>; Bekbolatkyz, D. et al. (2019). Aging out of adolescent delinquency: Results from a longitudinal sample of youth and young adults. Journal of Criminal Justice. <https://doi.org/10.1016/j.jcrimjus.2018.09.001>

<sup>66</sup> [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/diversion-research-brief/download). (2021). New Research on Diversion. <https://www.mass.gov/doc/diversion-research-brief/download> ; [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019) Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

<sup>67</sup> [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts’ Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

<sup>68</sup> Shah, S. & Strout, J. (2016). Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records. Juvenile Law Center. <https://jlc.org/resources/future-interrupted-collateral-damage-caused-proliferation-juvenile-records> ; Vera Institute. (2022). The Social Costs of Policing. The Vera Institute. <https://www.vera.org/publications/the-social-costs-of-policing> ; National Academies of Sciences, Engineering, and Medicine. (2022). The Impact of Juvenile Justice System Involvement on the Health and Well-Being of Youth, Families, and Communities of Color: Proceedings of a Workshop. Washington, DC: The National

As discussed in Key Takeaway 5, above, the vast majority of youth who enter the juvenile court process ultimately are diverted or have their case dismissed prior to plea or trial. This is good news – and it is evidence that system practitioners believe that many of the youth referred to the justice system do not need to have their cases processed through the Juvenile Court or brought through to the fact-finding hearing.

At the same time, the data on the number of youth whose cases are dismissed *after* arraignment, as well as the data presented in Key Takeaways 6, 7, and 8 on disparities and the number of youth coming to the system for lower-level offenses, raises further questions, such as:

- Are we missing opportunities to divert youth *earlier* in the process – including prior to arrest or court referral?
- Are certain categories of youth – including Black and Latino youth or youth with child welfare involvement – being “missed” more often, particularly at earlier process points?

Based on the available data, the answer to both questions appears to be yes.

The Board does not have all the data at our disposal that would allow us to say definitively how many or which cases should be diverted (earlier or at all.) Each individual case has its nuances, and it is important to note that data on the prior delinquency history of youth entering the juvenile court system is not available. Still, whether we are looking at demographic categories of youth (Black and Latino youth, youth with child welfare involvement, youth with significant behavioral health and/or educational needs) or types of offenses (misdemeanors and other less serious offense types), **it seems likely there are potentially thousands of cases each year that could be successfully diverted earlier in the court process or never brought to court in the first place.**

Not all of the cases in each these categories would necessarily be candidates for diversion – but many more might, if we gave the youth the opportunity and appropriate supports to be successful.

## FY22 Utilization Data by Juvenile Justice System Process Point

The following section details admissions/utilization data across major juvenile justice process points including:

- **The “front door” of the juvenile justice system**, including data on the use of diversion, overnight arrest admissions, applications for complaint, the manner in which youth come to the Juvenile Court’s attention (i.e., via a custodial arrest or court summons), and delinquency filings.

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Academies Press. <https://doi.org/10.17226/2662> ; Del Toro, J., Jackson, D. B., & Wang, M.-T. (2022). The policing paradox: Police stops predict youth’s school disengagement via elevated psychological distress. *Developmental Psychology*, 58(7), 1402–1412. <https://doi.org/10.1037/dev0001361> ; Holman, B. & Ziedenberg, J. (2022). The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. The Justice Policy Institute. [https://justicepolicy.org/wp-content/uploads/2022/02/06-11\\_rep\\_dangersofdetention\\_ji.pdf](https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_ji.pdf)

- **Arraignments and pretrial proceedings**, including data on dangerousness hearings, pretrial detention admissions, and the reasons why youth are held pretrial.
- **Dispositions and sanctions**, as determined by the Juvenile Court, as well as data on probation caseloads and first-time commitments to DYS. This section also details the number of cases that were resolved prior to plea or trial each year, which can be one way to estimate additional cases potentially eligible for diversion earlier on in the juvenile justice system process.

## The ‘Front Door’ of the Juvenile Justice System

If a youth is accused of committing an offense, a police officer has the option to:

- Issue a warning/formally divert the youth to a program
- Physically arrest the youth, this is called a “custodial arrest” (i.e., using handcuffs and placing a youth in a police cruiser and/or police lock up)
- Seek a court summons for the youth to appear before the Court on a set day.

Massachusetts’ general law states that “a summons is the preferred method of bringing a juvenile to court.”<sup>69</sup> This is reiterated in the state’s Municipal Police Training Committee’s training and resource materials and in guidance recently issued by the Peace Officer Standards and Training (POST) Commission.<sup>70</sup> Police officers are instructed to reserve custodial arrests for when an alleged offense threatens public safety, or if there is “reason to believe the child will not appear upon a summons.”<sup>71</sup>

If an officer arrests a youth and Juvenile Court is not in session, a youth may be held in overnight at a secure placement operated by or contracted by the Department of Youth Services, or until the next business day. (This is called an “overnight arrest”). Youth cannot be held in a police lock-up facility for more than six hours, at which point the officer in charge must determine whether the youth should be detained or released to a parent/guardian.<sup>72</sup>

If an officer makes an arrest or opts to seek a court summons, they then file an application for complaint with the Juvenile Court. This is the first step of the Juvenile Court process. A Clerk Magistrate reviews each application and, based on that review, may issue a delinquency complaint. A Clerk Magistrate may decline to issue a delinquency complaint for a number of reasons, including if they believe there is not probable cause to find that the youth committed the alleged delinquent act, or if they choose to divert the youth from further court proceedings. Collectively, we refer to these initial steps taken by law enforcement and Clerk Magistrates as the “front door” of the juvenile justice system.

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<sup>69</sup> [MGL c. 119 § 54](#)

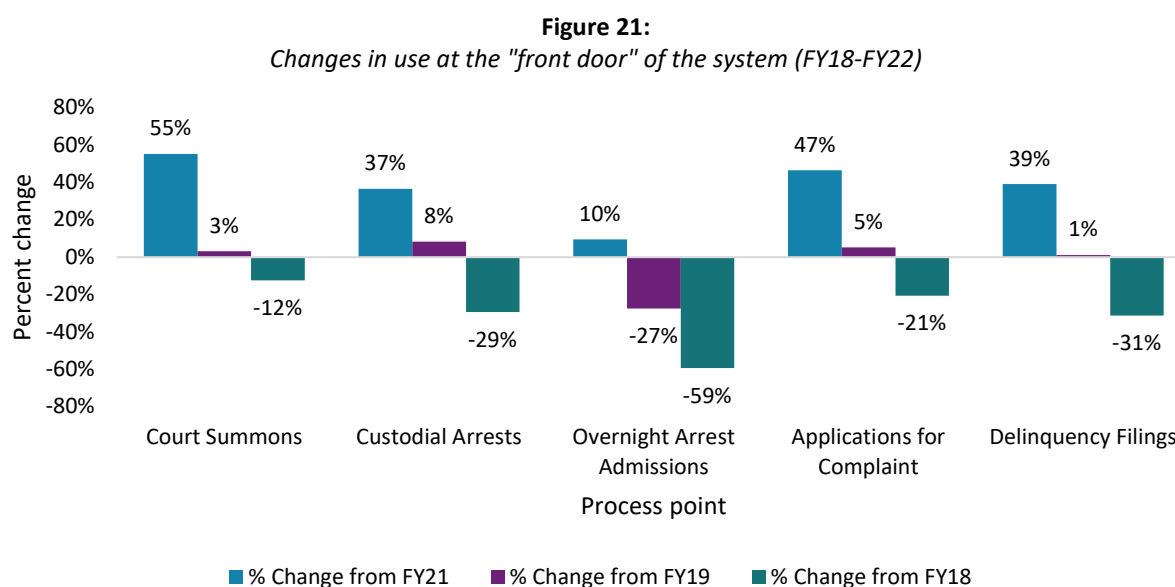
<sup>70</sup> <https://www.mass.gov/doc/de-escalation-and-alternatives-to-use-of-force-on-minor-children/download>

<sup>71</sup> In certain instances, police officers do not have the option to seek a summons and must arrest (e.g., domestic violence offenses). For many offenses, however, police officers have the sole discretionary authority to decide whether to arrest a youth, seek a court summons, or give them a warning or offer diversion. MPTC Legal Standards & Procedures for Police Interactions with Youth, September 2021.

<sup>72</sup> [MGL c. 119 § 54](#)

## Key Takeaways:

- Over the past year (from FY21 to FY22), there has been an increase in the number of youth entering the juvenile justice system. As discussed earlier in this report, this increase is at least partially a return to pre-pandemic patterns, as the increase in numbers is much smaller compared to FY19, the year prior to the beginning of the pandemic. The overall numbers are still down substantially since the passage of the CJRA (FY18).
- Applications for complaint increased for both *misdemeanors* and *felonies*.
- An increase in arrests and summons for youth alleged to have committed *person, property, and weapons* offenses accounts for a large share of the increase from FY21 to FY22.



Source: FY18-FY22 court summons, custodial arrests, applications for complaint, and delinquency filings were retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; FY18-FY22 overnight arrest admissions data were provided to the OCA by the Department of Youth Services

## Diversion

Diversion is a process that allows a youth who is alleged to have committed a delinquent offense to be directed away from formal juvenile justice system processing. Diversion is considered an alternative response to arrest and/or prosecution.

In general, diversion types can be divided into two categories:

- **Informal diversion** can include any measure that turns youth away from the system, such as a police officer letting a youth go with a warning or a judge deciding to dismiss a case prior to arraignment. It may also include an agreement with a youth that they will take a specific action, such as writing an apology letter or performing community service.
- **Formal diversion** typically takes the form of a specific, structured program with eligibility and completion requirements.

In Massachusetts, four separate decision-makers – police, clerk magistrates, district attorneys, and judges – may apply formal and informal diversion practices at various points for youth involved with the system, from initial contact with police to pre-arraignment.

### *Police diversion*

Police may divert a youth prior to arrest. Although the data system police use to report data to the state and federal government has the ability to capture information on police-offered diversions, and some police departments do report it, there is no statutory requirement that departments report this data to EOPSS and many do not. Due to the significant inconsistencies in police department reporting of use of diversion/warnings, the Board does not include this data in our report.

### *Clerk magistrate diversion*

If a delinquency case is initiated by a court summons,<sup>73</sup> a Clerk Magistrate conducts a hearing (called a “magistrate hearing”) to decide whether to issue a delinquency complaint.<sup>74</sup> A delinquency complaint may be issued by a clerk magistrate if probable cause is found on an application for complaint. A clerk magistrate may also choose to divert a youth’s case at this point.<sup>75</sup>

In FY22, of the 4,987 applications for complaint that were initiated by a summons, 64% (n=3,179) of cases that reached a magistrate’s hearing did not result in a complaint issuing. This rate has remained relatively consistent over the past five years, as shown in Figure 22, below.

Clerk magistrates may decide to not issue a complaint for several reasons, including diversion, lack of probable cause, lack of jurisdiction, or failure to prosecute.<sup>76</sup> Data is not available on the various reasons a complaint was not issued, and so the Board cannot report specifically on Clerk magistrate use of diversion. Still, it is likely that clerk magistrate diversion is the reason that some portion of these 3,179 cases did not result in a delinquency complaint being issued.

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<sup>73</sup> A notice to a person alleging them of committing the specified delinquent offenses.

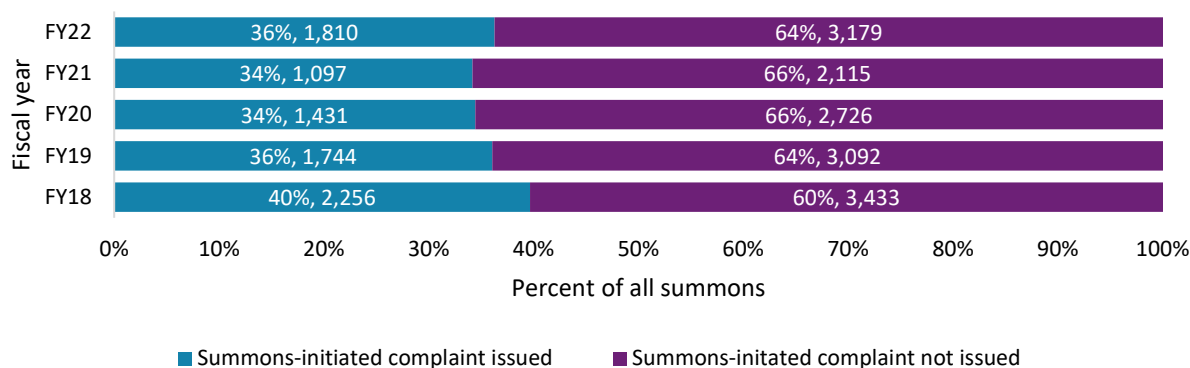
<sup>74</sup> If a case is initiated by an arrest (as opposed to a summons; see the Applications for Complaint section below for this data), the case generally proceeds directly to a delinquency complaint without a formal magistrate hearing. See “About Applications for Complaint” here:

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

<sup>75</sup> See “Rules of Criminal Procedure, Rule 3”: here: <https://www.mass.gov/rules-of-criminal-procedure/criminal-procedure-rule-3-complaint-and-indictment-waiver-of-indictment>

<sup>76</sup> See “About Applications for Complaint” here: <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

**Figure 22:**  
*Summons resulting in a delinquency complaint being issued (FY18-FY22)*



Source: Data retrieved on 11/14 from the Massachusetts Trial Court's Tableau Public page here:  
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

### *District attorney diversion*

District attorneys may divert a youth pre-arraignment. In 2021 (CY), the Legislature began publishing online annual reports submitted by District Attorneys across all eleven District Attorney Offices (DAOs), compiled by the MDAA. These reports detail the number of cases diverted/not charged each year by the underlying case type.<sup>77</sup>

In CY2021, DAOs report that 4,223 delinquency cases were diverted across the state. In almost every county, youth charged with *property* offenses accounted for the largest share of diverted cases.<sup>78</sup>

In the same annual submission, the DAOs report the number of cases that were arraigned, which in CY2021 DAOs report as 6,837.<sup>79</sup> The Board uses these two data points (number of cases arraigned and number of cases diverted) to derive an estimate of the percentage of delinquency cases each DAO

<sup>77</sup> For all MDAA's reports submitted to the Legislature, see:  
<https://malegislature.gov/Reports?startDate=&endDate=&searchTerms=&Page=1&SortManagedProperty=lawssubmittedby&Direction=asc> Pursuant to item 0340-2100 of Chapter 24 of the Acts of 2021, the legislative language requesting this data directs DAOs, through the MDAA, to report the "number of cases reviewed but not charged." The DAO reports specifically list the cases as "diverted," but there is not a definition of what is meant by that term. As a result, the Board is unsure if the number reported is only cases diverted, or if it also includes cases that were reviewed but did not move forward for other reasons (e.g., lack of evidence or prosecutor decision to *nolle prosequi* a case.)

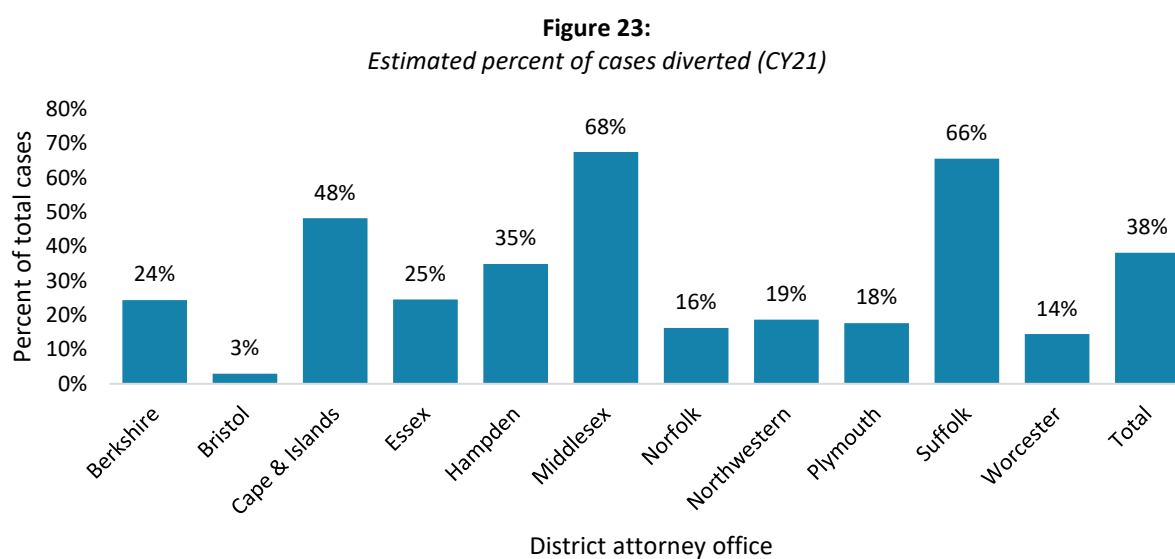
<sup>78</sup> See appendix D for breakdowns across all offense types as reported by DAOs.

<sup>79</sup> The number of arraignments reported by the DAO offices is significantly more than the number reported by the Trial Court (6,837 compared to 3,095). The arraignment data reported by DAO is reported by calendar year, while the arraignment data reported by the Trial Court is based on the fiscal year. This may account for some of the difference, but it is unlikely to account for an arraignment count that is nearly double what is reported by the Trial Court. Other possibilities may be that the DAO offices are defining an arraignment differently than the Trial Court, or, in situations where youth have multiple charges, counting each as a separate arraignment. The DAO report does not include a definition for arraignments.



diverted in CY2021.<sup>80</sup> (See Figure 23 below). Statewide, DAOs diverted an estimated 39% of cases in CY2021, but there was significant variation from county to county.<sup>81</sup>

Middlesex, Suffolk, and the Cape and Islands DAOs diverted a large portion of the overall number of cases each office received compared to other district attorney offices. Bristol County DAO diverted the lowest percentage of cases.



Source: District attorney diversion data comes from the Legislature's website, which makes publicly available the Massachusetts District Attorneys Association's report providing prosecution data to the state (pursuant to item 0340-2100 of Chapter 24 of the Acts of 2021): <https://malegislature.gov/Bills/192/SD2939>

### Judicial Diversion

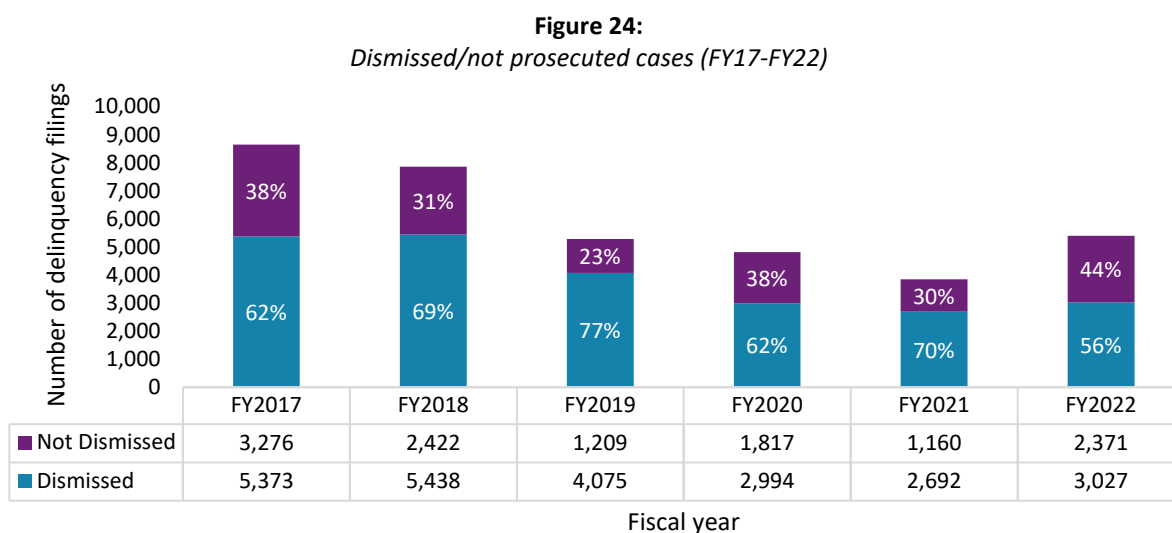
As a result of the CJRA, judges may divert a youth pre-arraignment. The Trial Court reports the number of cases that are dismissed between the delinquency filing stage and the acceptance of a plea or conclusion of a trial, but does not currently distinguish between cases dismissed due to diversion or for any other reason (e.g., insufficient evidence), and does not report whether the case was dismissed by a judge or withdrawn/nolle pros. by a prosecutor.

In FY22, 3,027 cases were dismissed between a delinquency filing and a plea/trial. Figure 24 shows the percentage of delinquency cases each year that resulted in a case dismissal by a judge or non-

<sup>80</sup> As noted above, we are unclear what definition of arraignment is being used in the DAO report. In particular, we are unclear if or how this data accounts for any cases diverted pre-arraignment by the judiciary. As a result, we list this as an *estimate* of the percentage of cases that were arraigned.

<sup>81</sup> This estimate is derived by adding together the total number of arraignments with the total number of cases diverted to get the total number of cases per DAO in CY21. The percent of cases listed in the graph is the percent of total cases that resulted in a diversion.

prosecution by a judge or prosecutor. In FY22, a substantially lower percentage of delinquency filings resulted in a dismissal/non-prosecution than previous years.



Source: Data retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here:  
<https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

### *State Diversion: Massachusetts Youth Diversion Program Learning Labs*

The Board has previously reported that there is wide variation in diversion policies and practices across the state (as seen in the DAO data presented in the prior section). This likely contributes to systemic inequalities as a result of different practices for diversion depending on what county a youth is arrested in or which police officer, clerk magistrate, district attorney, or judge they encounter. This discrepancy is something the Board has reported on in each annual report as well as in a 2019 report on improving diversion in the Commonwealth.<sup>82</sup>

The 2019 report and the work of the JJPAD Board and CBI Subcommittee led to the launch of a state diversion program in January 2022 (as detailed in the “Monitoring the Implementation of Statewide Diversion Learning Labs” section in this report, above).

In the first six months of operation, the three learning lab sites (in Middlesex, Essex, and Worcester Counties) have received 53 diversion referrals. In 2023, DYS/OCA plan to issue an impact report on the first year of operation, including quantitative data and lessons learned since the launch of the state diversion initiative.

<sup>82</sup> [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019). Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

## Custodial Arrests

Due to significant data quality concerns, the Board is not including data from police departments on arrests this year. Data on custodial arrests (which is a combination of the “on-view”<sup>83</sup> and “taken into custody”<sup>84</sup> arrest types) is reported to the JJPAD Board by the Executive Office of Public Safety and Security (EOPSS), using data reported by local police departments through the federal National Incident Based Reporting System (NIBRS). Additionally, the Trial Court publicly reports data on the number of delinquency cases initiated by an arrest, as reflected in the “Applications for Complaint” section, below.

In theory, these numbers should match; however, the total number of custodial arrests reported by EOPSS is substantially lower than the number of cases reported by the Trial Court as being initiated by an arrest.

The reason for this discrepancy is not clear. However, there is current national concern regarding the quality of federal policing data as reported to the NIBRS data system, starting with 2021 data.<sup>85</sup> While NIBRS has existed since the 1980s, police departments were not required to use the system until January 1, 2021, and this transition may account for part of the discrepancy, both this year and in previous years. In Massachusetts, it appears that some police departments reported all arrests to the federal reporting system, while others reported just some data or no data at all.<sup>86</sup>

Additionally, other researchers have raised concerns about the quality of NIBRS data more generally. For example, a 2022 study compared NIBRS arrest data to data collected directly from law enforcement agencies and found data matched in just 84% of cases.<sup>87</sup> Other, somewhat older, studies have found missing data in the NIBRS system at the incident level, as well as agencies not reporting data for all or part of years.<sup>88</sup>

For all of these reasons, the JJPAD Board has elected to use the Trial Court data reporting when an application was initiated by an arrest instead of using the NIBRS data. That data is included in the “Applications for Complaint” section, below.

## Overnight Arrest Admissions

An overnight arrest (ONA) admission occurs when a youth under the age of 18 has been arrested by the police (either on a new offense or an active warrant) when court is not in session and is held in a secure

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<sup>83</sup> A physical arrest.

<sup>84</sup> An arrest as a result of a warrant.

<sup>85</sup> Brennan Center for Justice. (n.d.) Understanding the FBI’s 2021 Crime Data. Brennan Center for Justice.

<https://www.brennancenter.org/our-work/research-reports/understanding-fbis-2021-crime-data> ;

The Marshall Project. (2022). What Can FBI Data Say About Crime in 2021?. The Marshall Project.

<https://www.themarshallproject.org/2022/06/14/what-did-fbi-data-say-about-crime-in-2021-it-s-too-unreliable-to-tell>

<sup>86</sup> The Marshall Project. (2022). See If Police in Your State Reported Crime Data to the FBI. The Marshall Project.

<https://www.themarshallproject.org/2022/08/15/see-if-police-in-your-state-reported-crime-data-to-the-fbi>

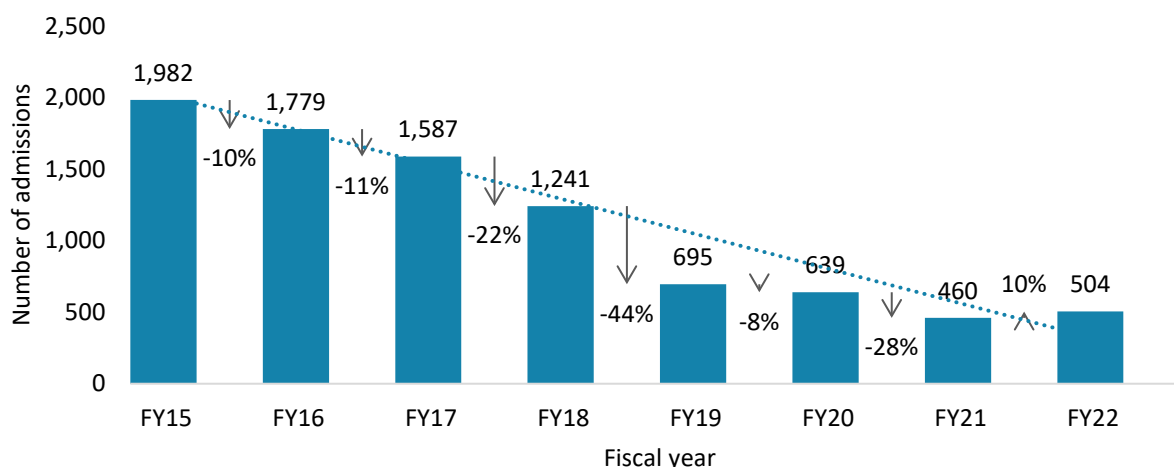
<sup>87</sup> Cross, T. P., Wagner, A., & Bibel, D. (2022). The Accuracy of Arrest Data in the National Incident-Based Reporting System (NIBRS). Crime & Delinquency, 0(0). <https://doi.org/10.1177/00111287211067180>

<sup>88</sup> Liao, D et al. (2015). Treatment of Missing Data in the FBI’s National Incident Based Reporting System: A Case Study in the Bakken Region. RTI International. <http://www.asasrms.org/Proceedings/y2015/files/234045.pdf>

placement operated or contracted by the Department of Youth Services (DYS) overnight or until the next court day.

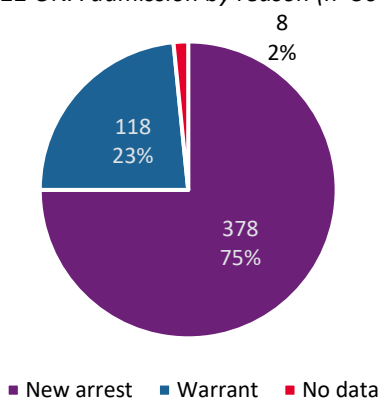
In FY22, there were 504 ONA admissions, a 10% increase from FY21. ONA admissions are still down substantially (59%) since the passage of the CJRA in FY18.

**Figure 25:**  
*Overnight arrest admissions (FY15-FY22)*



Source: FY15-FY22 overnight arrest admissions data provided to the OCA by the Department of Youth Services

**Figure 26:**  
*FY22 ONA admission by reason (n=504)*



Source: FY22 overnight arrest admissions data provided to the OCA by the Department of Youth Services

Statewide, most ONA admissions in FY22 were for new arrests (75%, n=378), while a smaller portion were for warrants (23%, n=118). Although cases where youth are taken into custody are more likely to be for more serious alleged offenses,<sup>89</sup> this is not happening universally: the data in the next section on offense severity indicates that most (57%, n=287) overnight arrest admissions are actually for lower-level offenses.

<sup>89</sup> Under Massachusetts law, a police officer always has the authority to arrest (without a warrant) when there is probable cause to believe an individual has committed a felony but can only make an arrest for a misdemeanor under certain circumstances. See: <https://malegislature.gov/laws/generallaws/parti/titlexv/chapter94c/section41>

A number of youth admitted on an ONA are subsequently released after their first hearing once court is back in session. Of the 504 ONA admissions in FY22, slightly more than half (56%, n=280) of youth admitted were later held in pretrial detention after an arraignment, while slightly less than half (44%, n=224) were not.

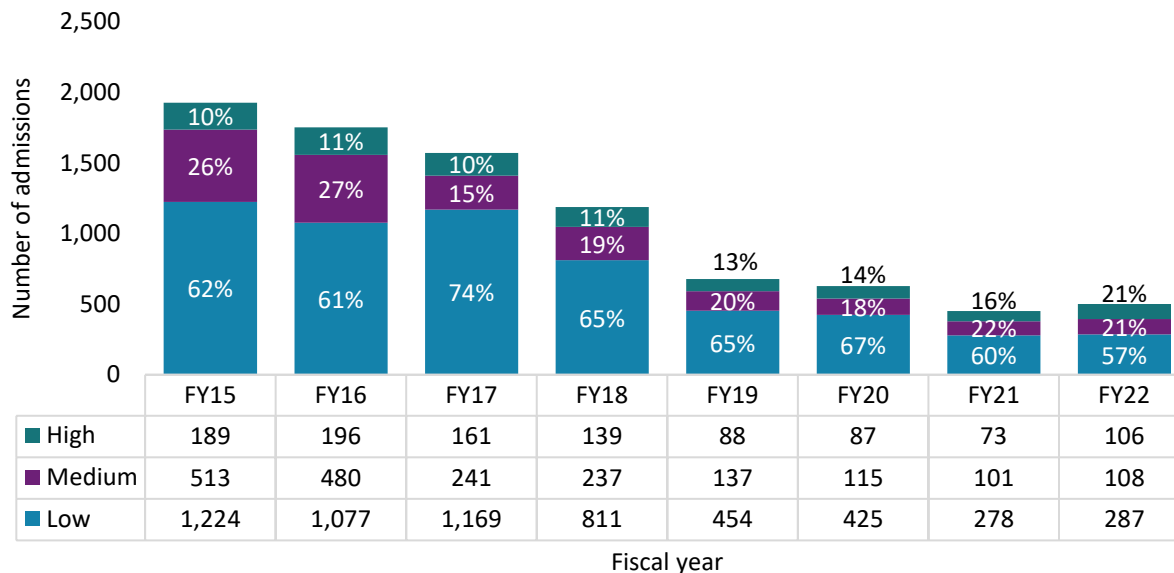
### *Overnight Arrest Admissions by Offense Severity & Type*

DYS categorizes offense severity by “grid level.” This is a numeric representation, ranging from 1 (least serious) to 7 (most serious), based on adult sentencing guidelines. For the purposes of this report, grid levels have been combined into *low* (grid levels 1-2), *medium* (grid level 3), and *high* (grid levels 4-7) severity levels.

The small increase in overnight arrest admissions between FY21 and FY22 was primarily driven by admissions for youth with *high* severity offenses (an increase of 45%).

The number of youth admitted on a *low* severity offense has declined substantially over the past five years, from 811 in FY18 to 287 in FY22. However, *low* severity offenses still make up the majority (57%, n=287) of overnight arrest admissions, 55% of which (n=159) did not ultimately end up in a pretrial detention post-arraignment in FY22. This suggests that many youth are held overnight for reasons other than public safety considerations.

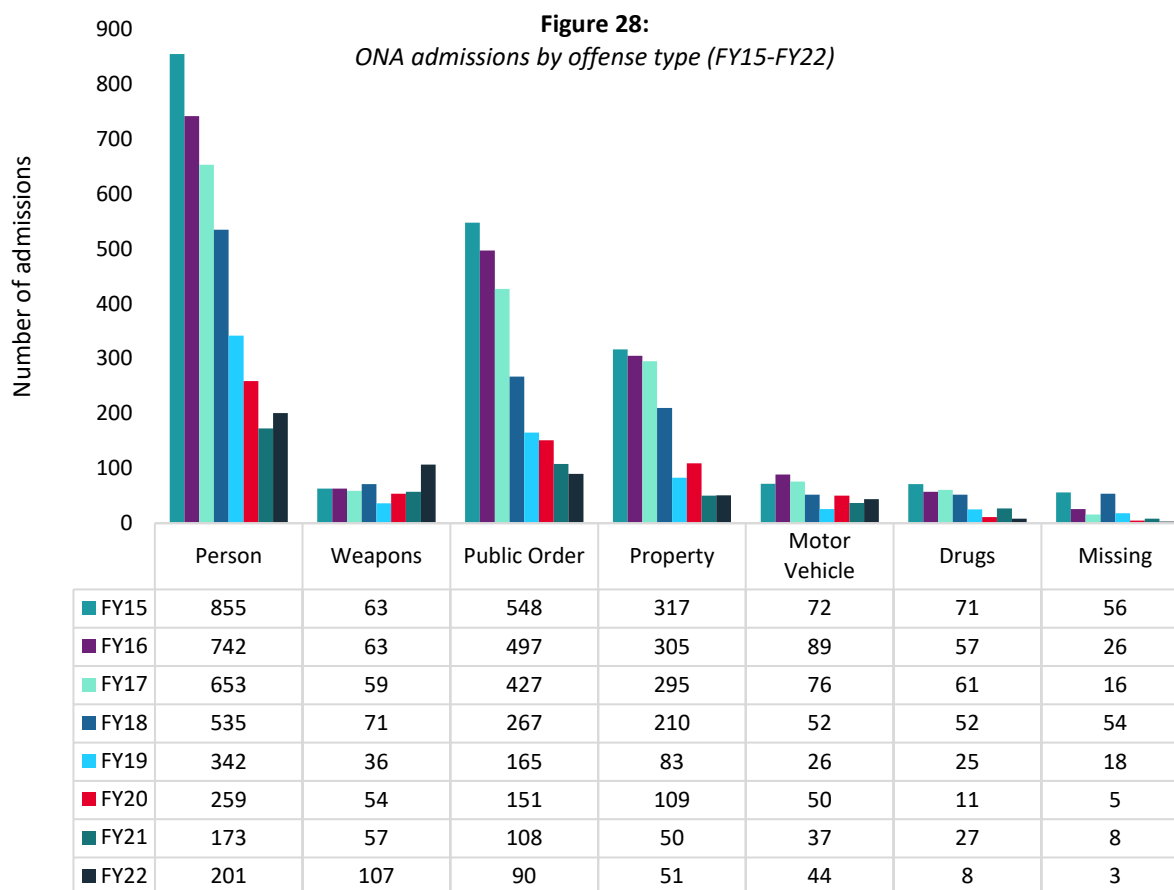
**Figure 27:**  
*ONA admissions by offense severity (FY15-FY22)*



*DYS measures offense severity by a numerical (1-7) “grid level.” Grid levels 1-2 are categorized as low, grid level 3= medium and grid levels 4-7 = high. See Table 8 below for more information. Source: FY22 overnight arrest admissions data provided to the OCA to the Department of Youth Services*

Table 8: Common offenses and corresponding grid level			
DYS Grid Level	Common Offense	DYS Grid Level	Common Offense
1	Disturbing the Peace	4	Assault and Battery with a Dangerous Weapon
1	Petty Larceny	4	Armed Robbery
1	Possession of Marijuana	4	Distributing Cocaine
2	Distributing Marijuana	5	Armed Assault & Robbery
2	Possession of Cocaine	5	Attempted Murder
2	Poss. of a Dangerous Weapon	5	Rape
2	Receiving Stolen Property	6	Home Invasion
2	Assault and Battery	6	Carjacking with a firearm
3	Breaking and Entering (Felony)	7*	Murder
3	Larceny (Felony)	*Grid level 7 is reserved for youth sentenced in adult court for murder.	

Consistent with previous years, youth accused of *person* offenses accounted for the largest share of admissions in FY22 (n=201, 40% of all ONA admissions). The increase in FY22 ONA admissions stemmed from an increase in all offense types except *drug* and *public order* offenses (which decreased 70% and 17% respectively). However, youth accused of *public order* offenses still make up 18% (n=90) of admissions. Meanwhile, admissions for youth accused of weapons offenses have increased 88% since FY21 and make up 21% (n=107) of all FY22 admissions.



Source: Data provided to the OCA by the Department of Youth Services

Table 9: Offense types and corresponding examples offenses	
Offense type	Examples of offenses
Person	Assault and battery, home invasion, carjacking, robbery
Property	Larceny, unarmed burglary, arson, breaking and entering, shoplifting
Motor Vehicle	Receiving stolen motor vehicle, operating a motor vehicle with suspended license, reckless operation of motor vehicle
Weapons	Carrying a dangerous weapon, possession of a firearm without license
Drug/Alcohol	Possession of Class A or B drugs, distributing drugs or possession with intent to distribute (class A, B, C, D, E), Possession of alcohol under age 21
Public Order	Disorderly conduct

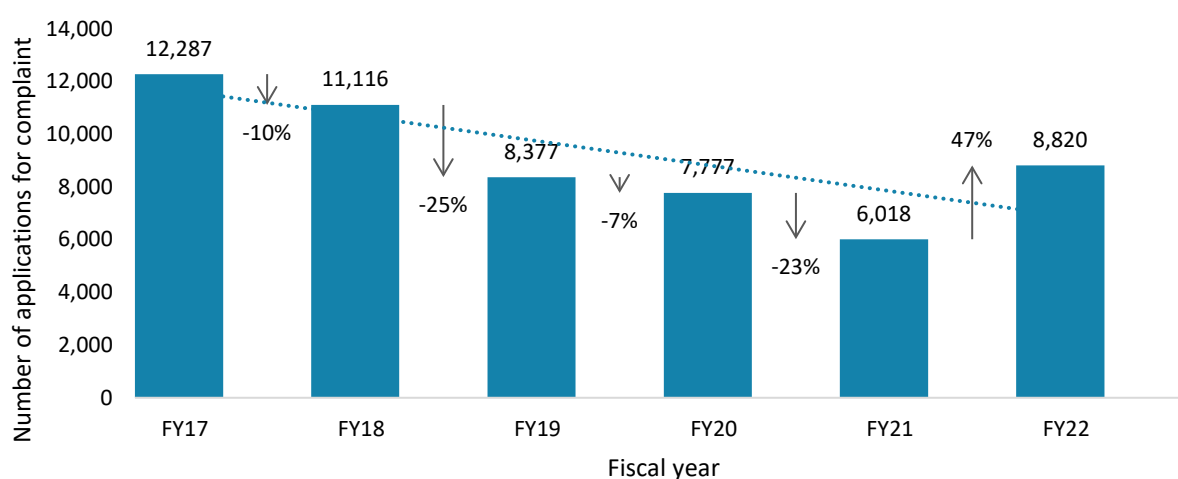
## Applications for Complaint

An application for delinquent complaint may be filed with the Clerk Magistrate’s office when a police officer or other person believes a youth has committed a delinquent offense. The application for delinquent complaint includes a sworn statement of the alleged facts and is the first step in the court process.

Due to inconsistencies in the reporting of arrest data (as detailed in the “Custodial arrests” section above), **applications for complaint currently provide the most accurate measure of the total frequency of incidents resulting in a response from the juvenile justice system.**

In FY22, there were 8,820 applications for complaint, a 47% increase from FY21. The total number of applications for complaint is slightly (5%) higher than pre-pandemic (FY19), but still substantially lower (21%) than before the passage of the CJRA (FY18).

**Figure 29:**  
*Total applications for complaint (FY17-FY22)*



Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY22 data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

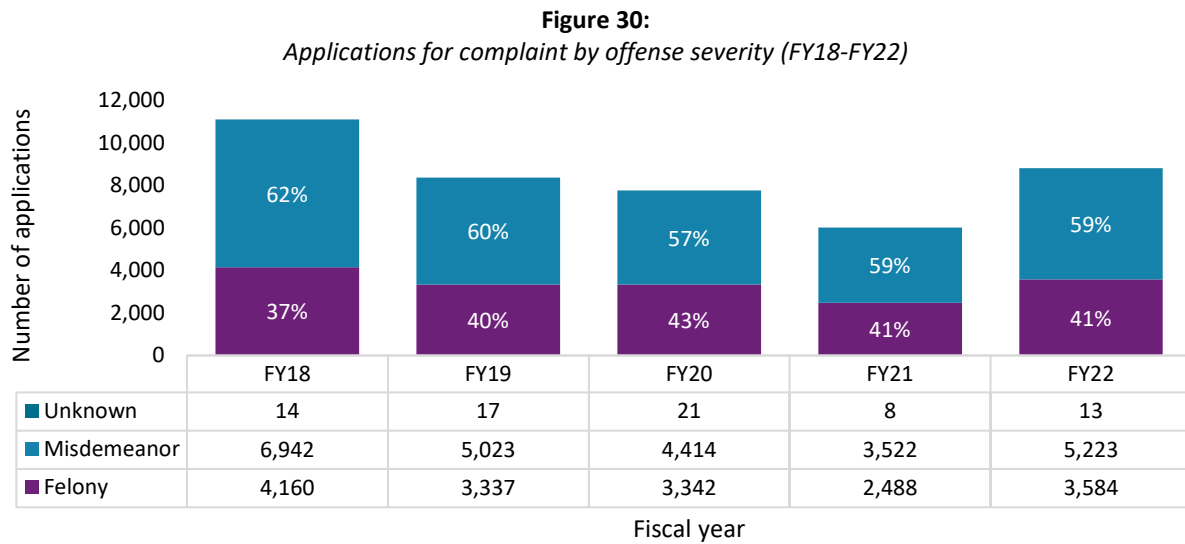
## Applications for Complaint by Offense Severity & Type

The Trial Court measures offense severity by classifying offenses as a *misdemeanor* offense or a *felony* offense. *Misdemeanor* offenses are relatively lower severity offense types, while *felony* offenses are more serious.<sup>90</sup>

<sup>90</sup> Applications for complaint may contain more than one charge. The data presented in this section reports the first charge that is listed on the application.



In FY22, 59% (n=5,223) of all applications for complaint were for alleged *misdemeanor* offenses.<sup>91</sup> Since FY21, applications for complaint for youth alleged to have committed *misdemeanor* offenses increased by 48% and complaints for youth alleged of committing *felony* offenses increased by 44%.



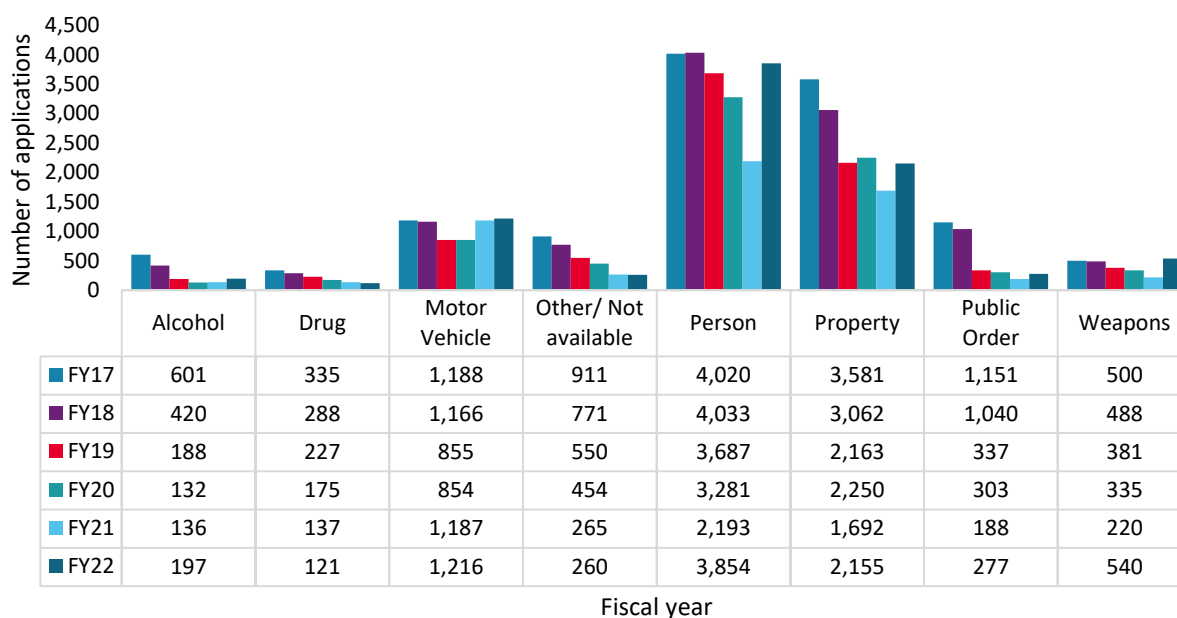
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Forty-five percent (n=3,854) of the applications for complaint in FY22 were for youth alleged to have committed a *person* offense. Applications for complaint for youth accused of committing *person* offenses increased 76% since FY21.

<sup>91</sup> Applications for complaint may contain more than one charge and varying offense severity levels. The data presented in this section reports the first charge that is listed on the application, and the corresponding offense severity,

**Figure 31:**  
*Applications for complaint by offense type (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

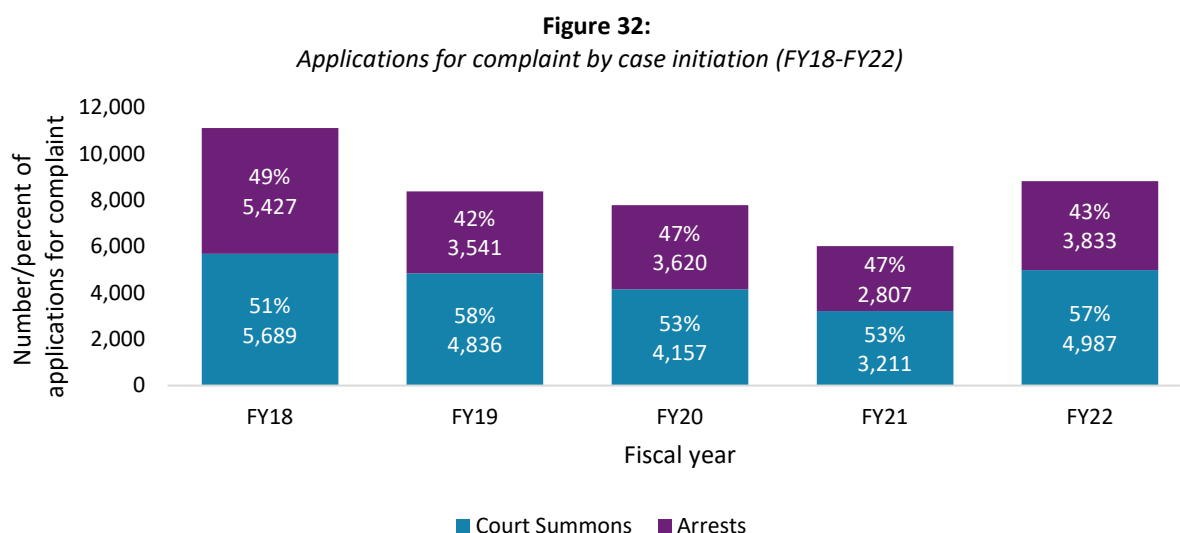
### *How Youth Enter the Juvenile Court Process: Arrests and Court Summons Data*

If a youth is suspected of having committed a delinquent offense, a police officer may divert the youth, arrest the youth, or seek a summons for their appearance at the Juvenile Court. Total applications for complaint, reported above, are a sum total of applications initiated by custodial arrest and those initiated by summons.

Between FY21 and FY22, there was a 55% increase in the number of applications for complaint initiated by a court summons, while the number of complaints initiated by an arrest increased by 37%.

As Figure 32 shows, over the past five fiscal years, there has been a slight increase in the portion of applications for complaint initiated by a summons each year.<sup>92</sup>

<sup>92</sup> Frequencies for summons-initiated cases include a small number of cases where an application for complaint was filed by a private complainant, where a hearing was requested on a felony complaint, or those where a hearing was held prior to a youth being summonsed or arrested.



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:  
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

### Offense Severity & Type

In FY22, 80% (n=2,858) of all applications for complaint alleging a *felony* offense were initiated by an arrest, while 81% (n=4,252) of applications alleging a *misdemeanor* offense were initiated by a summons.

Table 10: Applications for complaint by case initiation and offense severity (FY18-FY22)						
Case Initiated	Offense Severity	FY18	FY19	FY20	FY21	FY22
Court Summons	Felony	846	827	697	463	726
	Misdemeanor	4,832	3,994	3,444	2,742	4,252
	Not Available	11	15	16	6	9
	Total	5,689	4,836	4,157	3,211	4,987
Arrests	Felony	3,314	2,510	2,645	2,025	2,858
	Misdemeanor	2,110	1,029	970	780	971
	Not Available	3	2	5	2	4
	Total	5,427	3,541	3,620	2,807	3,833
Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <a href="#">here</a>						

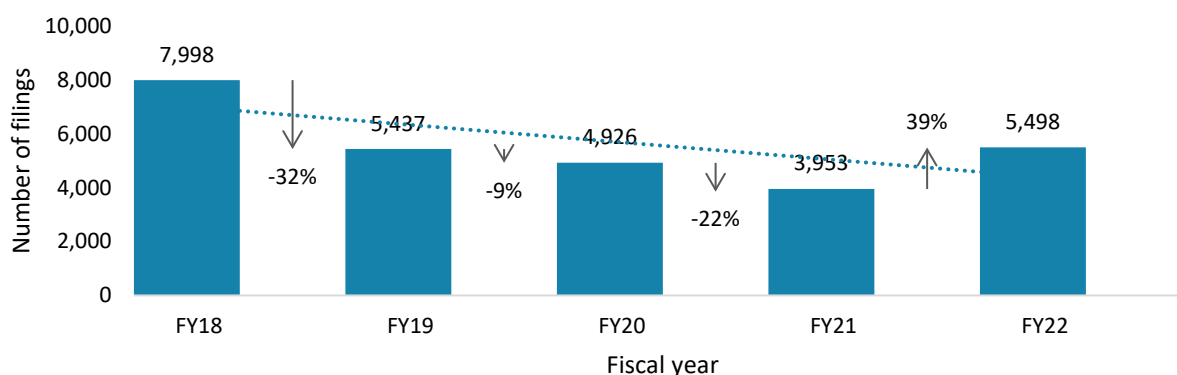
### Delinquency Filings

A delinquency complaint is issued if a Clerk Magistrate finds probable cause to believe that a juvenile has committed the delinquent act detailed on the application for delinquent complaint and decides to

issue the delinquent complaint. Clerk Magistrates may also divert a youth instead of issuing a delinquent complaint (as detailed in the “Clerk Magistrate Diversion” section, above).

In FY22, there were 5,498 delinquency filings, a 39% increase from FY21. This is, however, only a slight increase from the pre-pandemic levels (1%), and still a 31% decline from FY18, prior to the passage of the CJRA.

**Figure 33:**  
*Delinquency filings (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

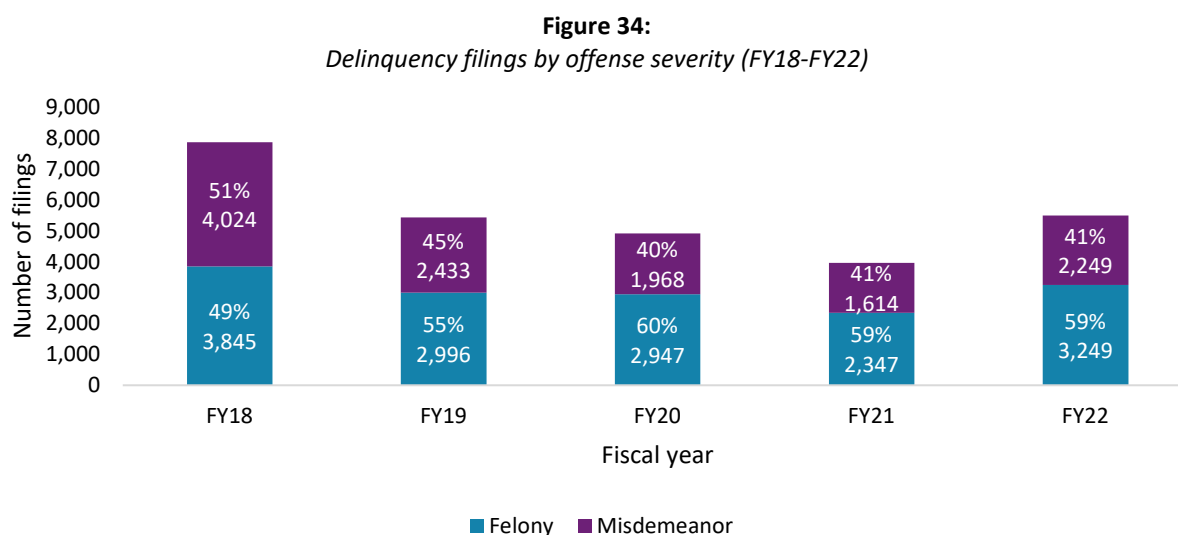
As Table 11 shows, since FY18, a smaller proportion of applications for complaint have been resulting in a delinquency filing each year, suggesting that clerks are diverting/dismissing more cases.

Table 11: Estimated percent of applications resulting in a filing (FY18-FY22)			
Fiscal Year	Number of applications for complaint	Number of delinquency filings	Estimated <sup>93</sup> percent of applications resulting in a filing
FY2018	11,116	7,998	72%
FY2019	8,377	5,437	65%
FY2020	7,777	4,926	63%
FY2021	6,018	3,953	66%
FY2022	8,820	5,498	62%
Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <a href="#">here</a>			

<sup>93</sup> Data is reported in the aggregate each year, and the Board is unable to track individual applications through the delinquency filing stage. Data is reported based on the date of the application for complaint and the date that the delinquency complaint was issued. Some applications for complaint filed at the end of a fiscal year do not result in delinquency cases until the following fiscal year. Therefore, the percentage reported here is an estimate.

### Delinquency Filings by Offense Severity & Type

There was a 38% increase in the number of filings with underlying *felony* offenses and a 39% increase in those with underlying *misdemeanor* charges.<sup>94</sup>



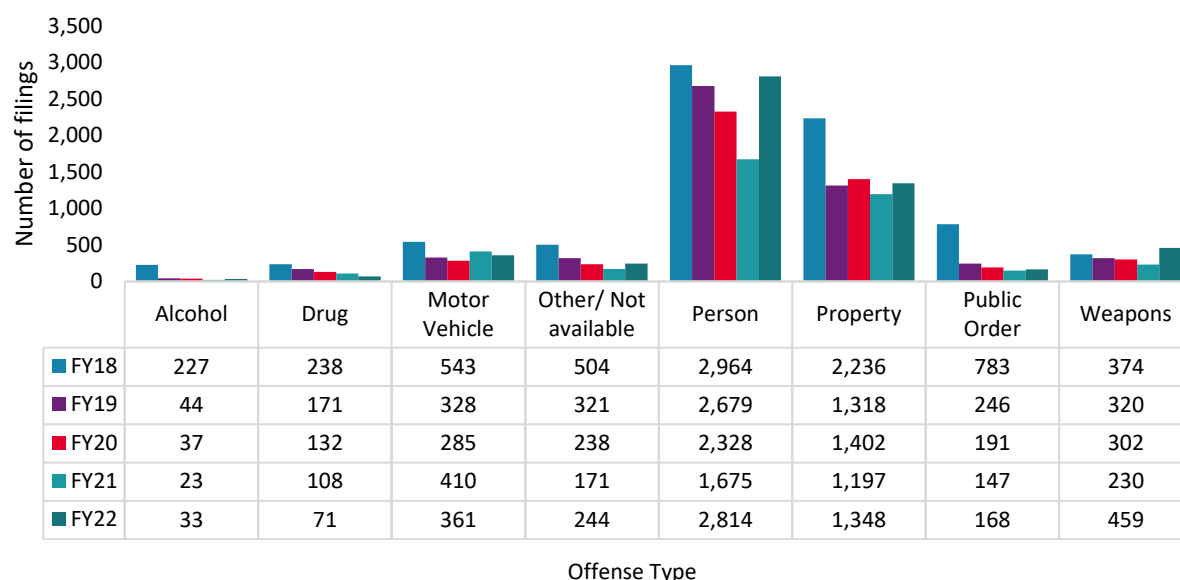
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

The number of filings for youth accused of *person* offenses increased by 68% between FY21 and FY22, and made up over half (51%, n=2,814) of all delinquency filings. The number of filings for youth accused of committing *weapon* offenses nearly doubled between FY21 and FY22.

<sup>94</sup> Delinquency filings may contain more than one charge. The data presented in this section reports the first charge that is listed on the filing.

**Figure 35:**  
*Delinquency filings by offense type (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

## Arraignments and Pretrial Proceedings, Supervision, and Detention

Once a delinquency complaint is issued by a Clerk Magistrate and a delinquency case is created, a prosecutor (called an “assistant district attorney”) determines whether there is sufficient evidence to officially charge or “arraign” a youth for a delinquent offense. A youth has the legal right to challenge the legal sufficiency of the evidence at this stage and may seek to have one or more charges dismissed by the judge for lack of probable cause prior to arraignment. Once a youth has been arraigned, the incident will appear on a youth’s court record.

Following (and sometimes at the same court hearing as) an arraignment, the court holds a bail hearing. At this hearing, a judge makes a determination as to whether the youth is unlikely to appear for their court hearing (referred to as “risk of failure to appear” or “a flight risk”) and, if so, may set monetary bail, set other pretrial release conditions, and/or place the youth on pretrial supervision to ensure their appearance in court.<sup>95</sup> Judges must consider the youth’s financial resources if they set bail.<sup>96</sup> If the youth

<sup>95</sup> *Querubin v. Commonwealth*, 440 Mass. 108, 113 (2003). *Commonwealth v. Pagan*, 445 Mass. 315 (2005). [M.G.L Chapter 276 §58](#).

<sup>96</sup> If neither nonfinancial conditions nor an amount the defendant can afford will adequately assure defendant’s appearance, the judge may set bail at a higher amount, but no higher than necessary to ensure the defendant’s appearance. *Brangan v. Commonwealth*, 477 Mass. 691 (2017).

is unable to post the monetary bail and meet other pretrial release conditions, they are held in detention before their trial (called “pretrial detention”). Data on bail *determinations* for all youth is not currently available. Data for bail determinations for youth ultimately admitted to DYS and held on bail is detailed in the “Pretrial Detention” section below.

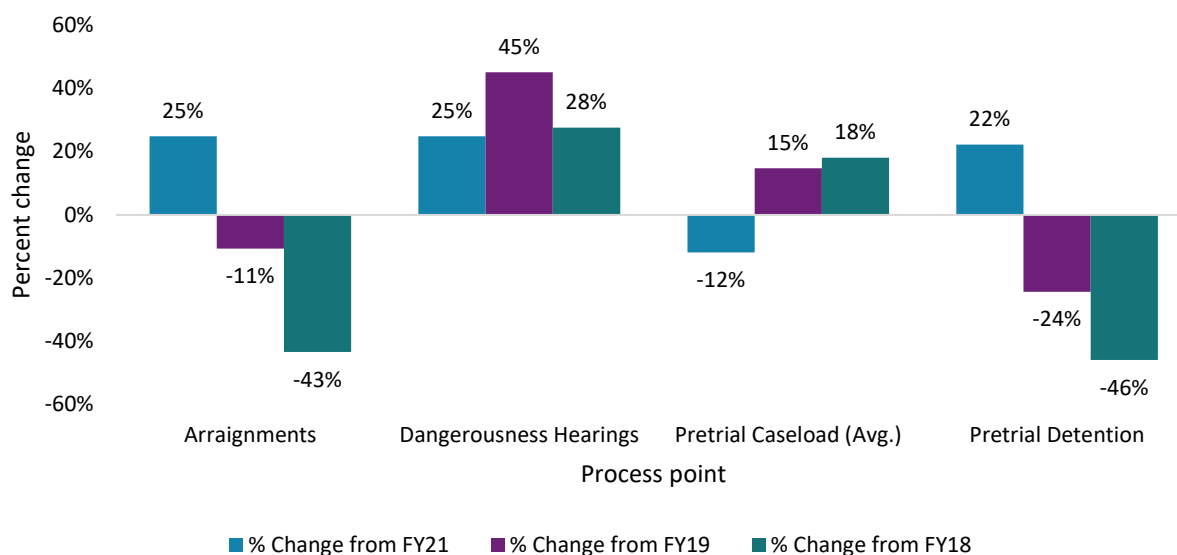
### Key Takeaways:

- Over the past year (from FY21 to FY22), there was an increase in the number of youth arraigned as well as an increase in the number held pre-trial. There were also more dangerousness hearings held. There was a decrease in the average number of pretrial supervision cases.
- However, the overall numbers at these process points are still down compared to pre-pandemic levels as well as pre-CRJA levels – *except* for dangerousness hearings. There was an increase in the number of dangerousness hearings held in FY22 compared to FY19 and FY18.
- In FY22, approximately 37% of dangerousness hearings conducted resulted in a detention admission, compared to 41% of hearings last year.<sup>97</sup> This may mean that prosecutors are seeking dangerousness hearings more frequently for youth that, ultimately, judges do not deem as “dangerous” or whose conditions of release will reasonably assure the safety of any other person or the community.
- Cases for youth alleged of persons and weapons offenses saw the highest percentage increase from FY21, while cases for drug offenses are down across the board.
- The increase in pretrial detention admissions from FY21 to FY22 was driven by a 30% increase in admissions for youth held without bail.
- On average, youth had spent 63.3 days in pretrial detention at the time of their release (median of 32 days). Youth admitted to detention pretrial had significant needs and experienced prior traumas:
  - More than half had an identified disability (e.g., developmental, physical, intellectual)
  - More than half had an individualized education plan (IEP)
  - A quarter had previously experienced physical or sexual abuse or had been sexually exploited
  - About a third of youth had identified somatic concerns, anger/irritability concerns, and/or feelings of depression/anxiety

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<sup>97</sup> This is an estimate derived by taking the number of detention admissions under 58A (as reported by DYS) and dividing it by the total number of 58A hearings held (as reported by the Trial Court). We are unable to match specific hearings to a specific outcome.

**Figure 36:**  
*Changes in use of the system pre-trial (FY18-FY22)*



Source: Arraignment data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics> ; Dangerousness hearing data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard> ; FY19-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21 & FY22 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard> ; Pretrial detention data was provided to the OCA by the Department of Youth Services

## Arraignments

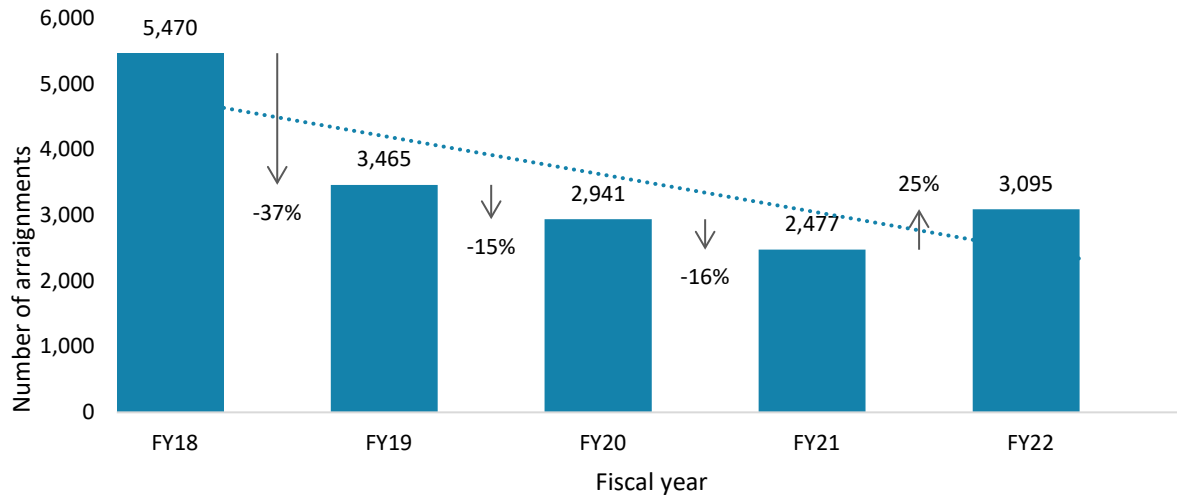
An arraignment occurs when a youth is before the court and officially “charged” by a prosecutor with an offense. Once a youth has been arraigned, the incident will appear on a youth’s court record. The Trial Court began publicly reporting arraignment data this year.<sup>98</sup>

In FY22, there were 3,095 cases arraigned, a 25% increase from FY21. However, the number of arraignments is still down 11% from pre-pandemic levels (FY19), and 43% down from FY18, prior to the passage of the CJRA.

<sup>98</sup> Previously, arraignment data was downloaded by the Department of Criminal Justice Information Services (DCJIS) from the Court Activity Record Information (CARI) in the Trial Court’s database (MassCourts). DCJIS reported juvenile arraignment data to Massachusetts’ Probation Services (MPS), which provided the analysis to the OCA for prior annual reports.



**Figure 37:**  
*Arraignments (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics>

### *Arraignments by Offense Severity & Type*

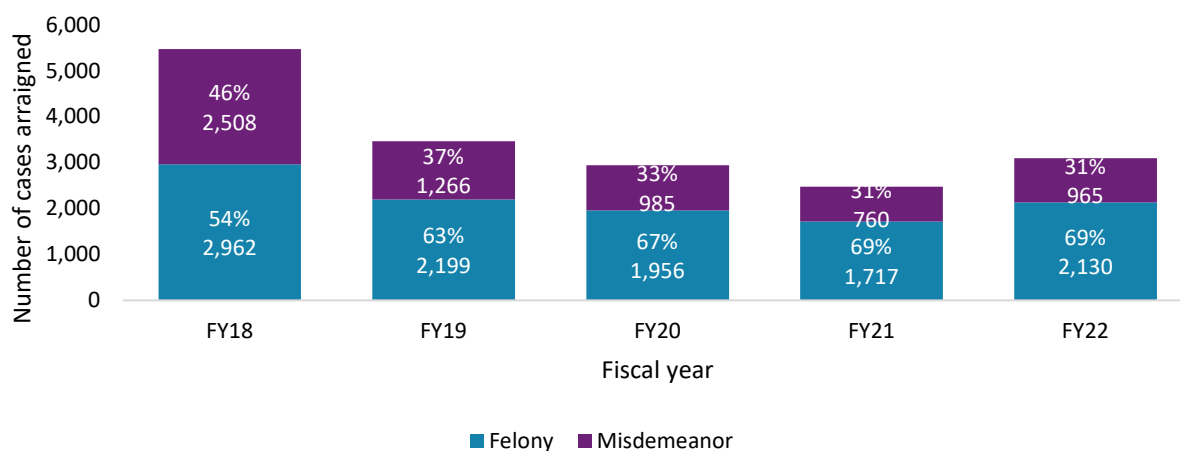
In FY22, almost one third (31%, n=965) of all arraignments were for youth charged with *misdemeanor* offenses, a 27% increase in cases from FY21.<sup>99</sup> Arraignments for youth charged with *felony* offenses increased 24% in the same year.

More than half (53%, n=1,634) of all arraignments in FY22 were for youth alleged to have committed *person* offenses, a 45% increase in cases compared to FY21. The number of cases for youth arraigned on *weapon*-related offenses increased from 196 to 331 (a 69% increase) during the same time.

The Board does not have data on the number of cases indicted in Superior Court for youth accused of murder in FY22.

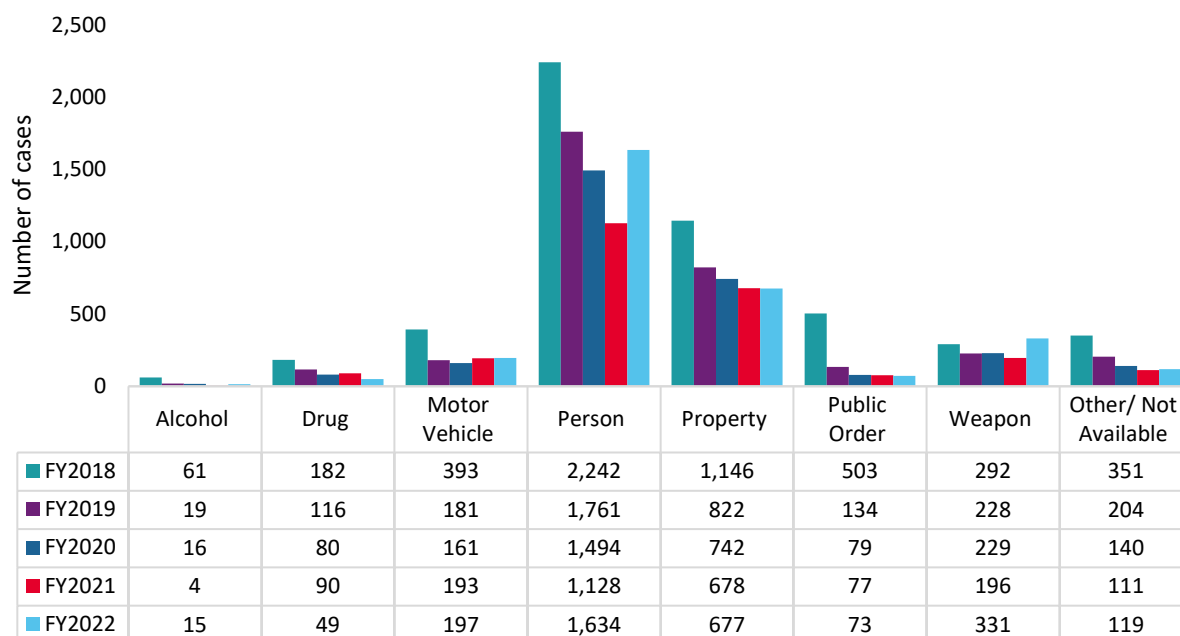
<sup>99</sup> Arraignments may contain more than one charge. The data presented in this section reports the first charge that is listed on the arraignment.

**Figure 38:**  
*Arraignments by offense severity (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics>

**Figure 39:**  
*Arraignments by offense type (FY18-FY22)*



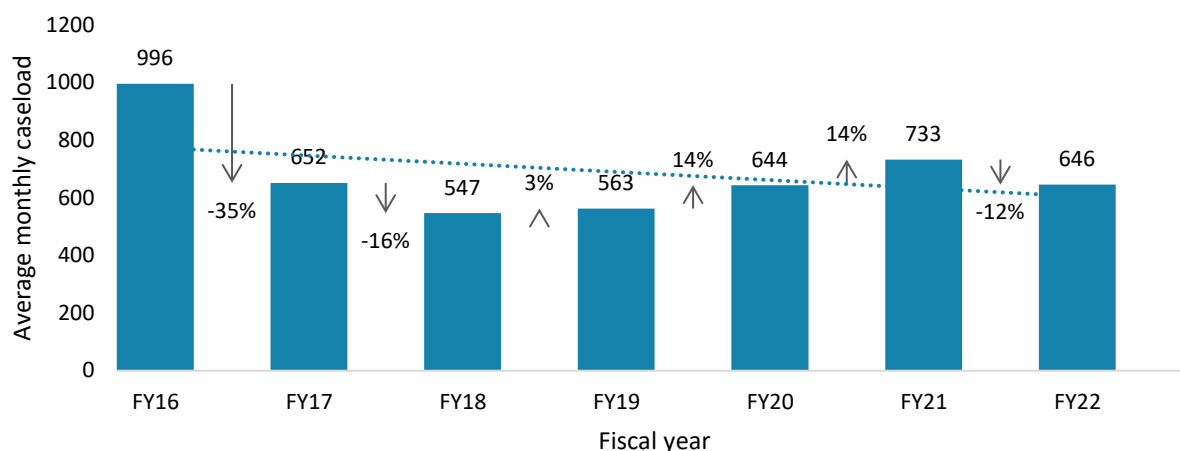
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics>

## Pretrial Supervision

After being arraigned, a youth may be placed on pretrial supervision, which is provided by the Massachusetts Probation Service (MPS). Although the youth is not formally on probation, they will be ordered to follow certain conditions, which may include regular check-ins with a probation officer.

MPS reports the number of cases supervised each month. Since a youth's case may last longer than one month, the JJPAD Board reports the "average monthly caseload" to measure the number of cases supervised and to compare year to year.<sup>100</sup> Average monthly pretrial supervision probation caseloads increased each year starting in FY18 through FY21. However, in FY22, there was a 12% decline in the average number of pretrial supervision cases each month. There has been an 18% increase in average monthly caseloads since FY18.

**Figure 40:**  
*Average monthly pretrial supervision caseload (FY16-FY22)*



Source: FY16-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21 and FY22 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

In addition to average monthly caseload data, the Board's FY21 annual report provided additional data on youth whose probation supervision started in the fiscal year. This data provided insights into the demographics of youth on pretrial supervision, as well as additional information on the *type* and *level* of pretrial supervision. There are two different types of pretrial supervision:

1. **Pretrial Conditions of Release:** If youth who are admitted to pretrial detention make their bail payments and stipulations, MPS supervises them pretrial and monitors whatever conditions the youth may have to remain out of detention pretrial
2. **Pretrial Probation:** Youth can be placed on pretrial supervision by the judge post-arraignment

<sup>100</sup> Probation monthly data is point-in-time data capturing the number of cases supervised by probation on a given day each month.

There are two types of supervision levels for youth being supervised on either type of pretrial supervision:<sup>101</sup>

1. **Category A supervision:** For youth with certain pretrial conditions that require the youth to follow specific rules, but *do not inherently require active supervision* by a probation officer. For example, the youth is required to obey all court orders and laws, sign releases, and notify probation if they move.
2. **Category B supervision:** For youth with certain pretrial conditions that *do require active probation supervision*. For example, the youth is required to abide by a curfew, attend treatment, or stay away from certain places.

Data on the above points as well as underlying alleged offense types and severity for youth on pretrial probation supervision in FY22 is not available at the time of this report; we anticipate this data will be available and on our website in January 2023.

## Dangerousness Hearings

A prosecutor may move for a “dangerousness hearing,” also called a “58A Hearing,” if they believe the youth is a threat to public safety if released pretrial.<sup>102</sup> If a judge rules in favor of the prosecution, the youth is held in detention prior to their trial.<sup>103</sup>

In FY22, the Juvenile Court held at least one dangerousness hearing on 286 cases, a 25% increase from FY21.<sup>104</sup> The number of cases with a dangerousness hearing remained relatively stable FY18 through FY21. Detention admissions data from DYS indicates that in FY22, approximately 37% (n=105) of dangerousness hearings resulted in a detention admission.<sup>105</sup> This is slightly down from last year, when approximately 41% (n=93) of dangerousness hearings conducted resulted in a detention admissions. This may mean that prosecutors are seeking dangerousness hearings more frequently for youth that, ultimately, judges do not deem “dangerous” or whose conditions of release will reasonably assure the safety of any other person or the community.

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<sup>101</sup> Pretrial probation is defined as the probationary status of a defendant pursuant to a probation order issued prior to a trial or the formal submission and acceptance of a plea of guilty or an admission to sufficient facts, as provided in G.L. c. 276 sec. 87.

*Rule 2 District/BMC Court Rules for Probation Violation Proceedings*

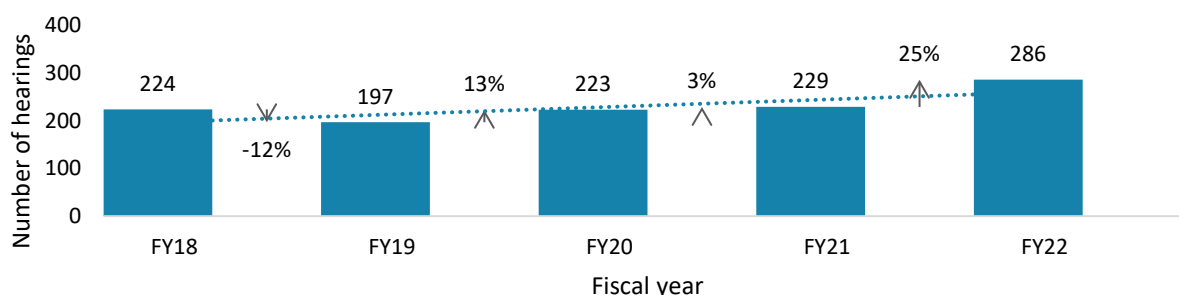
<sup>102</sup> See: M.G.L Chapter 276 §58A <https://malegislature.gov/laws/generallaws/partiv/titleii/chapter276/section58A>

<sup>103</sup> If youth are detained pretrial as a result of a dangerousness hearing, they cannot be held for more than 120 days without being brought to trial.

<sup>104</sup> The Trial Court reports the number of cases in which a 58A hearing is held. The Board does not have data on the number of requests for a hearing or the results of the hearings.

<sup>105</sup> This is an estimate derived by taking the number of detention admissions under 58A (as reported by DYS) and dividing it by the total number of 58A hearings held (as reported by the Trial Court). We are unable to match specific hearings to their outcomes.

**Figure 41:**  
*Dangerousness hearings (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard>

The number of dangerousness hearings has increased 28% since FY18. There are two potential reasons why this could be happening: an *increase in the severity* of offenses coming to the attention of prosecutors (who request dangerousness hearings to hold youth in pretrial detention without the possibility of bail) and/or a *shift in practice* by prosecutors asking for a dangerousness hearing instead of requesting high monetary bail at a detention hearing. Considering the number of felony offenses and person-related cases arraigned in court decreased by 28% and 27% respectively, but *weapons* offenses increased by 13% during the same time, the increase in dangerousness hearings is likely due to both a shift in practice as well as a shift in the types of cases coming to the attention of the court.

One reason practitioners have suggested that prosecutors may be using dangerousness hearings more frequently was the 2017 SJC decision in *Brangan v. Commonwealth*,<sup>106</sup> which ruled prosecutors must consider a defendant's ability to pay cash bail when asking to detain someone pre-trial. Post-*Brangan*, pretrial detentions have gone down, while the number of dangerousness hearings held have increased slightly.

### *Dangerousness Hearings by Offense Severity & Type*

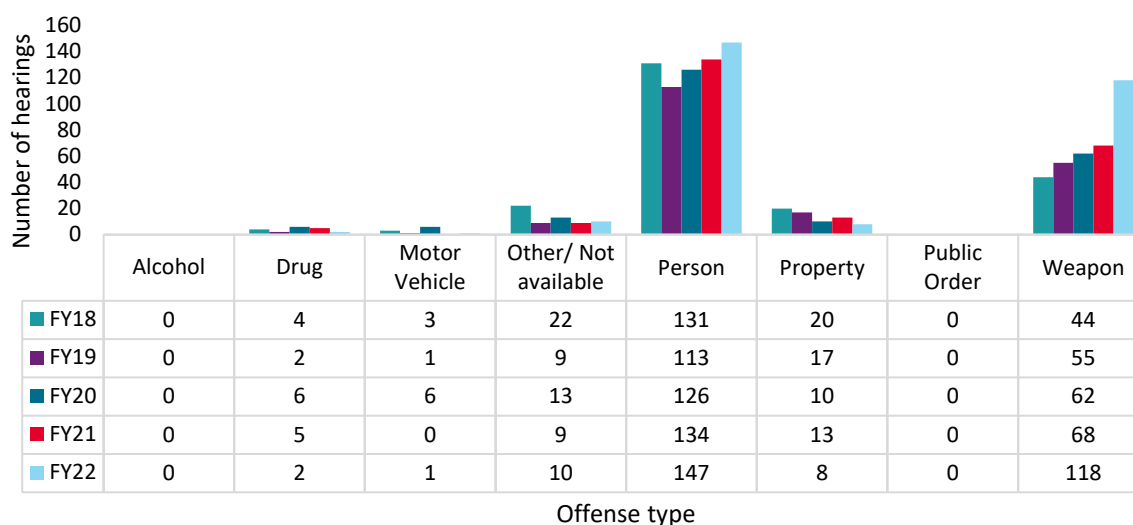
In FY22, 97% (n=223) of all dangerousness hearings were for youth charged with *felony* offenses.<sup>107</sup> This is consistent with rates across the past five fiscal years.

In FY22, 93% (n=265) of hearings conducted were for cases with underlying *person* or *weapon* offenses.

<sup>106</sup> If neither nonfinancial conditions nor an amount the defendant can afford will adequately assure defendant's appearance, the judge may set bail at a higher amount, but no higher than necessary to ensure the defendant's appearance. *Brangan v. Commonwealth*, 477 Mass. 691 (2017).

<sup>107</sup> Cases may contain more than one charge. The data presented in this section reports the first charge that is listed on the case associated with each hearing.

**Figure 42:**  
*Dangerousness hearings by offense type (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard>

### Pretrial Detention

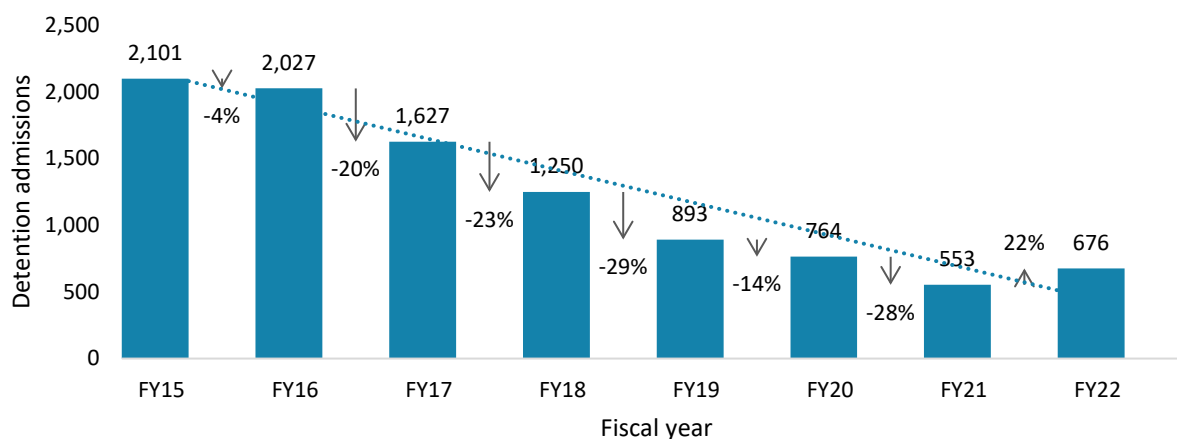
A youth can be committed to the physical care (commonly referred to as “detained youth”) of DYS for the following reasons:

- If a judge finds no conditions of release will reasonably assure the safety of any person(s) or the community to release the youth pretrial as the result of a 58A (“Dangerousness”) Hearing
- If they are unable to make the cash bail and condition(s) of release that has been set for them (e.g., release to a parent only, release to DCF only)
- If their bail or personal recognizance was revoked after previously being released from detention
- As a result of a probation violation hearing

There were 676 detention admissions in FY22, a 22% increase from FY21. However, the number of detention admissions is still down 24% from pre-pandemic levels (FY19), and 46% down from FY18, prior to the passage of the CJRA.

Of the 658 pretrial detention releases in FY22, 16% (n=108) of youth detained were later committed to DYS’ custody after a delinquent adjudication, while 84%, (n=550) were either not committed to the Department or were still awaiting trial.

**Figure 43:**  
*Detention admissions (FY15-FY22)*



Source: Data provided to the OCA by the Department of Youth Services

On average, youth had spent 63.3 days in pretrial detention at the time of their release, which was half a day longer than last year (average length of time in FY21 was 62.8 days). Some youth spent one day in pretrial detention before posting bail, while other youth spent much longer awaiting their trials. In FY22, the number of days youth were detained ranged from one day to 771 days.

The following groups had longer than average lengths of stay (Table 12): youth with DCF involvement at the time they were detained, boys, Latino youth, Black youth, youth alleged to have committed more serious offenses, youth alleged of having committed *person* offenses and youth alleged of committing *weapon* offenses.<sup>108</sup>

**Table 12: Length of stay data by population**

Measure (Days)	FY22 Detention Releases (All Youth) (n=658)	Certain sub-populations of detention admissions						
		DCF Involvement <sup>109</sup> (n=337)	Boys (n=551)	Hispanic/Latino (n=283)	Black/African American (n=234)	Person (n=343)	Weapons (n=150)	High grid (n=301)
Mean LOS	63.3	69.3	68.2	66.8	66.2	69.5	73.8	86.6
Median LOS	32.0	43.0	35.0	35.0	35.0	34.0	43.0	43.0
Data provided by the OCA by the Department of Youth Services								

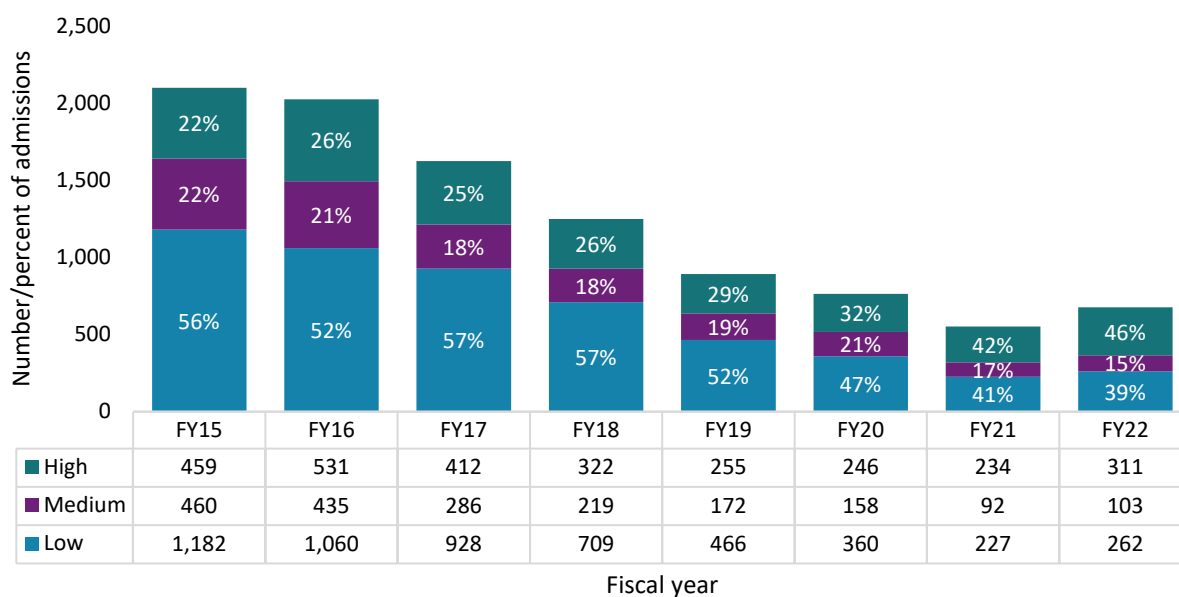
<sup>108</sup> For length of stay data, see Appendix I.

<sup>109</sup> DCF involvement is counted as youth who had DCF involvement at the time of their DYS detention admission. There were 337 youth released in FY22 who had DCF involvement at the time of their detention admission.

### Pretrial Detention by Offense Severity & Type

Between FY21 and FY22, there was an increase in detention admissions across all offense severity levels, but the largest increase (33%) was for admissions with a *high* severity (grid levels 4-7) offense level.<sup>110</sup>

**Figure 44:**  
*Pretrial detention admissions by offense severity (FY15-FY22)*



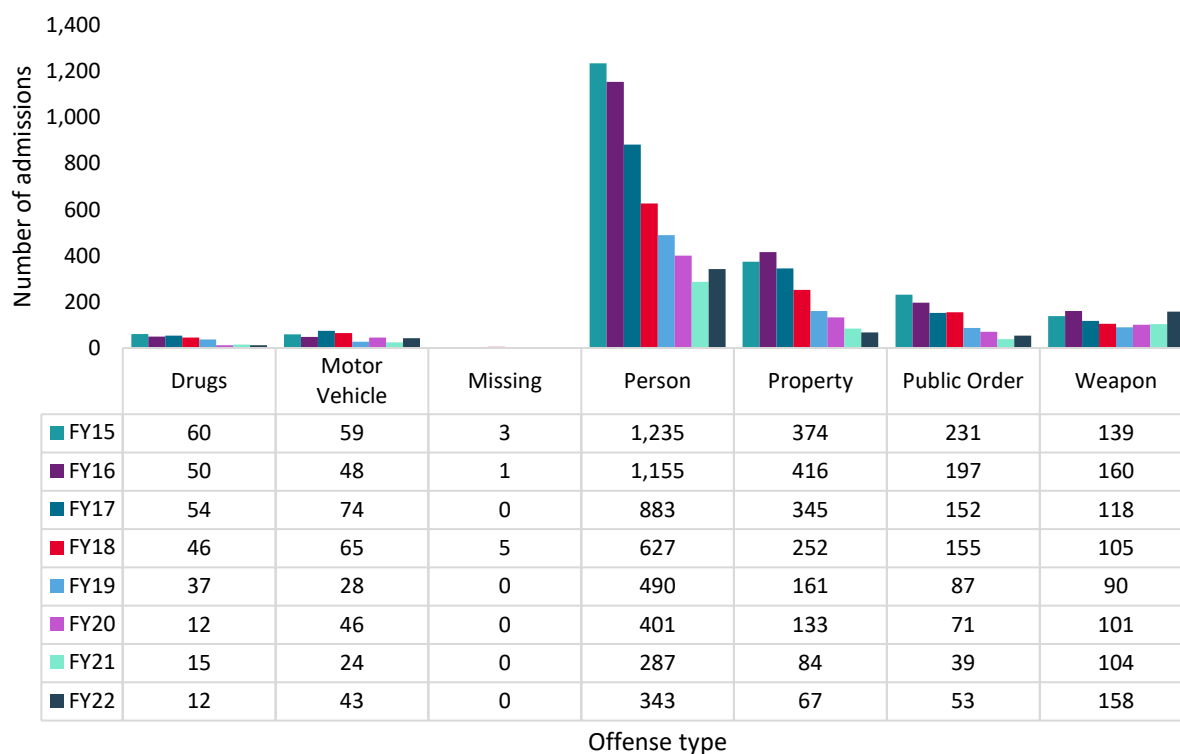
Source: Data provided to the OCA by the Department of Youth Services (DYS). *DYS measures offense severity by a numerical (1-7) "grid level." Grid levels 1-2 are categorized as low, grid level 3= medium and grid levels 4-7 = high.*

Pretrial detention admissions increased across all offense types between FY21 and FY22 except for property offenses and drug offenses, each of which declined by 20%.

<sup>110</sup> *DYS offense severity and type data is reported based on the most serious offense listed on a youth's case.*



**Figure 45:**  
*Pretrial detention admissions by offense type (FY15-FY22)*



Source: Data provided to the OCA by the Department of Youth Services

### *Characteristics of Detained Youth at Admission*

This year, DYS reported data to the Board that detailed some of the needs of youth admitted to pretrial detention. This included data regarding any history of sexual and/or physical abuse, and any mental health and educational needs.

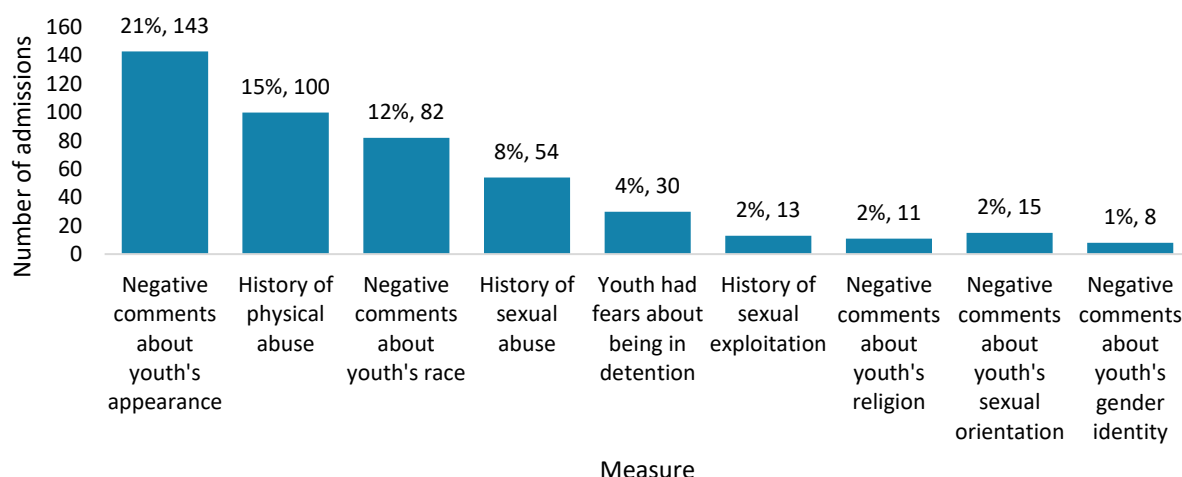
As a result of federal legislation, youth admitted to detention answer a series of questions related to any history of physical and/or sexual abuse, as well as other measures regarding if youth had ever heard other individuals make negative comments about the youth's appearance, race, sexual orientation, gender identity or religion.<sup>111</sup> DYS has also added a question to their intake to capture whether a youth has experienced commercial sexual exploitation.

Of the 676 detention admissions:

<sup>111</sup> [Executive Office of Public Safety and Security](https://www.mass.gov/service-details/the-prison-rape-elimination-act-prea-of-2003#:~:text=PREA%20applies%20to%20all%20federal,%2C%20and%20police%20lock%20dups.). (n.d.). The Prison Rape Elimination Act (PREA) of 2003. <https://www.mass.gov/service-details/the-prison-rape-elimination-act-prea-of-2003#:~:text=PREA%20applies%20to%20all%20federal,%2C%20and%20police%20lock%20dups.> ; For a list of PREA questions, see Appendix F.

- 38% (n=259) were for youth who reported having heard negative comments regarding their appearance, race, religion, sexual orientation, or gender identity
- 25% (n=167) were for youth who reported having experienced physical or sexual abuse or who had been sexually exploited

**Figure 46:**  
*FY22 detention admissions PREA data (n=676)*



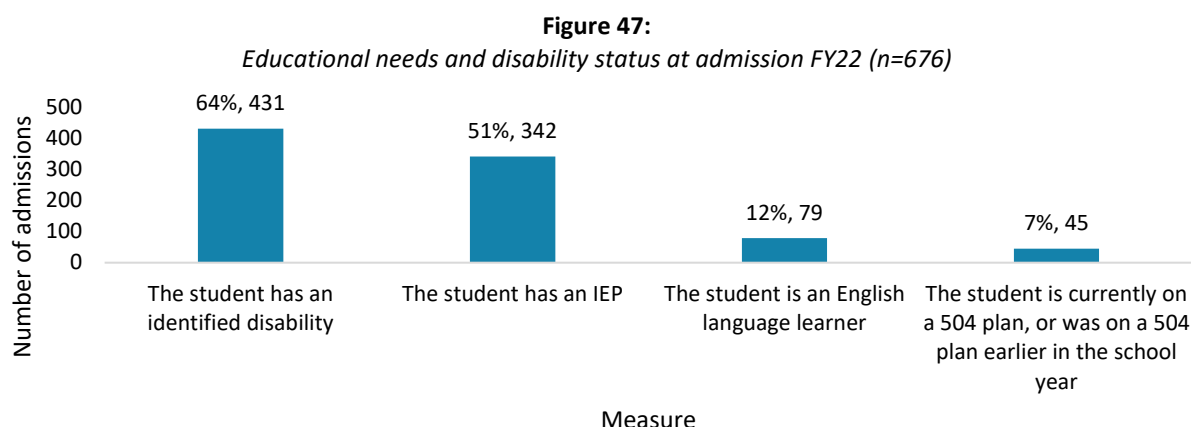
*Source: Data provided by the OCA by the Department of Youth Services*

On a weekly basis, DYS receives special education and disability-related information for the youth admitted to detention that week from the Department of Elementary and Secondary Education (DESE).<sup>112</sup>

For more than half (64%, n=431) of all detention admissions, youth had an identified disability (e.g., developmental, physical, intellectual), and 51% (n=342) had an individualized education plan (IEP).<sup>113</sup>

<sup>112</sup> DYS and DESE match data across agencies twice a week based on new detention admissions and first commitments. Local schools are only required to report data to DESE three times a year, and DYS receives the DESE data based on the last time the school reported to DESE.

<sup>113</sup> For a list of all disability data, see Appendix G.



*Source: Data provided to the OCA by the Department of Youth Services*

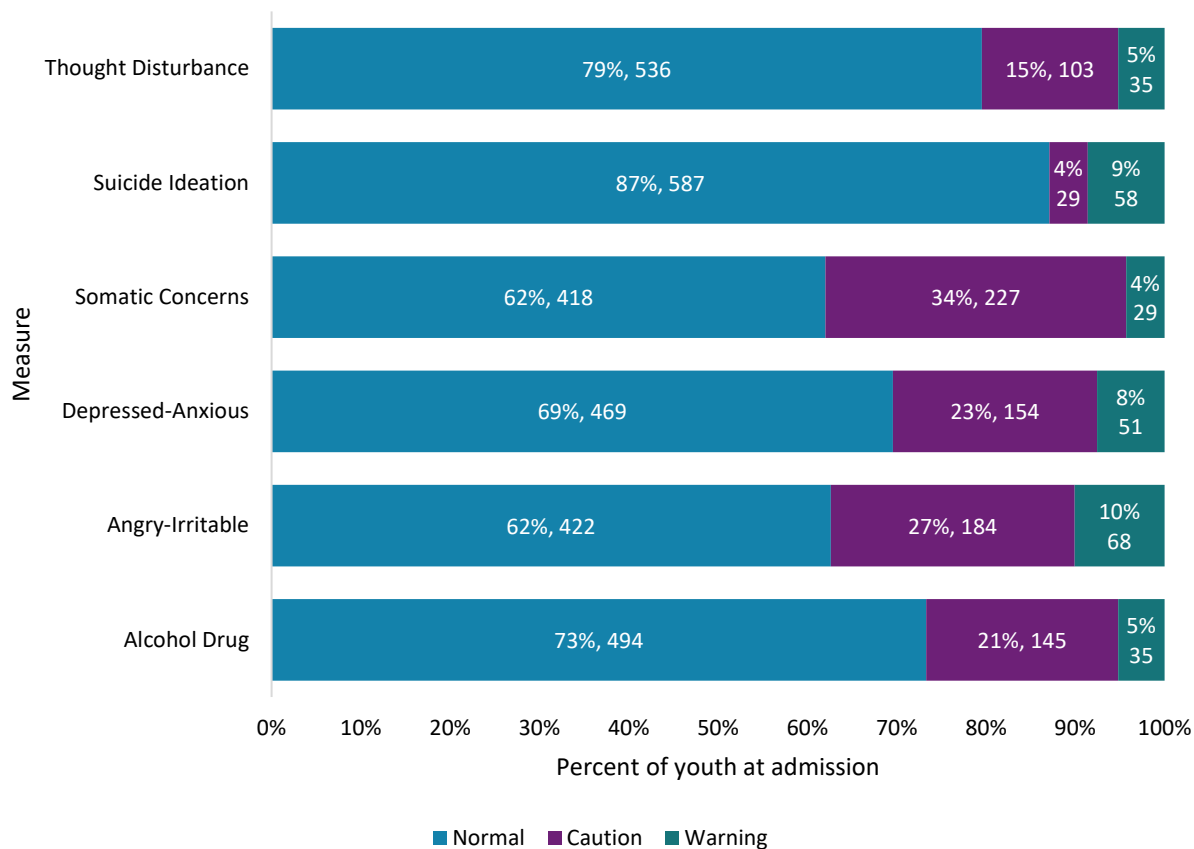
All youth receive a mental health screening upon first entering a DYS facility using the MAYSI-2 (Massachusetts Youth Screening Instrument-Version 2) behavioral health screening, which was designed to assist juvenile justice facilities in identifying special mental health needs among 12-17 year-olds.<sup>114</sup> The MAYSI-2 screens for signs of depression, suicidal/self-harm ideation, substance use, psychosis, aggression, and PTSD. Depending on the score, DYS has multiple policies and procedures in place to ensure youth in their care and custody are safe and supported, including providing appropriate clinical services, monitoring for suicidality, and establishing necessary safety protocols.

Of the 676 detention admissions in FY22, the three most frequent commonly occurring symptoms included:

- 38% (n=252) of youth admitted had “caution” or “warning” levels of somatic concerns
- 38% (n=252) of youth admitted had “caution” or “warning” levels of feeling angry or irritable
- 30% (n=205) of youth admitted had “caution” or “warning” levels of feeling depressed or anxious

<sup>114</sup> Kathleen, L. (2014). *MAYSI-2 Administration and Referral Protocol Template Instructions*. Spark Public Policy Institute.

**Figure 48:**  
*FY22 detention admissions MAYSI scores (n=676)*

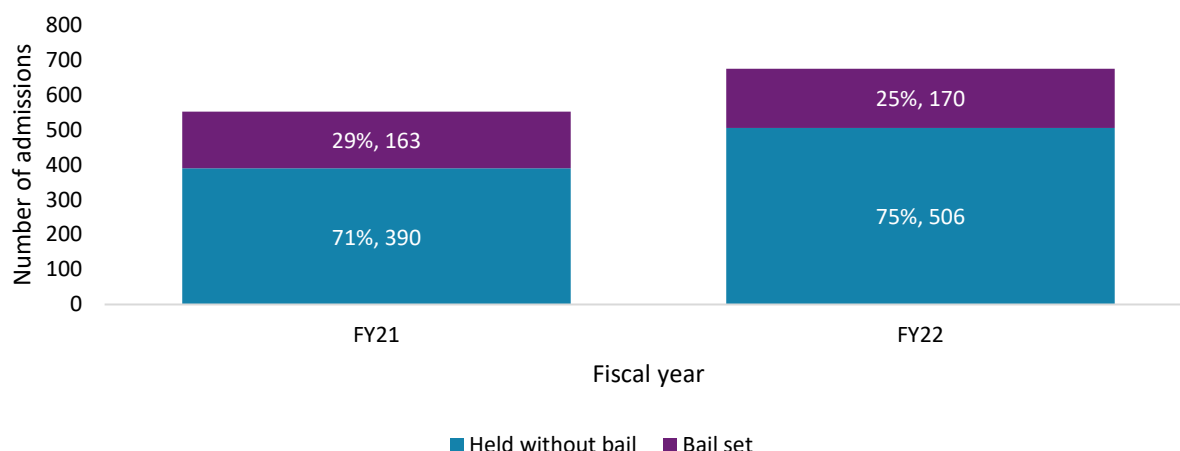


Source: Data provided to the OCA by the Department of Youth Services

#### *Detention Admissions by Reason Held*

The increase in pretrial detention admissions from FY21 to FY22 was driven by an increase in admissions for youth held without bail (30% increase). In FY22, 75% (n=506) of pretrial detention admissions were for youth held without bail.

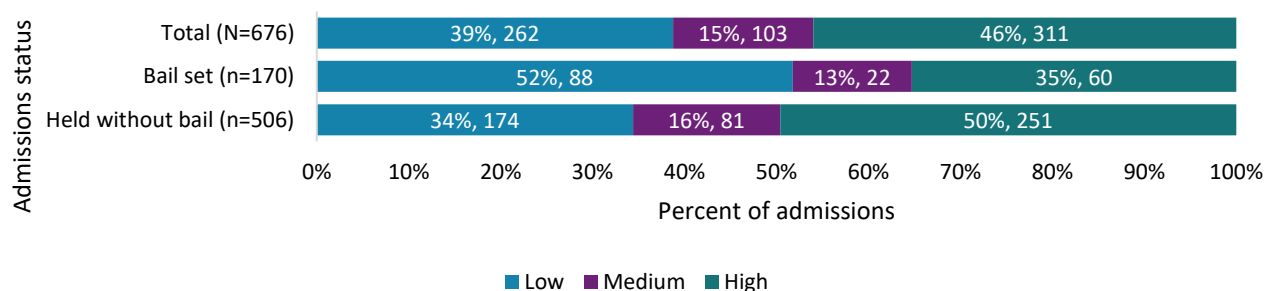
**Figure 49:**  
*Pretrial detention admissions by status (FY21-FY22)*



Source: Data provided to the OCA by the Department of Youth Services

Youth admitted on a lower severity offense had bail set more frequently than those with a higher severity level offense. This may be because these youth are more likely to be detained as the result of a dangerousness hearing rather than having bail set. In over half of all detention admissions in which youth had bail set, the underlying offense was a lower-severity offense.

**Figure 50:**  
*Detention admissions status by offense severity (FY22)*



Source: Data provided to the OCA by the Department of Youth Services (DYS). *DYS measures offense severity by a numerical (1-7) "grid level." Grid levels 1-2 are categorized as low, grid level 3 as medium and grid levels 4-7 as high.*

Eighty-five percent (n=55) of all detention admissions for *public order* and *drug* offense types were for youth held without bail.<sup>115</sup>

Table 13: Detention admissions status by offense type		
MSO Offense Type	Held without bail	Bail set
Person	74%	26%
Weapon	73%	27%
Property	73%	27%
Public Order & Drugs	85%	15%
Motor Vehicle	74%	26%
Total	75%	25%
Source: Data provided to the OCA by the Department of Youth Services		

### Use of Bail

As detailed above, a judge determines whether a youth is a risk of failing to appear for their next court date, and, if so, may set a monetary bail and/or other pretrial release conditions to assure a youth's appearance in court.<sup>116</sup> Judges must consider the youth's financial resources if they set bail.<sup>117</sup> If the youth is unable to make cash bail and meet other pretrial release conditions for any reason, they are held in pretrial detention.

In FY22, 25% (n=170) of pretrial detention admissions were for youth with bail set. Of the 170 detention admissions for which bail was set, 21% (n=35) had bail set under \$50 and 31% (n=53) had bail set between \$1,000 and \$10,000. Figure 51 shows detention admissions data broken down by the monetary bail amounts set for youth held in pretrial detention on bail.<sup>118</sup>

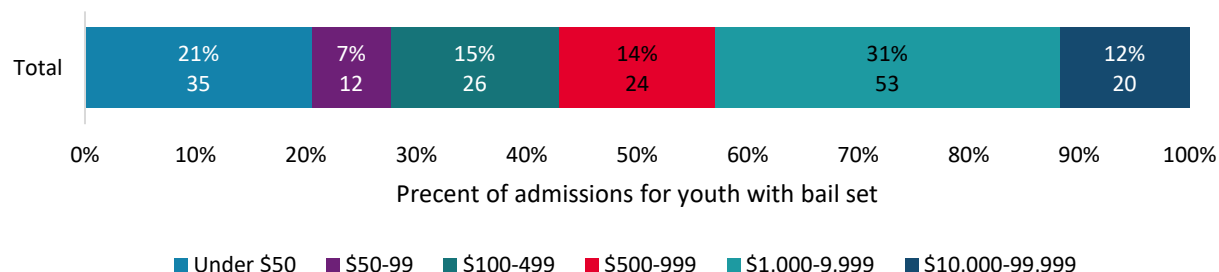
<sup>115</sup> Public order and drug offenses were combined due to low numbers of youth to protect youth's confidentiality.

<sup>116</sup> *Querubin v. Commonwealth*, 440 Mass. 108, 113 (2003). *Commonwealth v. Pagan*, 445 Mass. 315 (2005). [M.G.L Chapter 276 §58](#).

<sup>117</sup> If neither nonfinancial conditions nor an amount the defendant can afford will adequately assure defendant's appearance, the judge may set bail at a higher amount, but no higher than necessary to ensure the defendant's appearance. *Brangan v. Commonwealth*, 477 Mass. 691 (2017).

<sup>118</sup> Reported bail amounts are based on the amount set for the youth's most serious alleged offense.

**Figure 51:**  
*Bail amounts for detention admissions for youth held on bail (FY22)*



*Source: Data provided to the OCA by the Department of Youth Services*

Further, 81% (n=38) of the admissions for youth with bail set under \$100 were for youth alleged of *lower* severity offenses. Research shows that most youth show up to court, and many youth (or their families) cannot afford even a relatively small bail, which means they must remain in a locked facility away from their schools and communities until trial or until they are able to raise the money to pay the bail.<sup>119</sup>

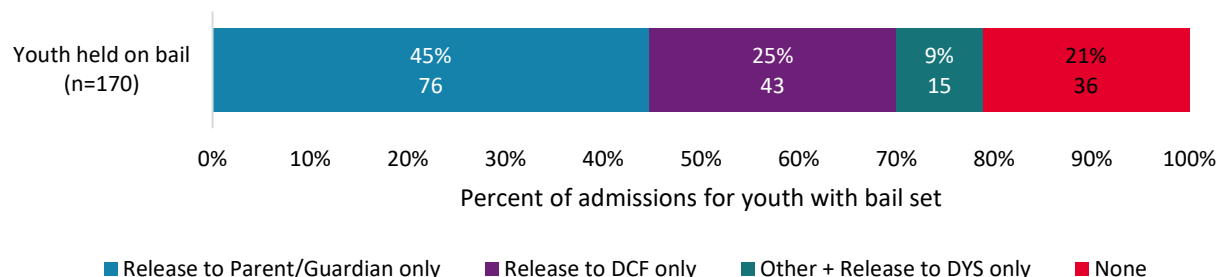
Figure 52 highlights other pretrial release stipulations, in addition to cash bail, that were set to ensure a youth's appearance in court.<sup>120</sup> Some youth may have high cash bail with no other stipulation, while other youth may have a low cash bail amount but numerous bail stipulations. It is important to note that a youth can have more than one pretrial condition of release, or "bail stipulation." Bail stipulations are reported to DYS by the Juvenile Court when youth are admitted to detention. DYS reports on the stipulation set for the youth's most serious alleged offenses.

In FY22, 45% (n=76) of admissions to pretrial detention for youth held on bail were for youth with the stipulation to be released to a parent/guardian only. Twenty-five percent (n=43) of admissions for youth held on bail were for youth with a stipulation to only be released to the Department of Children and Families (DCF).

<sup>119</sup> Research conducted by the Massachusetts Trial Courts shows *most* individuals show up to court (87% appeared and 12% failed to appear): <https://www.mass.gov/doc/massachusetts-trial-court-survey-of-pretrial-statistics-in-criminal-cases-fy2019/download>

<sup>120</sup> "Release to parent/guardian only" includes stipulations to "release to parent/guardian only," "release to father only," and "release to mother only." "Other" conditions of release examples include electronic monitoring and certain stipulations regarding how to pay for bail.

**Figure 52:**  
*Bail stipulations for detention admissions for youth held on bail (FY22)*



*Source: Data provided to the OCA by the Department of Youth Services*

Of the 25% of youth held in pretrial detention with a bail stipulation to be released to DCF only, 60% (n=26) were alleged to have committed lower-level offenses. Similarly, 64% (n=49) of youth with a bail stipulation to be released to a parent/guardian only were held pretrial for an alleged lower-level offense.

While the number of pretrial detention admissions have declined since FY18, the data above suggests that more youth who are detained on cash bail could likely be supervised in the community instead of detained pretrial. Specifically, youth with low cash bail amounts (less than \$100), youth who are detained on allegations of lower-level offenses, and/or youth whose only bail stipulation is to be released to their parent/guardian/DCF represent a significant number of admissions that could potentially be diverted away from detention.

#### *Youth Held in Detention without Bail*

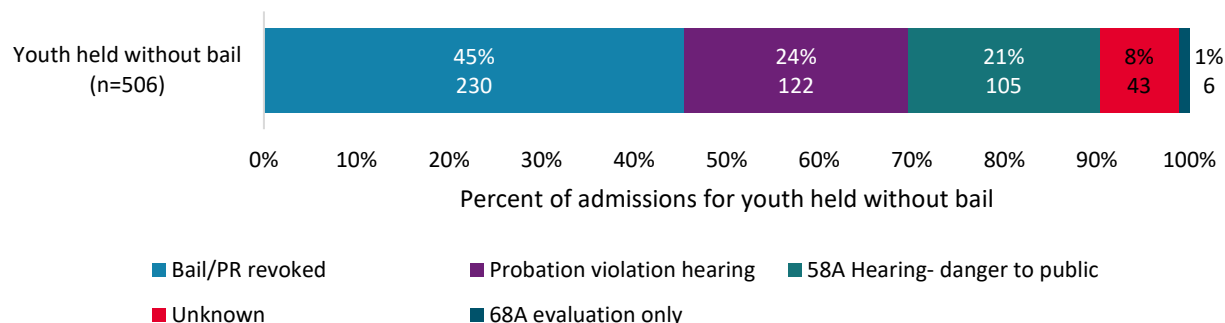
In FY22, most detention admissions were for youth held without bail (75%, n=506). Youth can be held without bail for several reasons, including because of a dangerousness hearing (as highlighted above) or probation violation hearing,<sup>121</sup> or if bail or personal recognizance was revoked.

In FY22, 45% (n=230) of admissions for youth held in pretrial detention without the opportunity for bail were due to previously posted bail or personal recognizance being revoked if pretrial conditions were violated. Twenty-four percent (n=122) of admissions to DYS for youth held without bail were a result of a violation of probation hearing, which are conducted as a result of a youth being arrested for a new alleged offense or for violating a condition of their pretrial probation. Data regarding the pretrial conditions that youth violate is not publicly reported.

<sup>121</sup> Data includes both pretrial violation hearings and post-disposition probation violations. Youth can be held in detention pending a violation probation hearing or as the result of a violation of their pretrial conditions of release.



**Figure 53:**  
*Reasons why youth are held without bail (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

Of the 506 detention admissions for youth held without bail, 22% (n=110) were for youth who were alleged to have committed lower-level offenses and whose bail or personal recognizance was revoked.

Table 14: Reasons why youth are held without bail by offense severity (FY22)						
Offense Severity	Bail/PR Revoked	Probation Violation Hearing	58A - Danger to Public	Unknown	68A Evaluation <sup>122</sup>	Total
Low	110	42	<5	16	<5	174
Medium	40	22	**	<5	<5	81
High	80	58	88	24	<5	251
Total	230	122	105	43	6	506
**Secondary cell suppression in order to protect youth confidentiality and to not calculate the primary suppressed cells of <5. Source: Data provided to the OCA by the Department of Youth Services						

<sup>122</sup> [MGL c. 119 § 68A](#)

### Youth Detained Pre-trial: Placement Settings as of June 30, 2022

Detention admissions data reflect youth who may have been admitted to detention more than once throughout the fiscal year. To understand the different types of facilities youth are detained in, the Board also examines point-in-time or “snapshot” data. The data takeaways presented in this text box reflect the youth who were in the custody of DYS on June 30, 2022. **On that date, there were 136 youth detained at DYS.**

- Of the 136 youth detained on this day, 71% (n=97) were detained in a hardware secure facility and 27% (n=37) were detained in a staff secure setting.
- On average, youth in detention on 6/30/22 had spent 56.5 days detained. The median length of time spent in detention for youth detained on this day was 34.0 days.

\* Placement type is determined by the youth’s risk level and offense type.

Source: Research Department, Department of Youth Services

## Dispositions and Sanctions

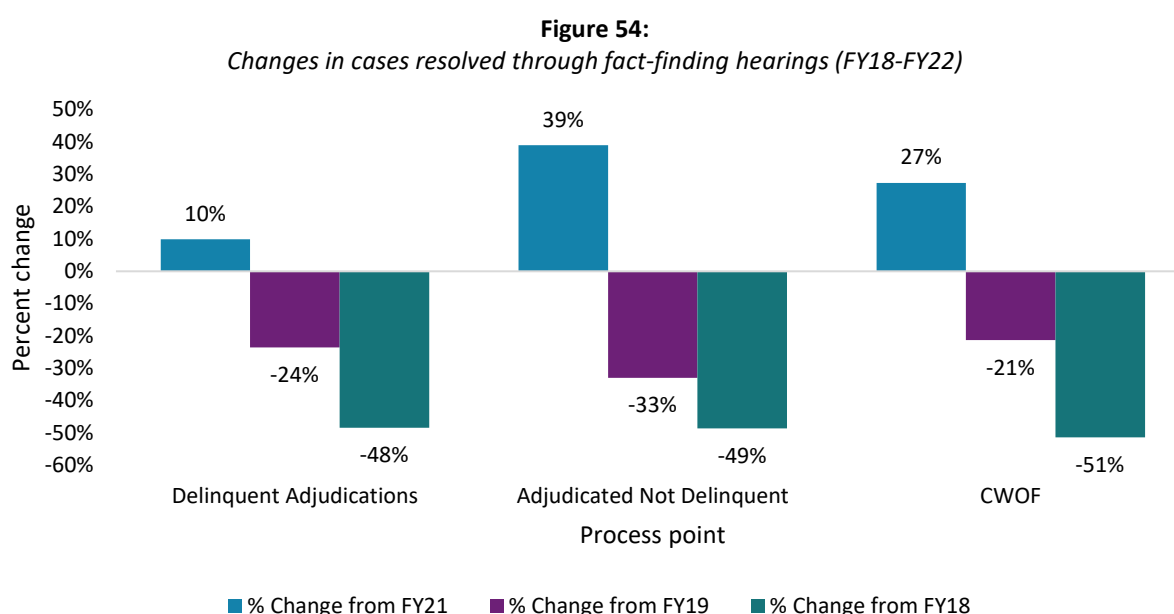
There are a few different options (“dispositions”) for how to resolve a case after a youth is arraigned in court. The data in this section reports the *initial disposition* on a case, not the *final disposition*.

1. The case can be dismissed due to a number of procedural or legal reasons (e.g., lack of sufficient evidence).
2. The case can be resolved at a “fact-finding” hearing through three means:
  - a. As part of a “plea” for youth, which may result in a case resolution called “continuance without a finding.” (A youth may also plea to a delinquent adjudication). A CWOFF determination comes before an adjudication and means a case is continued without entering a formal adjudication into the youth’s record. For there to be a CWOFF determination, a youth must give up their right to trial and admit there are sufficient facts to merit a finding of delinquency, but in exchange, the court agrees to continue the case without a finding for a set period of time. The case can be dismissed if the youth meets all of their conditions of probation. If the youth does not meet their conditions of probation, the case may be brought back to court and a finding of delinquency may be entered and the youth may face additional consequences up to commitment to the Department of Youth Services. The youth will not have a record of a delinquent adjudication if they successfully comply with the terms of the CWOFF, although the fact that they were arraigned and the case was Continued Without a Finding *will* appear on their record, along with an entry that the case was dismissed.
  - b. The youth can go to trial before a judge or a jury and be adjudicated not delinquent (equivalent to “not guilty” in the adult system)
  - c. The youth can go to trial before a judge or a jury and be adjudicated delinquent (equivalent to “guilty” in the adult system).

- 1) If youth are adjudicated delinquent, they can receive one or a combination of the following sanctions: be placed on probation, be placed on a “suspended DYS commitment” which is supervised by probation, or be committed to DYS. Youth may also receive no sanction after being adjudicated delinquent.

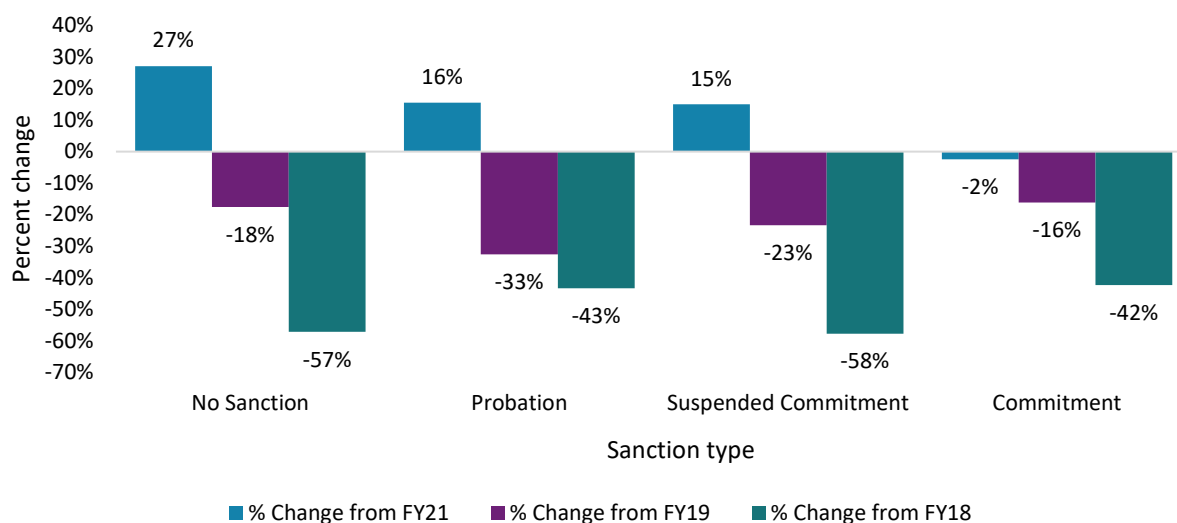
### Key Takeaways:

- Over the past year (from FY21 to FY22), there was an increase in the number of cases that were resolved as the result of a plea or trial (leading to a finding of delinquent, not delinquent or a CWO), but compared to pre-pandemic levels, the number of cases at the deeper end of the system have gone down substantially. Numbers are down compared to the year prior to the CJRA implementation as well.
- The increase in cases resolved post-arraignment was largely due to a slight increase in the number of felonies resolved through a CWO, as well as an increase in the number of misdemeanors adjudicated delinquent, which ultimately drove an increase in the number of probation sanctions for youth.



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

**Figure 55:**  
*Changes in sanctions (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

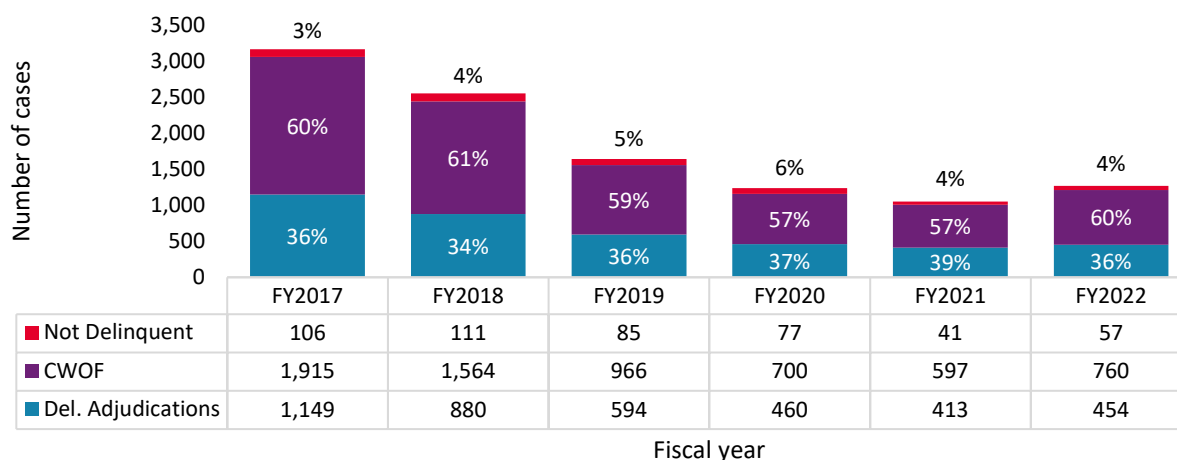
## Fact-finding Dispositions

If a case resolves as a result of a plea being accepted or a completed trial, it results in what is called a “fact-finding disposition.” In FY22, there were 1,271 cases resolved by a fact-finding disposition, 21% more than the previous year.<sup>123</sup> However, the number of fact-finding dispositions is still down 23% from pre-pandemic levels (FY19), and 50% down from FY18, prior to the passage of the CJRA. In FY22:

- 60% (n=760) of cases were continued without a finding
- 36% (n=454) of cases were adjudicated delinquent
- 4% (n=57) of cases were adjudicated not delinquent

<sup>123</sup> Counts reported here included all cases resolved by a CWO, cases adjudicated delinquent, and cases adjudicated not delinquent. Youthful offender cases are not reported by the Trial Court in the data.

**Figure 56:**  
*Fact-finding Dispositions by Finding (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

Still, most cases, even those that result in an arraignment, were resolved prior to plea or trial. In FY22, approximately 86% of applications for complaint, 77% of delinquency filings, and 59% of arraignments were resolved prior to plea or trial.<sup>124</sup>

The 21% increase in fact-finding dispositions was primarily driven by a 27% increase in the number of cases resolved by a CWO. While cases adjudicated not delinquent also increased at a higher rate, the increase represented just 16 additional cases in FY22 compared to FY21.

### *CWOs by Offense Severity & Type*

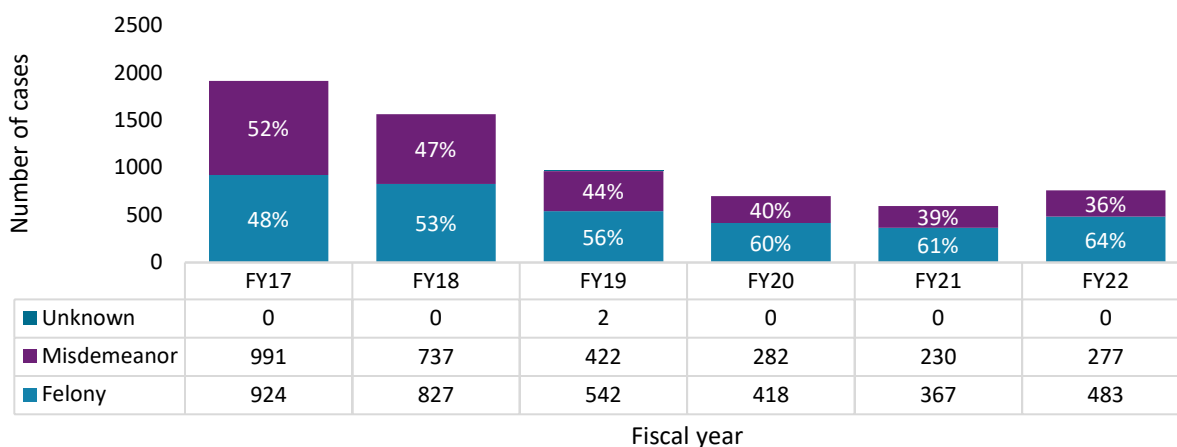
In FY22, 64% (n=483) of all cases resolved with a CWO were for cases with underlying *felony* charges. Most cases were for youth with underlying *person* (45%, n=342) or *property* (30%, n=231) charges.

Since FY21, CWO cases increased 32% for cases with underlying *felony* charges, and 20% for cases with underlying *misdemeanor* charges.<sup>125</sup>

<sup>124</sup> Percentage of arraignments, delinquency filings and applications for complaint resulting in a fact-finding hearing (CWO, adjudicated delinquent, adjudicated not delinquent) are estimates based on FY22 counts at each process point. The JJPAD Board cannot track specific cases from process point to process point, and in some cases, the counts for one process point may occur in another fiscal year. As a result, rates here are estimates.

<sup>125</sup> CWOs may contain more than one charge. The data presented in this section reports the first charge that is listed on the case.

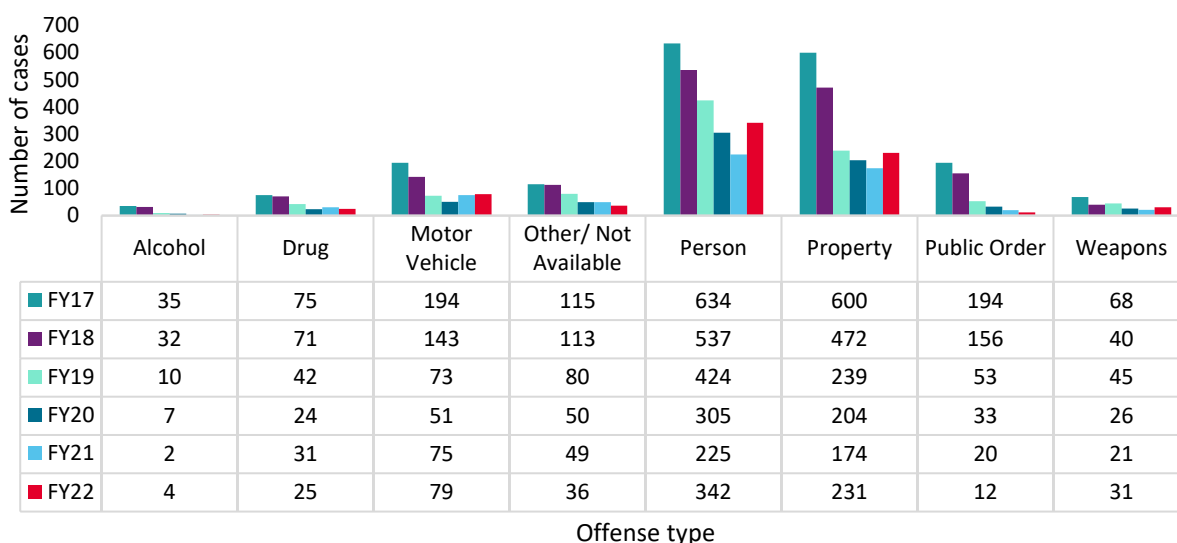
**Figure 57:**  
*CWOFs by offense severity (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

The number of cases resolved by a CWOF increased across offense types, except cases with underlying *public order* and *drug* offense types which decreased 40% and 19% respectively.

**Figure 58:**  
*CWOF by offense type (FY17-FY22)*

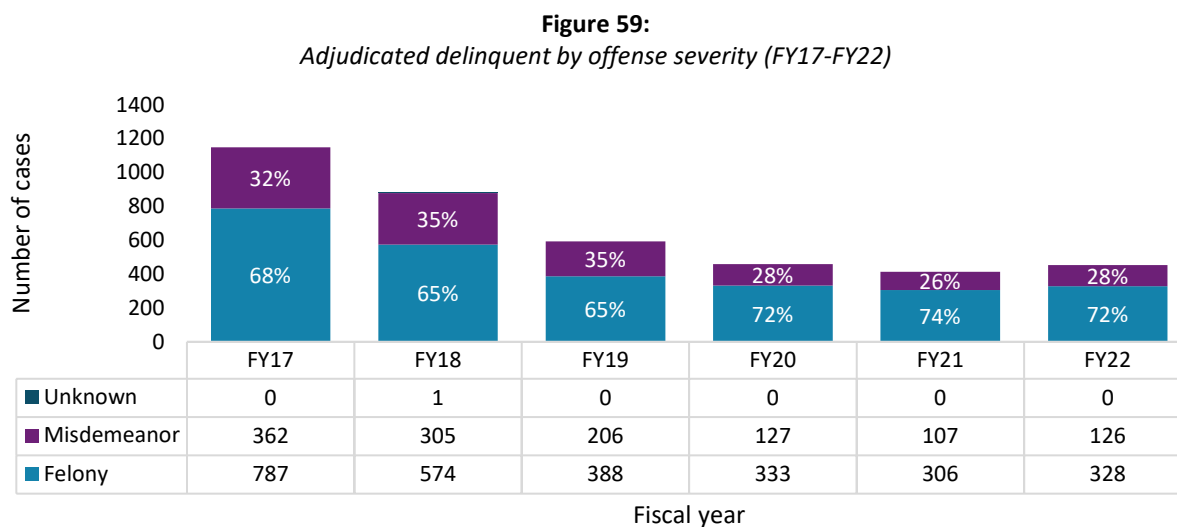


Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

### Adjudicated Delinquent by Offense Severity & Type

In FY22, 72% (n=328) of all cases adjudicated delinquent were for cases with underlying *felony* charges. Most cases were for youth with underlying *person* (36%, n=165) or *property* (27%, n=123) charges.

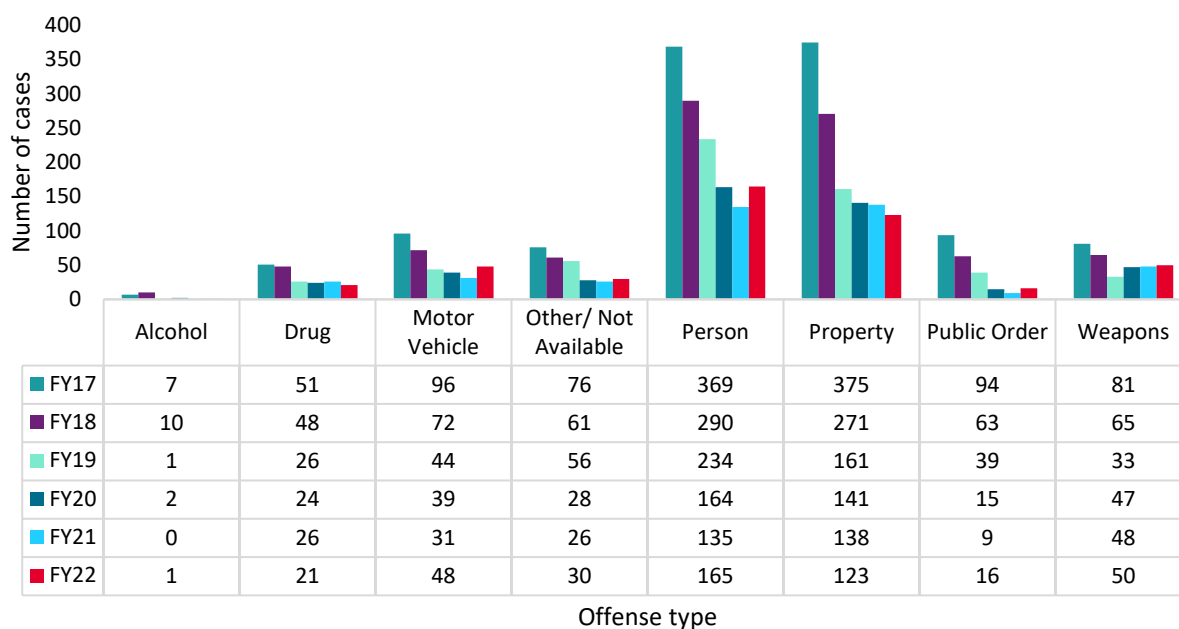
Since FY21, the number of cases adjudicated delinquent increased 18% for cases with underlying *misdemeanor* charges, and 7% for cases with underlying *felony* charges.



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

Between FY21 and FY22, the number of cases adjudicated delinquent increased across offense types, except cases with underlying *drug* offenses and underlying *property* offenses which decreased 19% and 11% respectively.

**Figure 60:**  
*Adjudicated delinquent by offense type (FY17-FY22)*



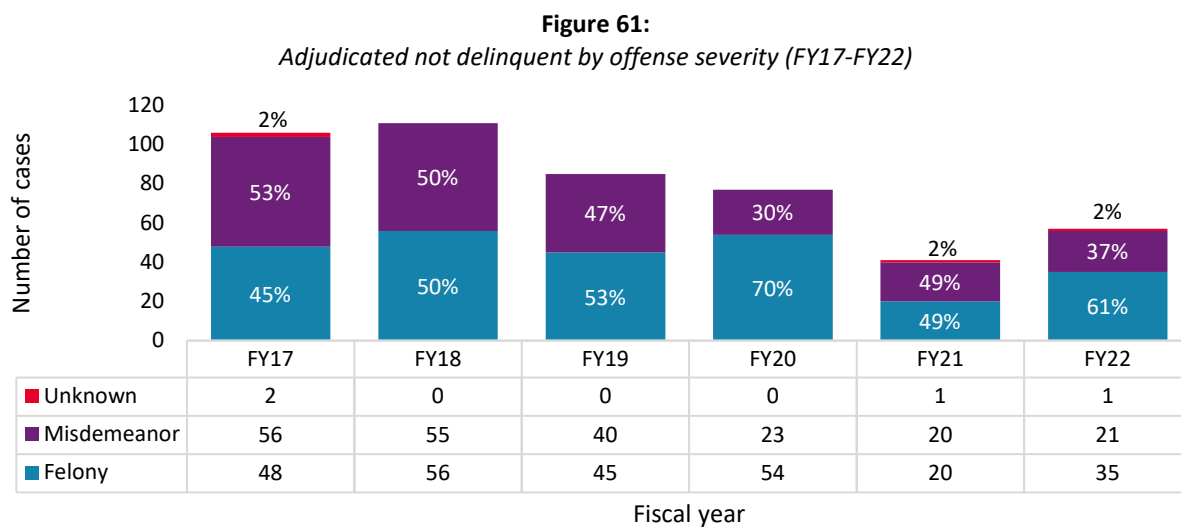
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

### *Adjudicated Not Delinquent by Offense Severity & Type*

In FY22, 61% (n=35) of all cases adjudicated not delinquent were for cases with underlying *felony* charges. Most cases were for youth with underlying *person* (40%, n=23) or *motor vehicle* (32%, n=18) charges.

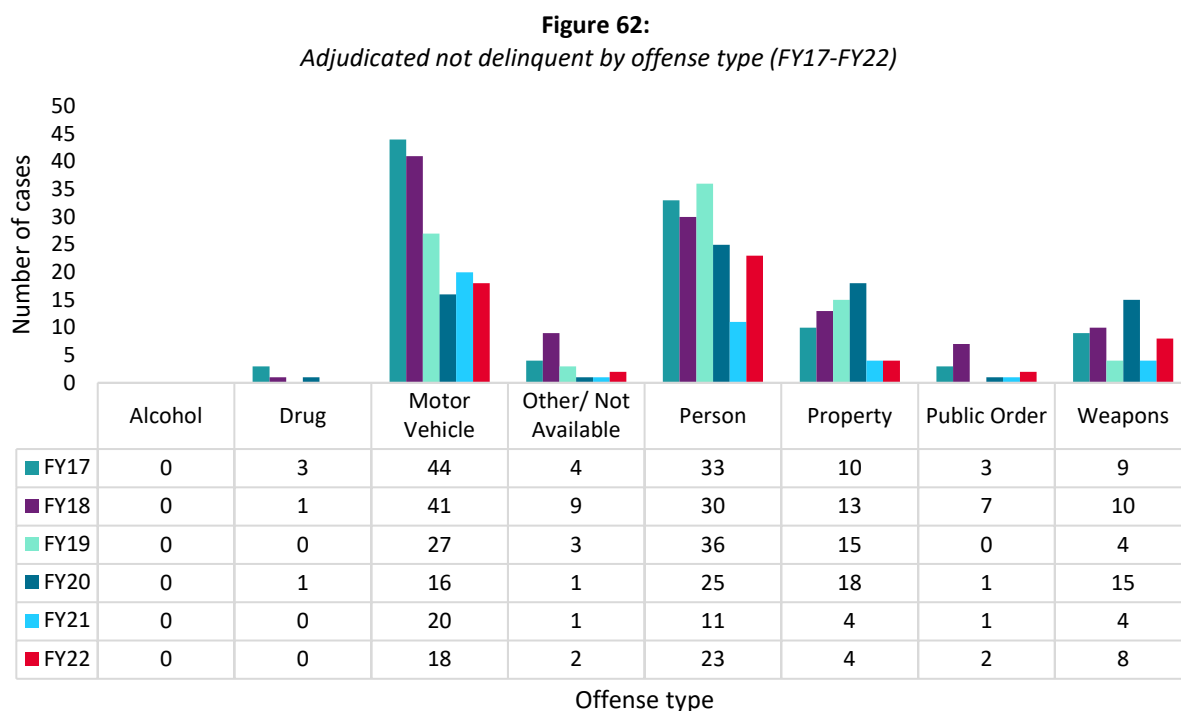
Since FY21, the number of cases adjudicated not delinquent increased 75% for cases with underlying *felony* charges (an additional 15 cases) and 5% for cases with underlying *misdemeanor* charges (one additional case).





Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

The number of cases adjudicated delinquent increased across offense types, except cases with underlying *motor vehicle* offenses which decreased 10% (two cases).

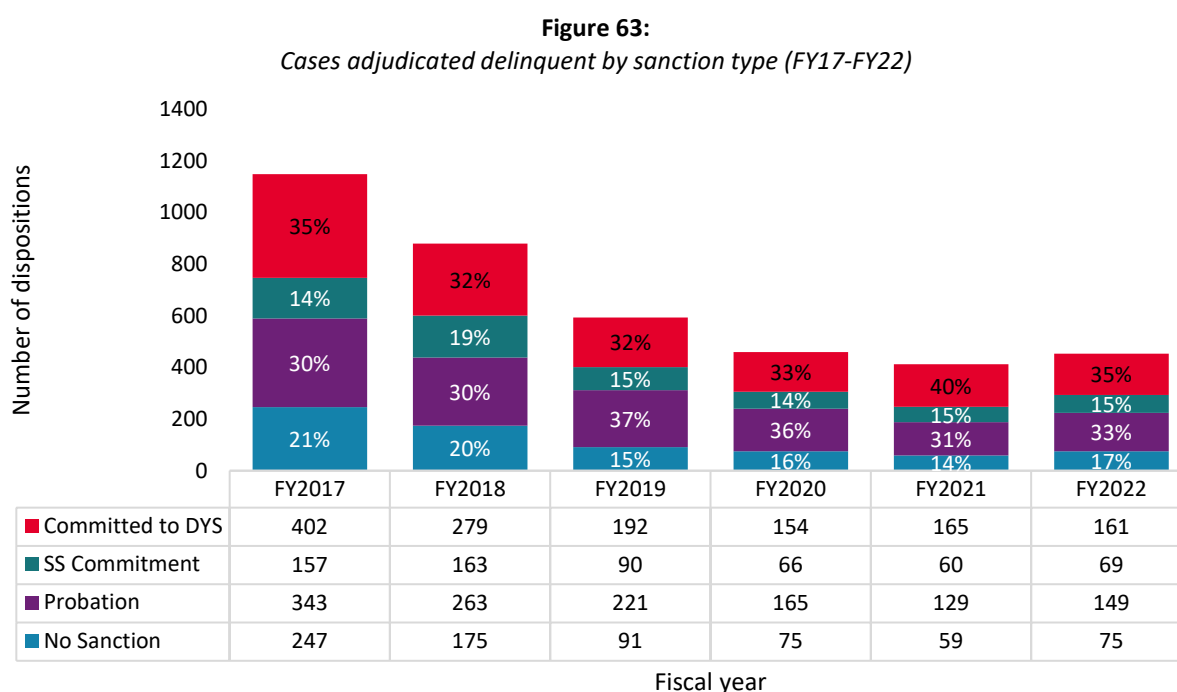


Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

## Sanctions

Sanctions can be described as the outcome of a case in which a youth has been adjudicated delinquent. In adult court, this is referred to as a "sentence." Common options for sanctions in Juvenile Court include placing the youth on probation for a period of time, committing a youth to the custody of the Department of Youth Services (DYS), giving the youth a suspended DYS commitment,<sup>126</sup> or imposing or suspending an adult sentence if the youth was adjudicated as a *youthful offender*.<sup>127</sup>

Of the 454 cases that were adjudicated delinquent in FY22, 35% (n=161) resulted in a *commitment* to DYS<sup>128</sup>, 33% (n=149) resulted in a sanction of *probation*, 15% (n=69) resulted in a *suspended DYS* commitment, and 17% (n=75) resulted in *no sanctions* for the youth.<sup>129</sup>



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

<sup>126</sup> During a suspended DYS delinquency commitment, the youth is placed on probation with the possibility of a DYS commitment. If the youth is found by a judge to have violated a condition of probation, the judge may commit the youth to DYS.

<sup>127</sup> Youthful offender disposition data is not currently available.

<sup>128</sup> Trial Court data is case-specific, not youth-specific. Youth previously committed to DYS can be committed to DYS again on subsequent cases.

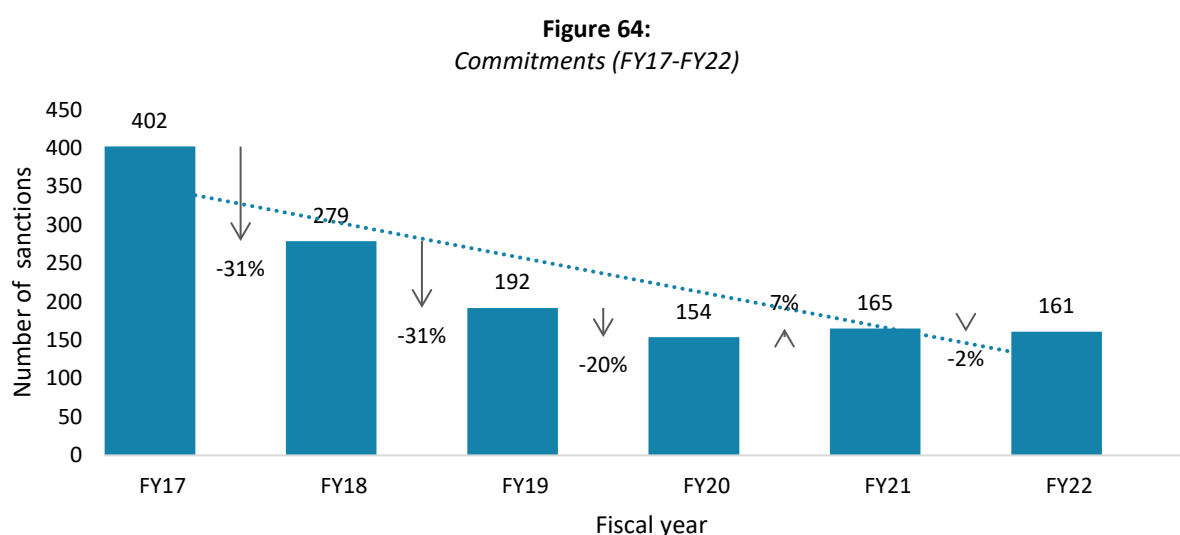
<sup>129</sup> Trial court sanctions data is reported by the most serious sanction imposed.

Probation sanctions increased the most between FY21 and FY22. While the percent change was larger for youth adjudicated delinquent with “no sanction,” the actual number of youth with “no sanction” is relatively small (n=75, 16 more than FY21).

## Commitments to the Department of Youth Services (DYS)

The most serious disposition a judge can enter when a youth is adjudicated delinquent is to commit a youth to the physical custody of DYS until their 18<sup>th</sup> birthday (or until their 19<sup>th</sup>, 20<sup>th</sup>, or 21<sup>st</sup> birthday in certain circumstances).<sup>130</sup>

In FY22, there were 161 adjudicated delinquent cases that resulted in a DYS commitment, a 2% decrease from FY21.



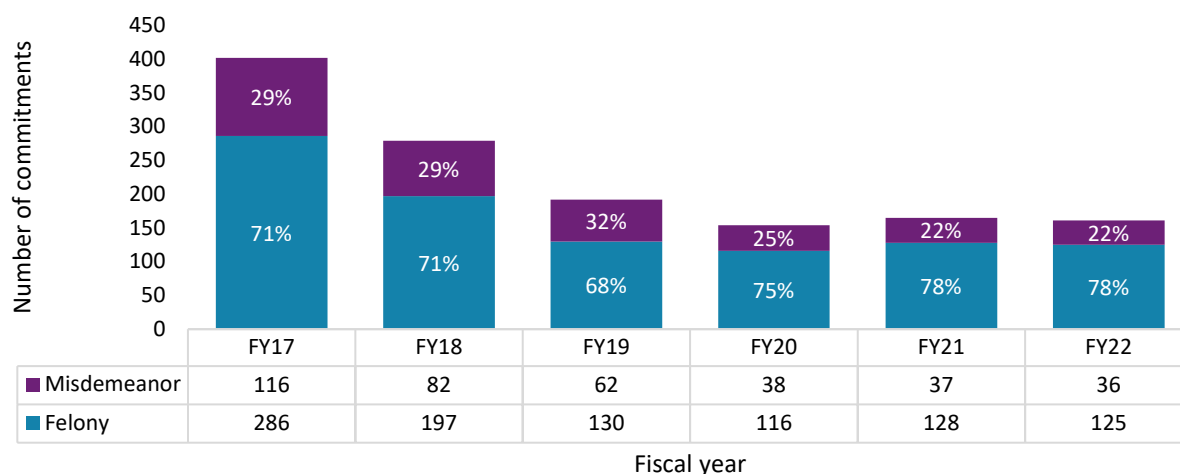
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

## Commitment Sanctions by Offense Severity & Type

In FY22, the majority (78%, n=125) of commitments to DYS were for youth adjudicated delinquent on *felony* offenses. Almost two-thirds of commitments (61%, n=98) were for youth with underlying *person* or *property* charges.

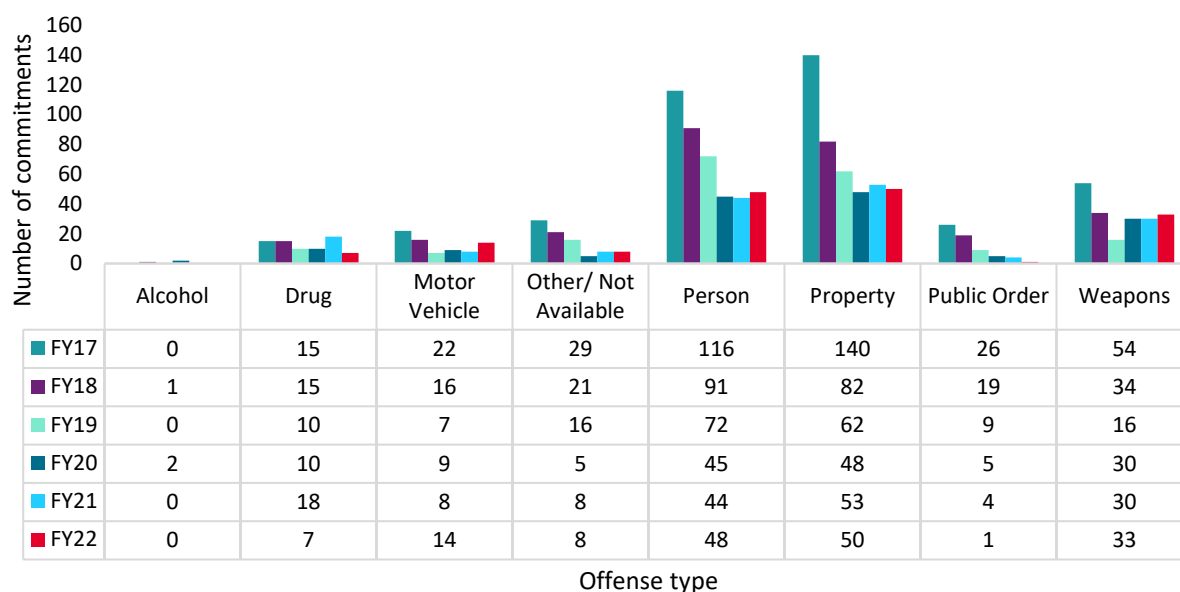
<sup>130</sup> Youth charged as a juvenile but whose cases are disposed after their 18<sup>th</sup> birthday can be committed to DYS until they are 19 or 20 years old. Youth with a youthful offender case can be committed to DYS until age 21. ([MGL c. 119 §58.](#)) While youth are committed to the physical custody of DYS, youth may live in the community or a DYS facility at different points throughout their commitment disposition.

**Figure 65:**  
*Commitments by offense severity (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

**Figure 66:**  
*Commitments by offense type (FY17-FY22)*



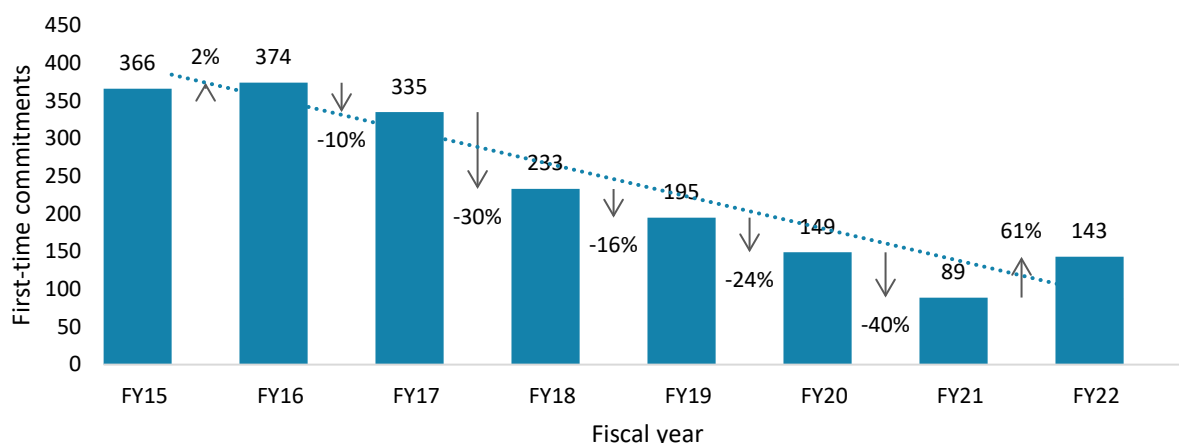
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

## First-time Commitments to DYS

“First-time commitments” data reflects the number of youth who have never previously been committed to DYS’ custody.<sup>131</sup>

In FY22, there were 143 first-time commitments to DYS. First-time commitments increased 61% between FY21 and FY22 (representing 54 youth), likely due to the delay in trials during the COVID-19 pandemic and the backlog of cases it created for the court to process.

**Figure 67:**  
*First-time commitments (FY15-FY22)*



Source: Data provided to the OCA by the Department of Youth Services

## Youth Characteristics at Commitment

This year, DYS reported data to the Board that detailed some of the needs of youth with first-time commitments. This included data regarding any history of sexual and/or physical abuse, and any mental health and educational needs.

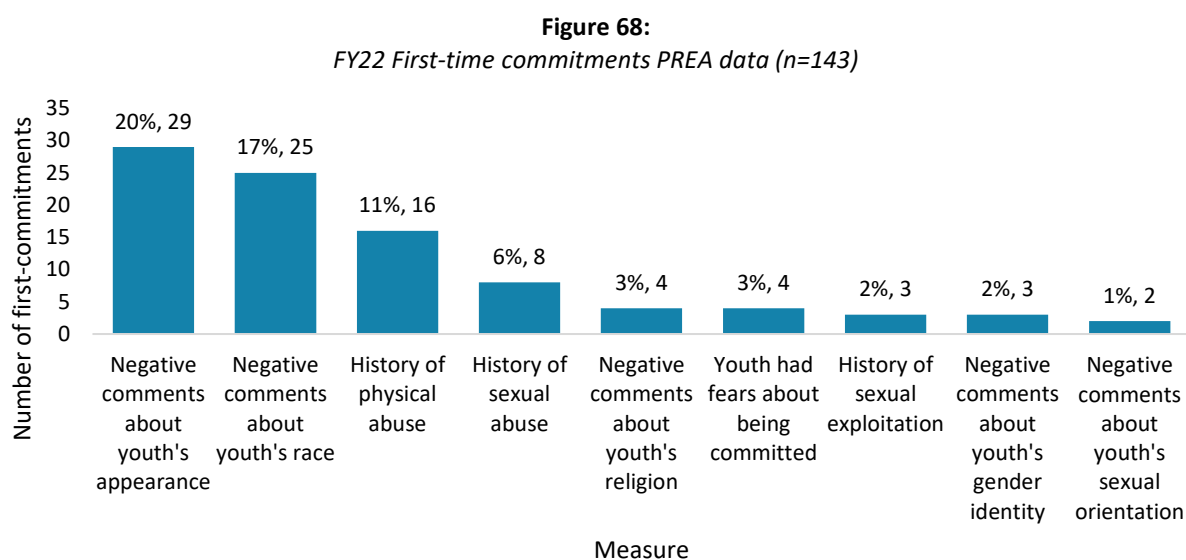
As a result of federal legislation, youth committed to a residential facility answer a series of questions related to any history of physical and/or sexual abuse, as well as other measures asking if youth have ever heard other people make negative comments made about their appearance, race, sexual orientation, gender identity or religion.<sup>132</sup> DYS has also added a question to their intake to capture whether a youth has experienced commercial sexual exploitation.

Of the 143 youth committed to DYS for the first time in FY22:

<sup>131</sup> First-time commitment data does not include youth who have been committed previously and are subsequently “recommitted” to DYS.

<sup>132</sup> <https://www.mass.gov/service-details/the-prison-rape-elimination-act-prea-of-2003#:~:text=PREA%20applies%20to%20all%20federal,%2C%20and%20police%20lock%20dups>. ; For a list of PREA questions, see Appendix F.

- 44% (n=63) were for youth who reported having heard negative comments regarding their appearance, race, religion, sexual orientation or gender identity,
- 19% (n=27) were for youth who reporting having experienced physical or sexual abuse or who had been sexually exploited.



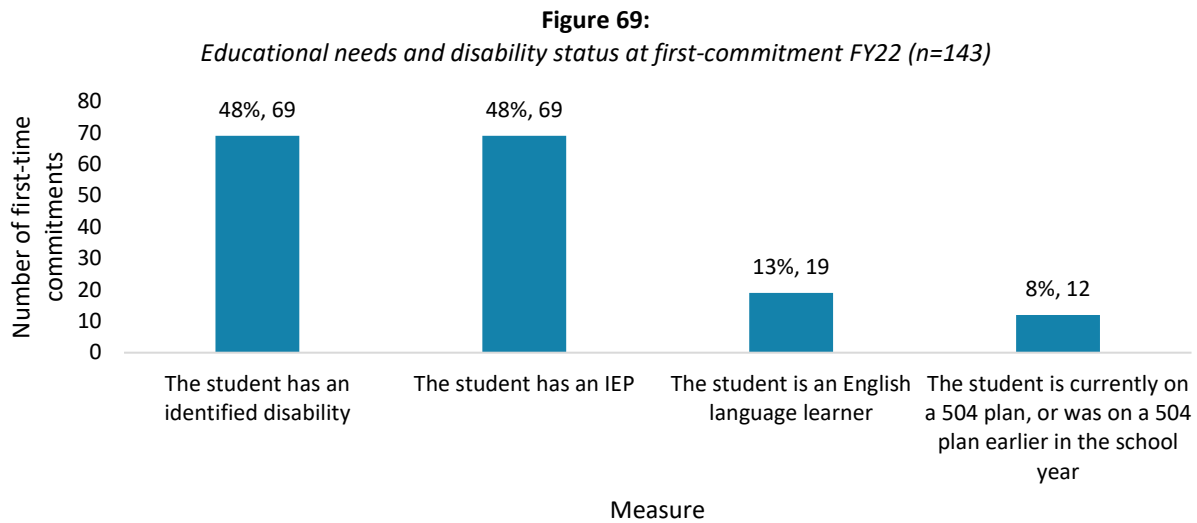
*Source: Data provided to the OCA by the Department of Youth Services*

On a weekly basis, DYS receives special education and disability-related information for the youth committed that week from the Department of Elementary and Secondary Education (DESE).<sup>133</sup>

About half (48%, n=69) of all youth with a first-time commitment to DYS had an identified disability (e.g., developmental, physical, intellectual), and 48% (n=69) of youth had an individualized education plan (IEP).<sup>134</sup>

<sup>133</sup> DYS and DESE match data across agencies twice a week based on new detention admissions and first commitments. Local schools are only required to report data to DESE three times a year, and DYS receives the DESE data based on the last time the school reported to DESE.

<sup>134</sup> For a list of all disability data, see Appendix G.



*Source: Data provided to the OCA by the Department of Youth Services*

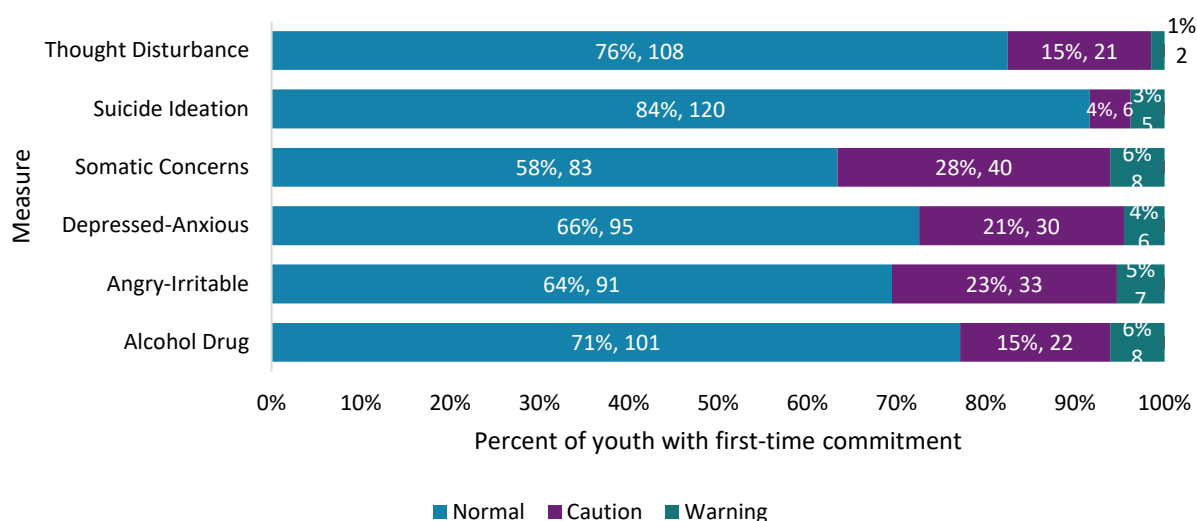
All youth receive a mental health screening upon first entering a DYS facility using the MAYSI-2 (Massachusetts Youth Screening Instrument-Version 2) behavioral health screening, which was designed to assist juvenile justice facilities in identifying special mental health needs among 12-17 year-olds.<sup>135</sup> The MAYSI-2 screens for signs of depression, suicidal/self-harm ideation, substance use, psychosis, aggression, and PTSD. Depending on the score, DYS has multiple policies and procedures in place to ensure youth in their care and custody are safe and supported, including providing appropriate clinical services, monitoring for suicidality, and establishing necessary safety protocols.

Of the 143 youth committed to DYS for the first time in FY22, the three most frequent commonly occurring symptoms included:

- 42% (n=60) of youth admitted had “caution” or “warning” levels of somatic concerns
- 36% (n=52) of youth admitted had “caution” or “warning” levels of feeling angry or irritable
- 34% (n=48) of youth admitted had “caution” or “warning” levels of feeling depressed or anxious

<sup>135</sup> Kathleen, L. (2014). *MAYSI-2 Administration and Referral Protocol Template Instructions*. Spark Public Policy Institute.

**Figure 70:**  
*FY22 first-time commitments MAYSI scores (n=143)*



*Source: Data provided to the OCA by the Department of Youth Services*

### *First-time Commitments by Offense Severity & Type*

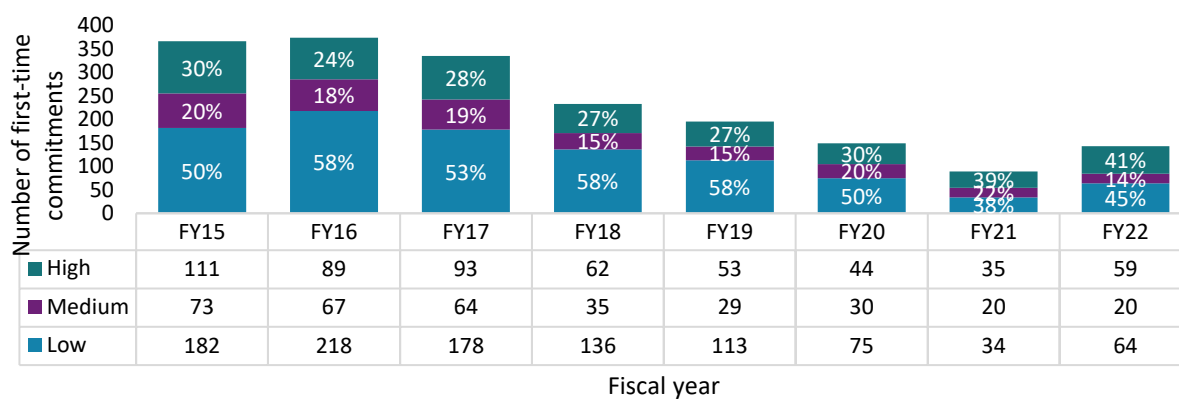
In FY22, 45% (n=64) of youth committed to DYS for the first-time were committed for lower-severity offenses (i.e., DYS grid levels 1 and 2 as defined in the “Pretrial Detention” section).

First-time commitments increased for both youth committed on lower severity underlying offenses and higher severity level offenses. There were 30 more youth admitted to DYS for the first time as a result of a lower-severity offense in FY22 compared to FY21, an increase of 88%. There were 24 more youth admitted to DYS for the first time as a result of a higher-severity offense during this time, an increase of 69%.

In FY22, 40% (n=57) of first-time commitments were for youth with underlying *person* offenses and 30% (n=43) were for youth with underlying *weapon* offenses.

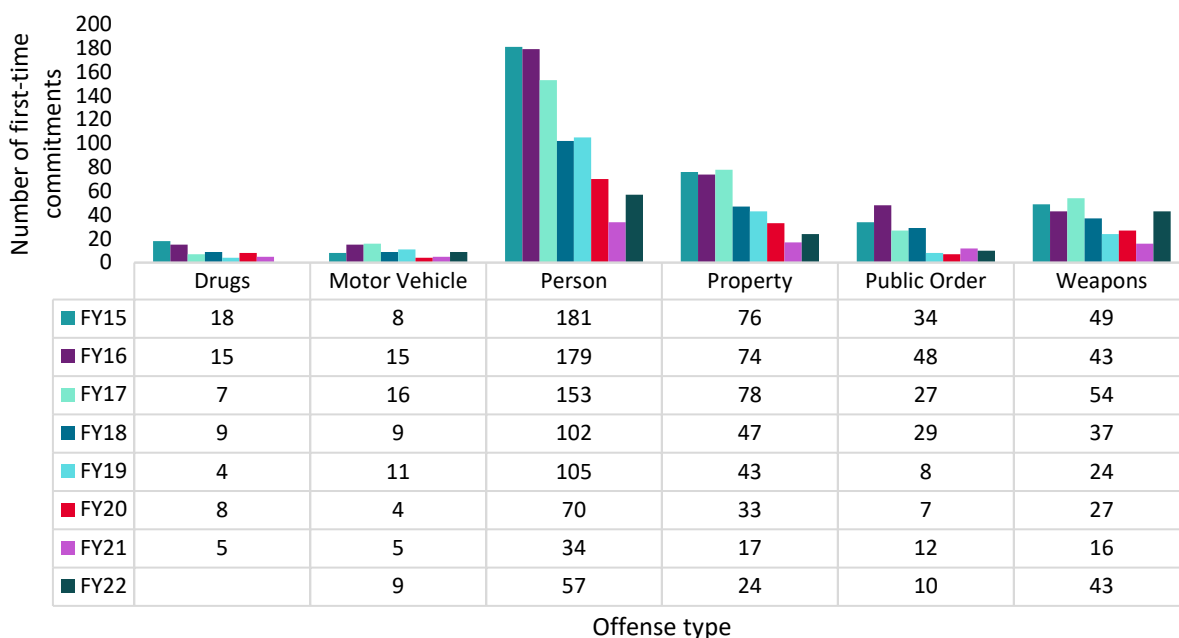


**Figure 71:**  
*First-time commitments by offense severity (FY15-FY22)*



DYS measures offense severity by a numerical (1-7) "grid level." Grid levels 1-2 are categorized as low, grid level 3= medium and grid levels 4-7 = high. See Table 8 below for more information. Source: Data provided to the OCA by the Department of Youth Services

**Figure 72:**  
*First-time commitments by offense type (FY15-FY22)*



Source: Data provided to the OCA by the Department of Youth Services

### Youth Committed to DYS: Placement Settings as of June 30, 2022

First-time commitments data reflect youth who were committed to DYS for the first time that year. Commitment point-in-time or “snapshot” data shows all youth, not just those new to a commitment with DYS, committed to DYS on a given day. This includes youth who have been adjudicated delinquent more than once, and includes youth committed to DYS who have not aged out of their commitment yet and remain on the DYS caseload. The data takeaways presented in this text box reflect the youth who were in the custody of DYS on June 30, 2022. **On that date, there were 209 youth committed at DYS.**

Since a youth’s placement type can change throughout their DYS commitment, it is best to use snapshot data to analyze the number of committed youth in various types of placements. On this day, 52% (n=109) of youth committed to DYS were placed in a residential placement setting and 48% (n=100) were supervised in a community setting

- Of the 109 youth in a residential placement, 61% (n=67) were placed in a hardware secure residential facility and 39% (n=42) were placed in a staff secure residential facility.\* On the same day in 2021, 56% (n=63) of youth held in a residential placement were placed in a hardware secure facility, while 44% (n=49) were placed in a staff secure.
- For youth placed in a residential program, DYS’ *continuum of care* designates the different reasons youth are held in a residential placement. On June 30, 2022, 62% (n=68) of youth placed in a residential program were participating in treatment, 9% (n=10) were found to be in violation of their Grant of Conditional Liberty (GCL) and returned to residential custody (down substantially from the same day in 2021 when 21% (n=24) were in residential treatment for a revocation), and 28% (n=31) were in a residential placement for another reason (e.g., youth was detained, participating in an assessment, or in a transition to independent living program for DYS).^
- On that day, youth committed in a residential placement had spent an average of 85.1 days in their current (as of 6/30/22) residential placement (compared to 86.5 days on the same day in 2021). The median length of stay in their current (as of 6/30/22) placement was 50.0 days (compared to 68.0 days on the same day in 2021).

\* Placement type is determined by the youth’s risk level and offense type. Youth committed to DYS who are living in the community do so on a “Grant of Conditional Liberty” or GCL. A GCL can be revoked based on a violation of a condition, and a youth can be brought back to a DYS facility at the discretion of DYS. This is roughly equivalent to “parole” in the adult justice system.

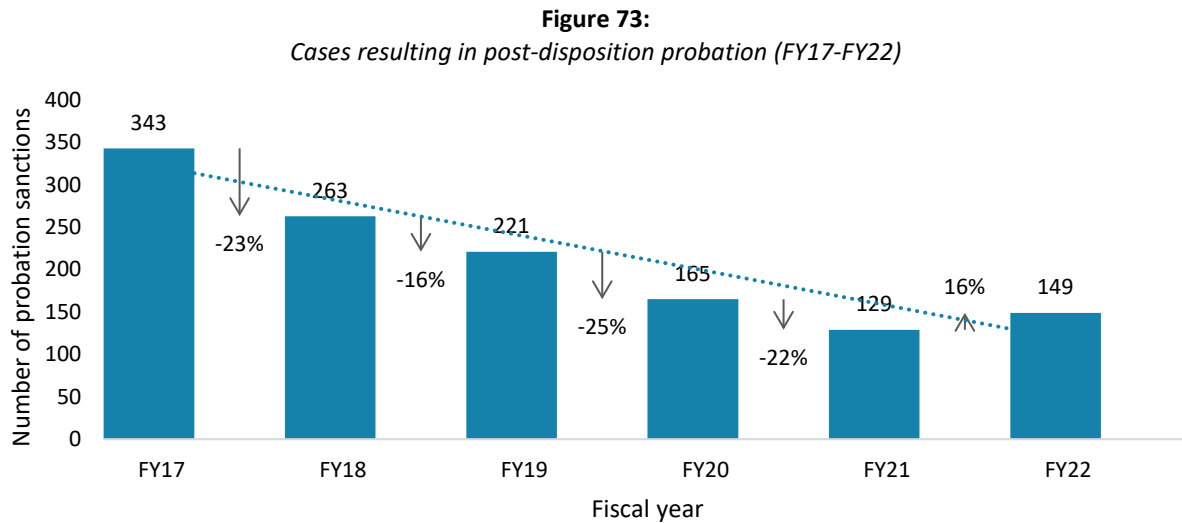
^Youth who are already committed to DYS can be held in detention for another case.

Source: Research Department, Department of Youth Services

### Post-Disposition Probation

Youth who have been adjudicated delinquent can be placed on probation by the court as a disposition. Youth who have not been adjudicated delinquent but have had their cases “continued without a finding” are also supervised by probation.

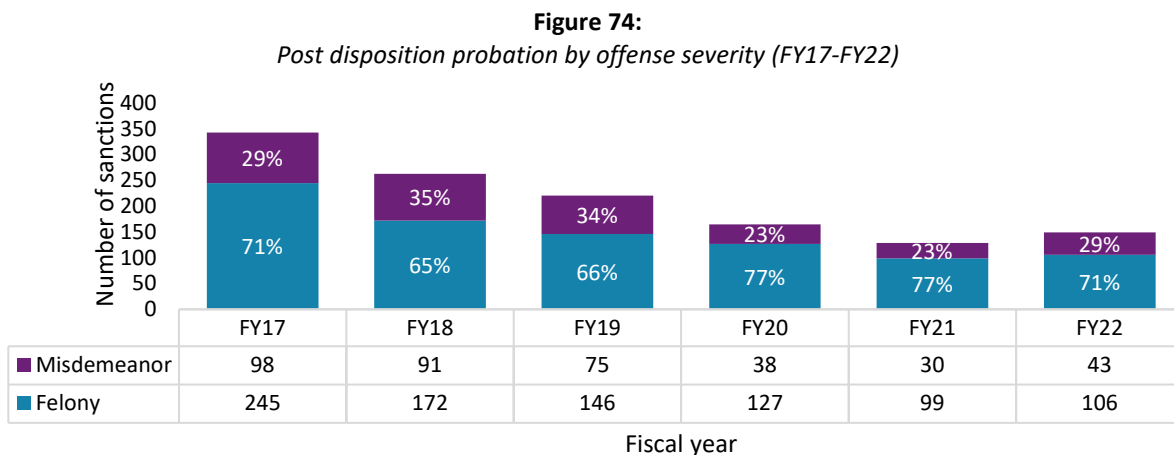
In FY22, 149 cases that were adjudicated delinquent resulted in a probation disposition, a 16% increase from FY21.



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

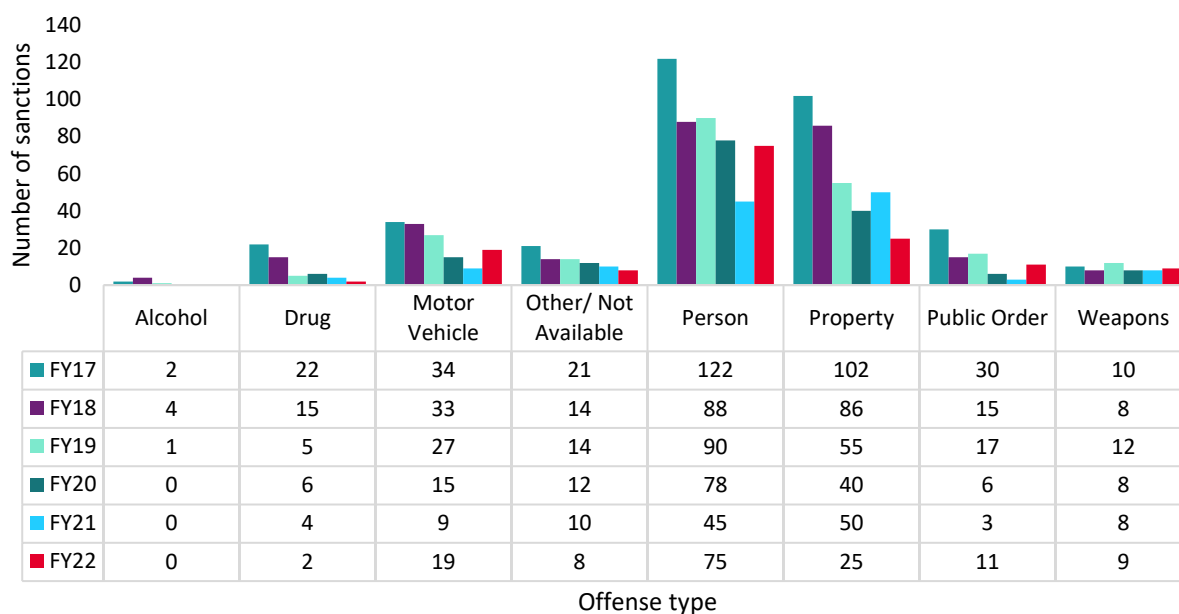
### *Post-Disposition Probation by Offense Severity & Type*

In FY22, the majority (71%, n=106) of probation sanctions were for youth adjudicated delinquent on *felony* offenses. Half of all probation sanctions in FY22 were for youth adjudicated delinquent on *person* offenses.



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

**Figure 75:**  
*Post disposition probation by offense type (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

### Probation Caseload Data

Caseload data presents the number of youth supervised by probation each month broken down by supervision type (i.e., risk/need or administrative) and risk/need supervision level (i.e., low, moderate, high).<sup>136</sup>

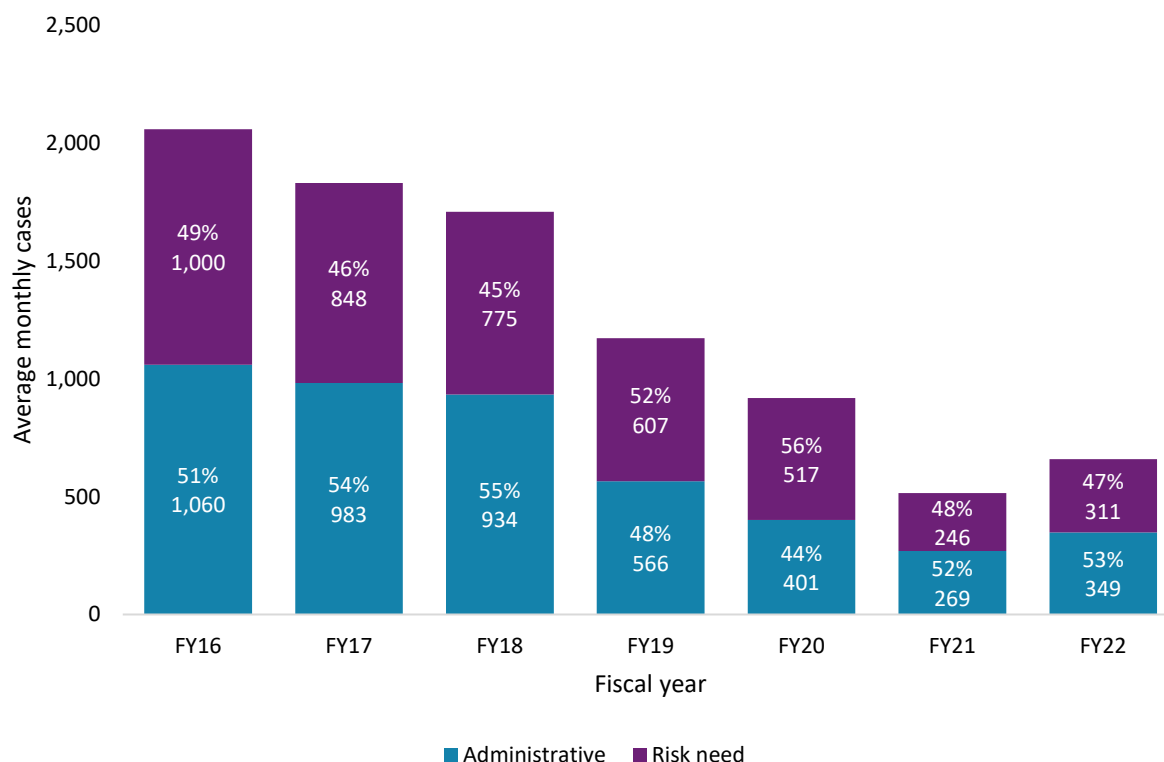
A judge can determine to place a youth on two different forms of probation:

- **Risk-Need Probation:** A classification of probation supervision for adjudicated youth where Probation Officers have direct supervision of youth based on supervision standards in place for *maximum, moderate, or minimum* supervision. These levels are determined by an assessment tool and classification process.
- **Administrative Probation:** A classification of probation that limits the number of directly supervised conditions an adjudicated youth has while on probation. Unlike Risk/Need Probation, there is no assessment tool used for this classification of probation.

Both administrative and risk/need average probation monthly caseloads increased in FY22 compared to FY21. However, both types of caseloads are down compared to pre-pandemic numbers, and both have decreased at relatively similar rates (63% and 60% respectively) since FY18.

<sup>136</sup> Probation monthly data is point-in-time data capturing the number of cases supervised by probation on a given day each month.

**Figure 76:**  
*Average monthly probation cases by supervision levels (FY16-FY22)*

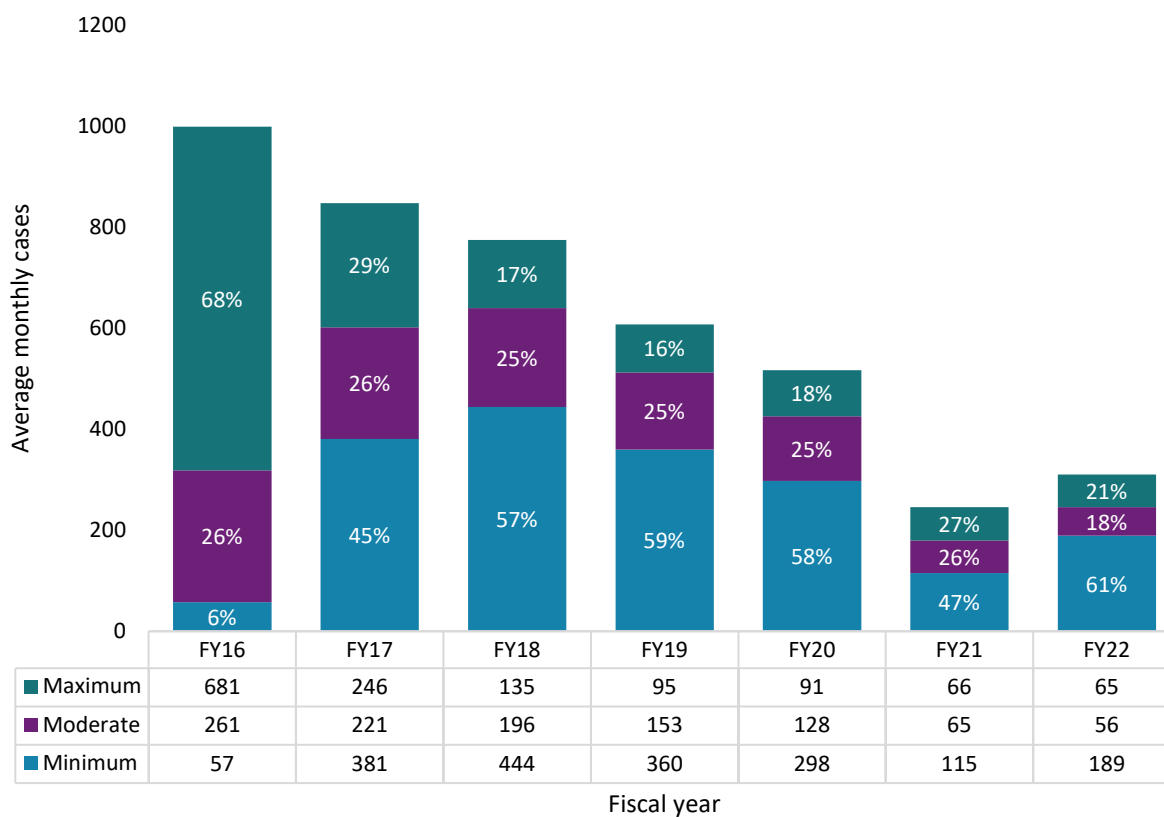


Source: FY16-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21 and FY22 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard:  
<https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

In general, youth with the most serious underlying offense types are typically supervised at a higher level than youth with less serious underlying offense types.<sup>137</sup> The caseload data below indicate that, on average, half of the risk/need cases are supervised at the *minimum* supervision level.

<sup>137</sup> In 2016, MPS began using the Ohio Youth Assessment System (OYAS) assessment tool to determine a youth's risk of reoffending, reveal any underlying needs of the youth, and determine other ongoing challenges they may have in their lives. The assessment's results help probation officers determine the supervision level of youth on probation.

**Figure 77:**  
*Average risk/need probation caseload by supervision level (FY16-FY22)*



Source: FY16-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21 and FY22 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard:  
<https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

### *Violations of Probation*

If a youth on probation fails to meet the conditions of probation set by a judge, a probation officer has three response options: issue a warning or other sanction, conduct an administrative hearing, or issue a “violation of probation” notice. A violation of probation notice informs the youth of the condition(s) the

officer alleges they violated and orders the youth to appear in court. There are three types of violation notices: *delinquent*,<sup>138</sup> *non-delinquent*,<sup>139</sup> or *both delinquent & non-delinquent*.<sup>140</sup>

In FY22, there were 386 violation of probation notices issued, an increase of 80% from FY21. Still, the number of violation notices are half of what they were pre-pandemic in FY19, and notices have decreased 67% since FY18. Importantly, the violation notices that are being issued are increasingly for delinquency-related offenses, and less for violations of other conditions of probation.

Over the past few years, Juvenile Probation has undertaken several actions that have resulted in the decrease in use of violations as reflected in this data. For example, Probation implemented an administrative review process, along with a rewards/graduated sanction protocol to support reinforcement of positive behavior and intervene effectively with negative behaviors short of violation.<sup>141</sup> It is particularly noteworthy that since FY18, both new arrest violations (including violation notices for both a new arrest and technical violations) and non-delinquency (“technical”) violations have declined (51% and 79%, respectively), suggesting MPS’s case planning and violation response reforms are driving an overall decline in delinquent behavior for youth on probation.

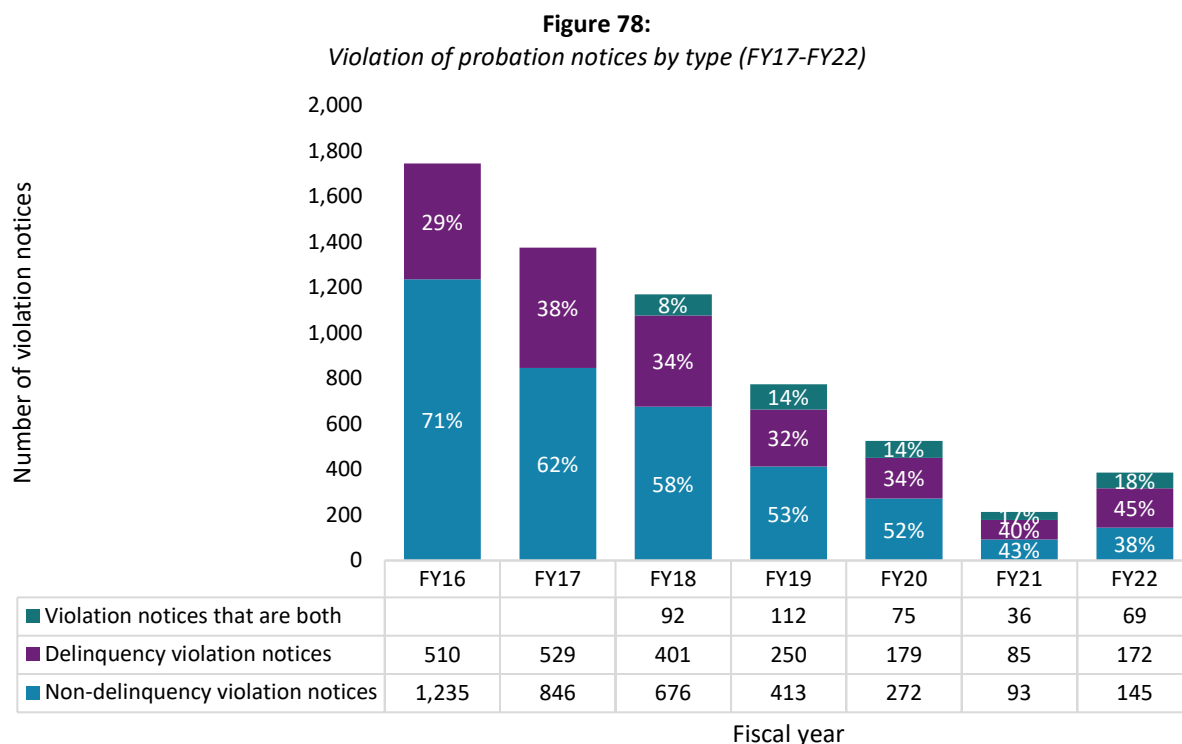
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<sup>138</sup> In this type of violation, the probation officer is alleging that the youth committed a new delinquent offense while under probation supervision, on the basis of a new arrest or summons by the police. An example is a youth being arrested for shoplifting while a youth is being supervised for a previous offense.

<sup>139</sup> Sometimes called a “technical” violation. In this case, the probation officer is alleging that the youth did not comply with one or more conditions of probation. The alleged behavior is not by itself a delinquent offense and would not otherwise result in an arrest. An example of this would be the youth not attending a mandatory anger management group and after many attempts to have the youth attend, they never go.

<sup>140</sup> A youth can receive one violation notice that includes allegations of a new delinquent offense (Delinquent Violation Notice) and non-compliance with conditions of probation (Non-Delinquent Violation Notice).

<sup>141</sup> Click [here](https://www.mass.gov/doc/jipad-board-2020-annual-report-0/download) to read more about Probation’s initiatives in the Board’s 2020 Annual Report: <https://www.mass.gov/doc/jipad-board-2020-annual-report-0/download>



Source: FY16-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21 and FY22 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard:  
<https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

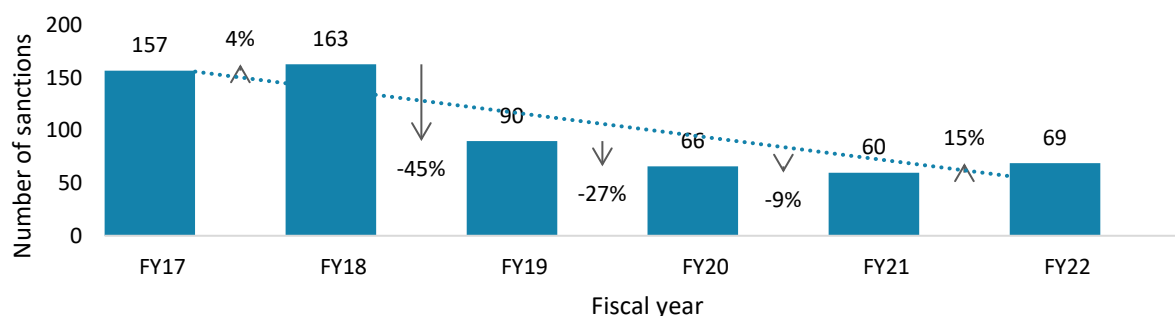
## Suspended DYS Commitments

MPS also supervises youth with suspended DYS commitments.

In FY22, 69 cases that were adjudicated delinquent resulted in a suspended DYS sanction, a 15% increase from FY21.



**Figure 79:**  
*Suspended commitments (FY17-FY22)*

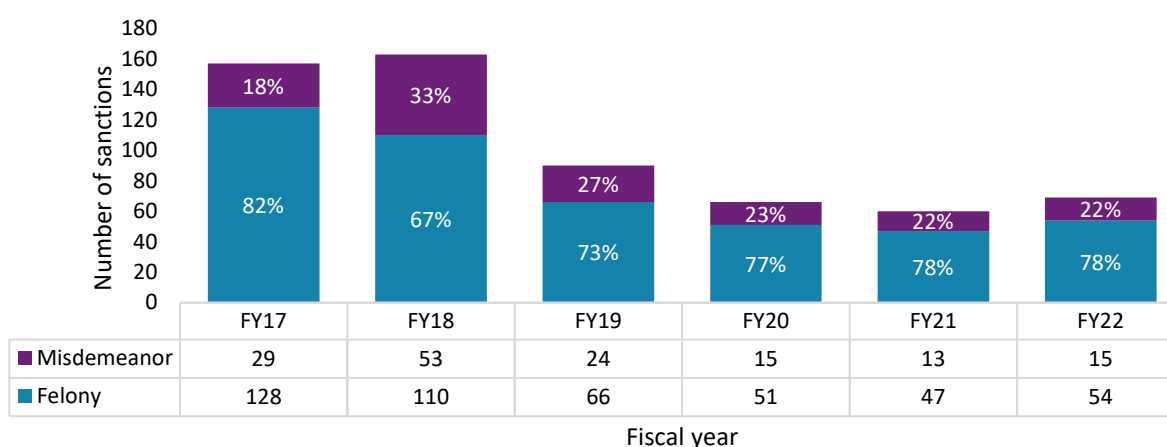


Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

### *Suspended DYS Sanctions by Offense Severity & Type*

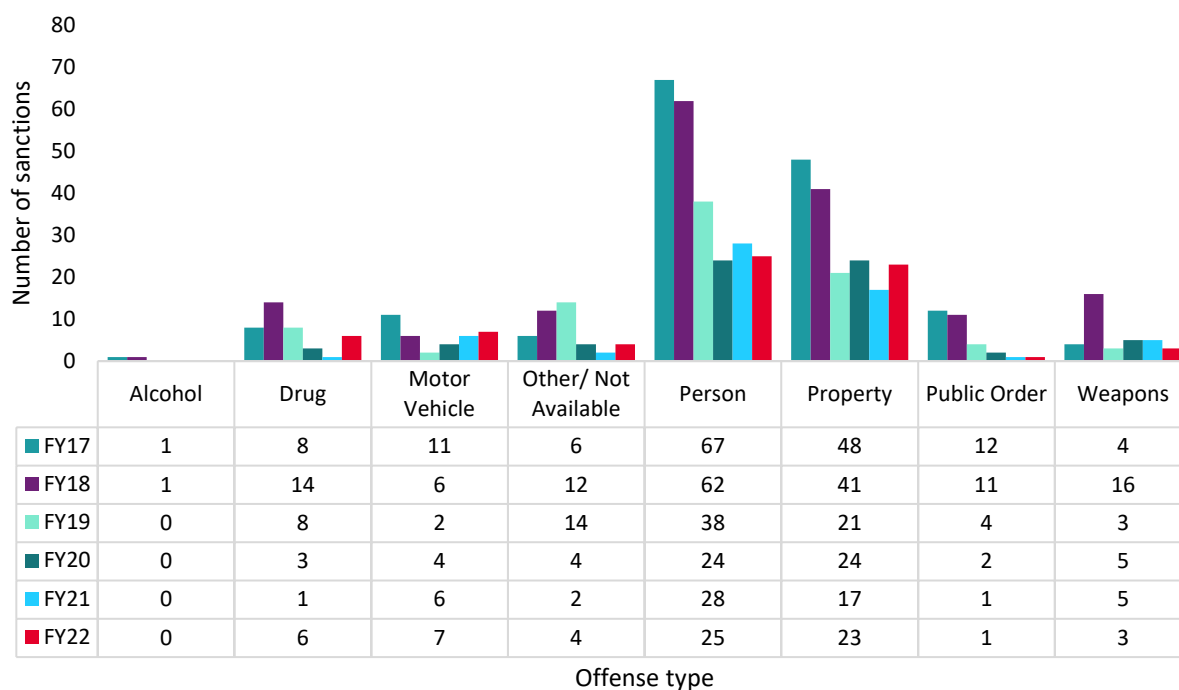
In FY22, the majority (78%, n=54) of suspended DYS sanctions were for youth adjudicated delinquent on *felony* offenses. Two-thirds of all suspended DYS sanctions in FY22 were for youth adjudicated delinquent on *person or property* offenses.

**Figure 80:**  
*Suspended commitments by offense severity (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

**Figure 81:**  
*Suspended commitments by offense type (FY17-FY22)*

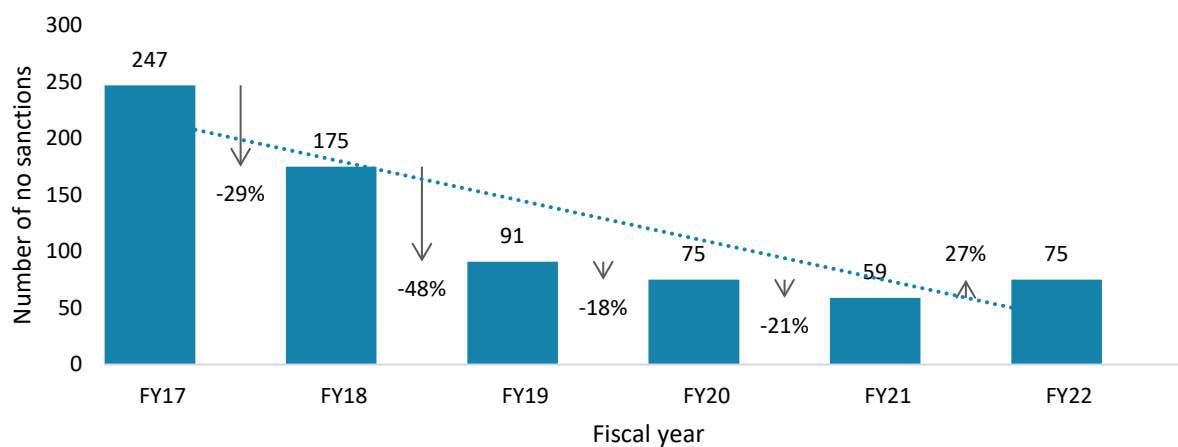


Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

## No Sanctions

In FY22, 75 cases that were adjudicated delinquent resulted in no sanction, a 27% increase from FY21.

**Figure 82:**  
*No sanctions (FY17-FY22)*

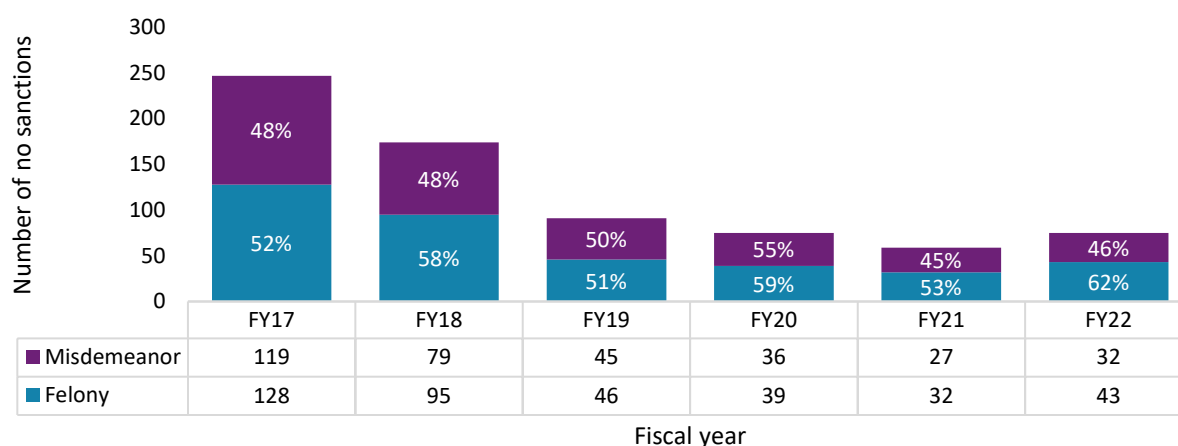


Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

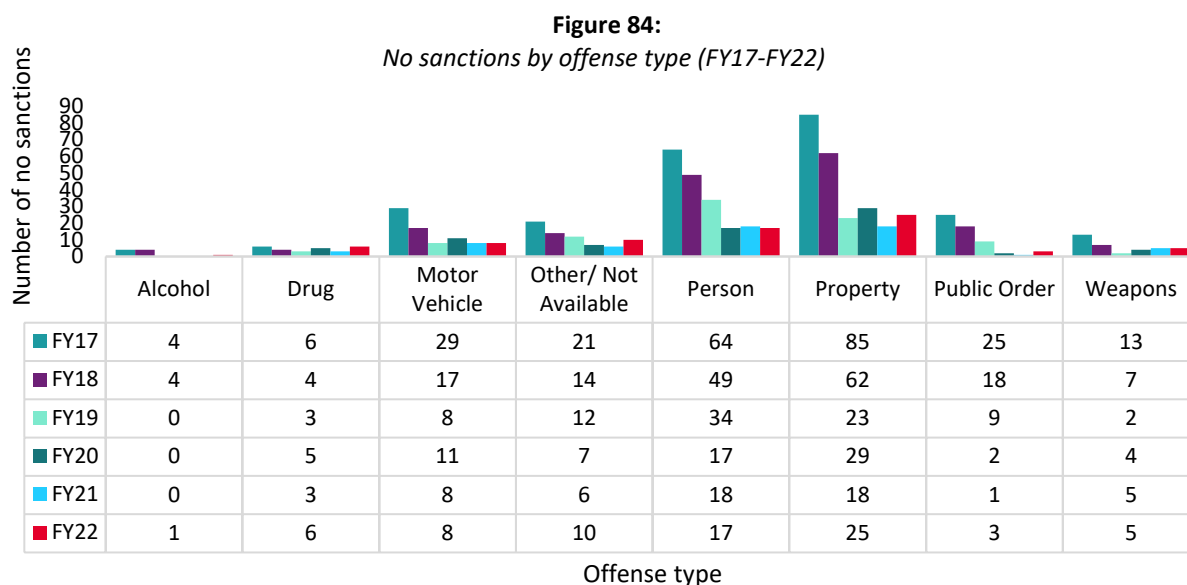
### *No Sanctions by Offense Severity & Type*

In FY22, the majority (62%, n=43) of no sanctions were for youth adjudicated delinquent on *felony* offenses. One-third (33%, n=25) of cases resolved in no sanction in FY22 were for youth adjudicated delinquent on *property* offenses.

**Figure 83:**  
*No sanctions by offense severity (FY17-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

## Specific Groups of Youth in the Juvenile Justice System

### Black and Latino Youth

As noted in this and all previous JJPAD annual reports, there are persistent racial and ethnic disparities in the Commonwealth's juvenile justice system, stemming from a long history of systemic racism at the local, state, and federal levels as well as in our society at large. While individual discriminatory practices can and do still occur, the work of the JJPAD Board is to address the policies and practices perpetuating the overrepresentation of youth of color in the state's juvenile justice system. Examining state system utilization data is one way the Board can identify particularly troubling trends and work toward equity in the Commonwealth's systems.<sup>142</sup>

**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.** In fact, white youth were the only youth who saw a

<sup>142</sup> To view the Board's most recent data brief on this topic documenting racial and ethnic disparities seen in the data on how youth enter the Juvenile Court (through an arrest or court summons), see: <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

decline in admissions between FY21 and FY22, and these were specifically at process points related to custodial settings (i.e., overnight arrest admissions and pretrial detention admissions).

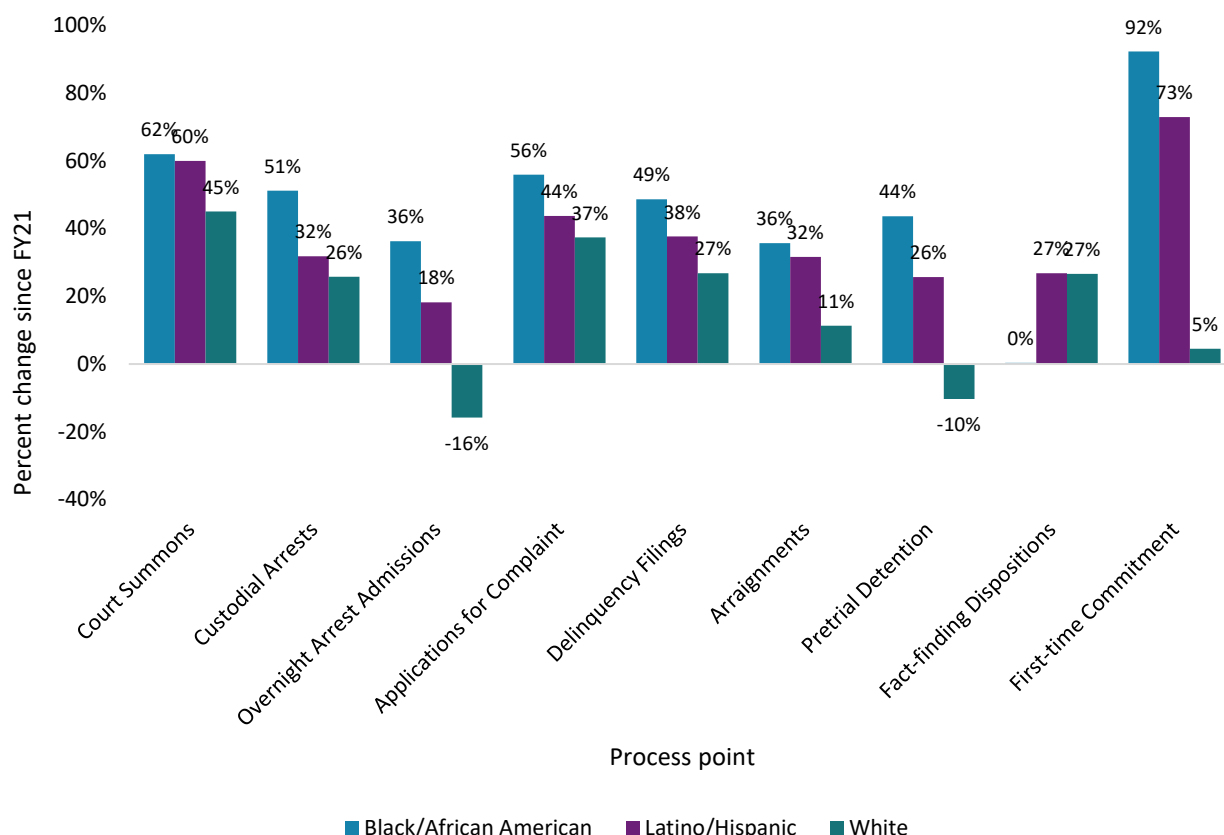
### How Does the JJPAD Data Subcommittee Measures Disparities?

There are several methods for studying disparities. This report highlights three:

1. **Rate of Change**—compares year-to-year changes for each race category. For example, there was a 37% increase in the number of arraignments for Black/African American youth from FY21 to FY22.
2. **Rate of Disproportionality (RoD)\***— an indicator of inequality calculated by dividing the percentage of youth in a racial/ethnic group at a specific process point (e.g., arrests, detentions, commitments) by the percentage of youth in that same racial/ethnic group in the Massachusetts youth census population or in an earlier process point. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation. For example, there were 1.26 times (i.e., an overrepresentation) more Black youth at the delinquency filings stage compared to the application for complaint stage.
3. **Relative Rate Index (RRI)\***— compares the observed rate of disproportionality for white youth to the observed rate of disproportionality for youth of color after adjusting for “base” population rates, using either data on the demographics of all Massachusetts youth as identified by the U. S. Census, or the demographic breakdown of the youth at an earlier stage of the juvenile justice process. RRIs greater than 1.0 indicate an increased likelihood of involvement for people of color at that point. RRIs less than 1.0 indicate a decreased likelihood of involvement for people of color at that point. For example, Latino youth were 3.45 times more likely to experience an overnight arrest admission than white youth.

\*RoD and RRI data tables are provided in Appendix J.

**Figure 85:**  
*Percent change since FY21 across process points by race/ethnicity*



Source: Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services

Consistent with previous years, Black and Latino youth are overrepresented at almost every process point for which the Board has data broken down by race/ethnicity.<sup>143</sup>

When looking at the experiences of youth in the justice system, data on case dismissals from the Juvenile Court indicates that youth across races have their cases dismissed at roughly similar rates: Black youth are slightly less likely to have their cases dismissed/diverted than white youth, and Latino youth are about just as likely.<sup>144</sup>

<sup>143</sup> Appendix J reports the rate of disproportionality at each process point compared to a specific base population. Base populations are selected depending on what group proceeds that process point. For example, arraignments are compared to delinquency filings because in order to be arraigned, a youth must have had a delinquency filing.

<sup>144</sup> Cases may be dismissed or not prosecuted for a number of reasons including lack of probable cause or diversion.

However, the point in the process at which youth are diverted matters: earlier use of diversion or case dismissal can help minimize the length of time a youth is involved with the juvenile justice system, and therefore help minimize some of the documented harmful effects to youth of contact with the justice system.<sup>145</sup>

Compared to white youth, Black and Latino youth had a higher estimated percentage of cases arraigned that were not resolved through a plea or trial this year (Table 15). In FY22, about 66% of cases arraigned for Black youth, 58% of cases arraigned for Latino youth and 53% of cases arraigned for white youth were resolved prior to a plea or trial. Conversely, white youth had a higher estimated percentage of applications for complaint not resolved through a plea/trial in FY22 compared to Black and Latino youth, suggesting that white youth are likely being diverted more frequently pre-arraignment than Black and Latino youth.

<b>Table 15: Racial and ethnic disparities in the percent of cases not resolved by plea/trial (FY22)</b>				
	Total	Black/ African American	Latino/ Hispanic	White
Applications for complaint	8,820	1,788	1,951	3,426
Delinquency filings	5,498	1,326	1,510	1,883
Arraignments	3,095	837	945	982
Fact-finding Disposition	1,271	286	393	461
Percent of applications for complaint not resolved by plea/trial this year	86%	84%	80%	87%
Percent of delinquency not resolved by plea/trial this year	77%	78%	74%	76%
Percent of arraignments not resolved by plea/trial this year	59%	66%	58%	53%
Source: Data retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page <a href="#">here</a> .				

Shah, S. & Strout, J. (2016). Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records. Juvenile Law Center. <https://jlc.org/resources/future-interrupted-collateral-damage-caused-proliferation-juvenile-records> ; Vera Institute. (2022). The Social Costs of Policing. The Vera Institute. <https://www.vera.org/publications/the-social-costs-of-policing> ; National Academies of Sciences, Engineering, and Medicine. (2022). The Impact of Juvenile Justice System Involvement on the Health and Well-Being of Youth, Families, and Communities of Color: Proceedings of a Workshop. Washington, DC: The National Academies Press. <https://doi.org/10.17226/2662> ; Del Toro, J., Jackson, D. B., & Wang, M.-T. (2022). The policing paradox: Police stops predict youth's school disengagement via elevated psychological distress. *Developmental Psychology*, 58(7), 1402–1412. <https://doi.org/10.1037/dev0001361> ; Holman, B. & Ziedenberg, J. (2022). The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. The Justice Policy Institute. [https://justicepolicy.org/wp-content/uploads/2022/02/06-11\\_rep\\_dangersofdetention\\_ji.pdf](https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_ji.pdf)

The largest disparities between Black youth and white youth were at the following points:

Compared to white youth, Black youth were

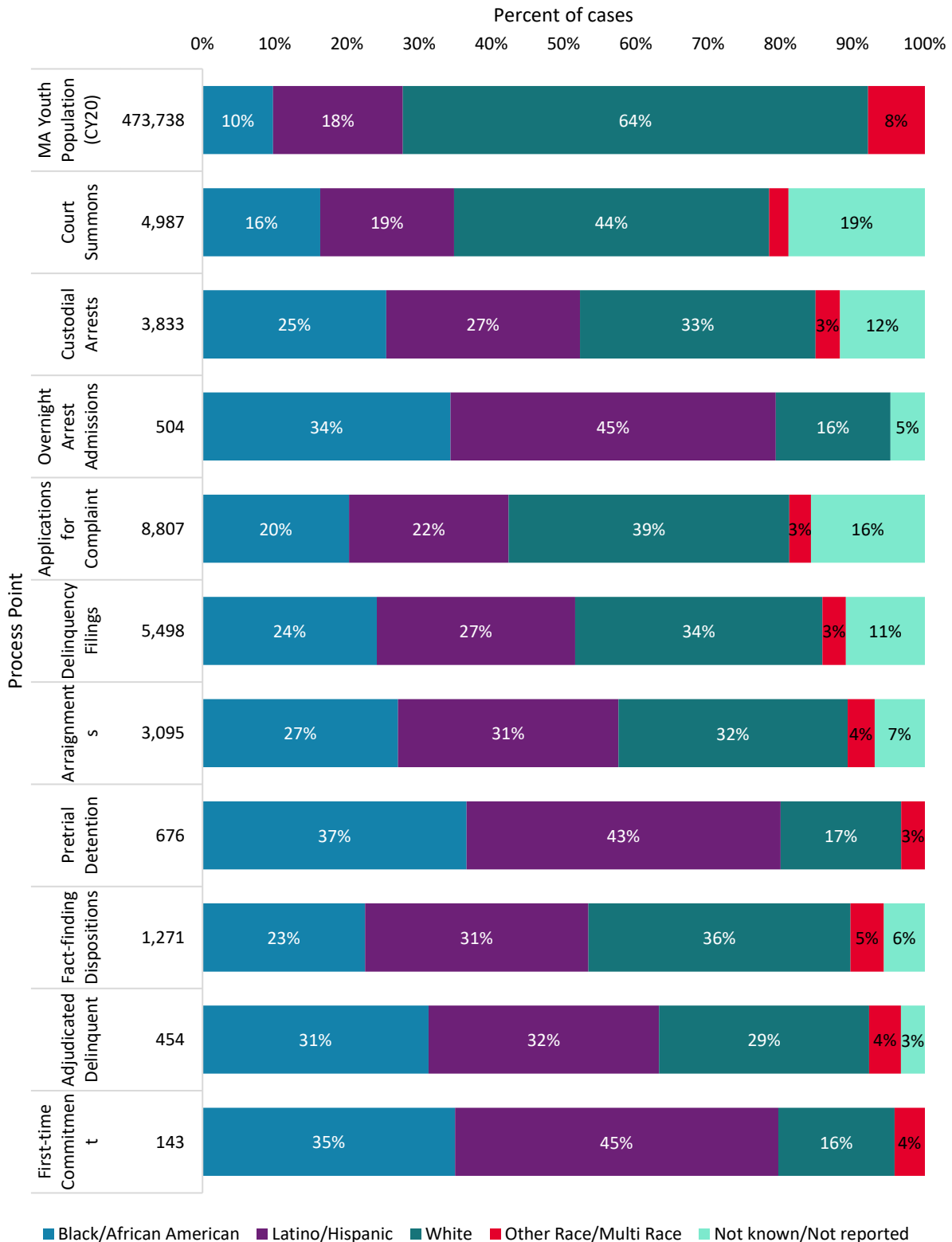
- 6.28 times more likely to be the subject of a youthful offender indictment
- 5.14 times more likely to be arrested
- 2.77 times more likely to be held in an overnight arrest admission
- 2.61 times more likely to be held in pretrial detention

The largest disparities between Latino youth and white youth were at the following points. Compared to white youth, Latino youth were:

- 3.53 times more likely to be the subject of a youthful offender indictment
- 3.45 times more likely to be held in an overnight arrest admission
- 2.95 times more likely to be arrested
- 2.75 times more likely to be held in pretrial detention



**Figure 86:**  
*Race/ethnicity distribution data by process point (FY22)*

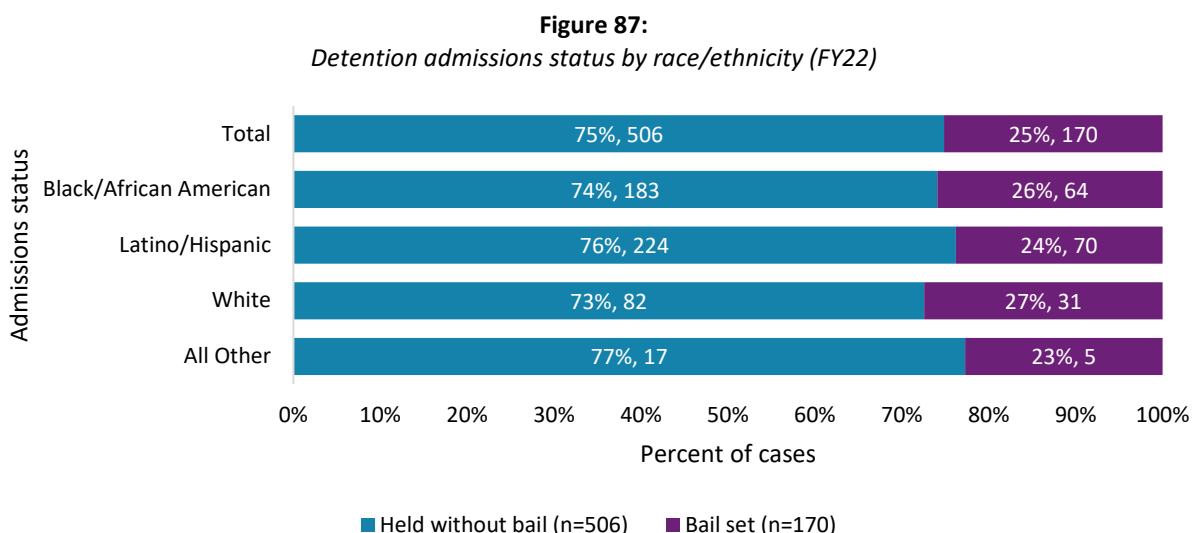


Source: Court summons, custodial arrest, application for complaint, delinquency filings, arraignments and adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by the Department of Youth Services

### Pretrial detention admissions

DYS provides race/ethnicity data breakdowns for other relevant juvenile justice system measures as well, including length of stay in detention, child welfare involvement of detained youth, and bail amounts. Analyzing this data can help the state address disparities across system process points.

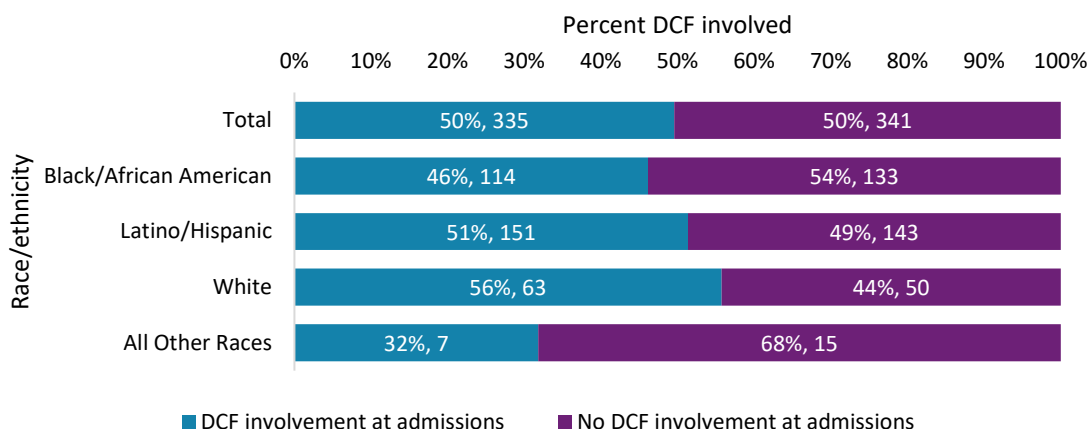
In FY22, Black youth who were arraigned were 2.61 times more likely to be detained pretrial than white youth, and Latino youth who were arraigned were 2.75 times more likely to be detained than white youth. Compared to all detention admissions, there was less disparity regarding rates of admissions for youth with bail set and youth held without bail (Figure 87).



Source: Data provided to the OCA by the Department of Youth Services

Still, as mentioned in the “Pretrial Detention Admissions” section above, 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, white youth were involved with DCF at the time of their admission more frequently than Black and Latino youth who were detained.

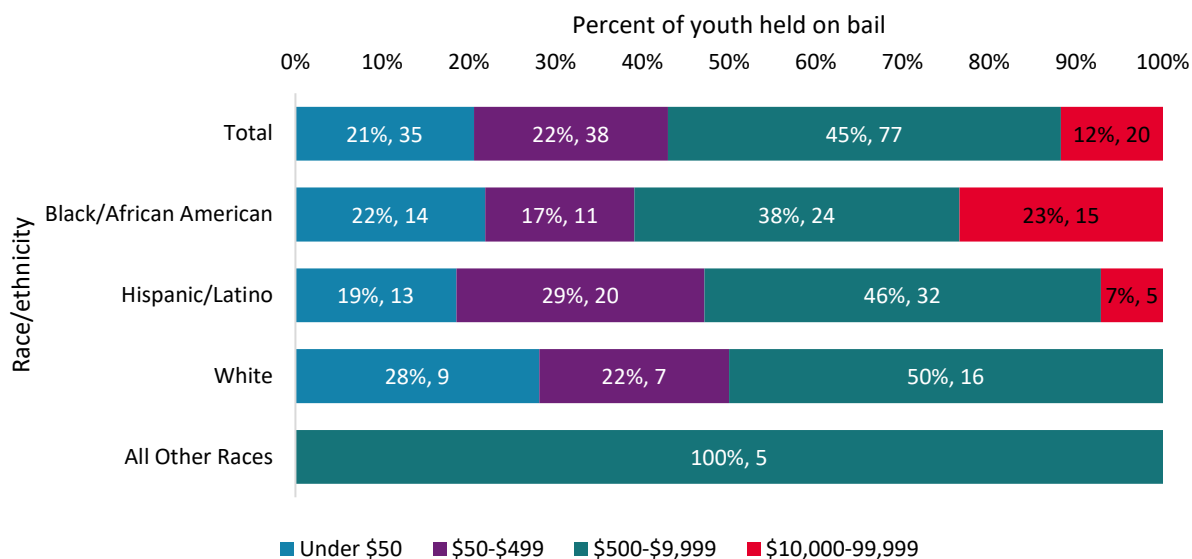
**Figure 88:**  
*Detention admissions by DCF involvement and race/ethnicity (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

Of the youth detained pretrial, Black and Latino youth had their cash bail set higher (\$500+) more frequently than white youth who were detained on cash bail.

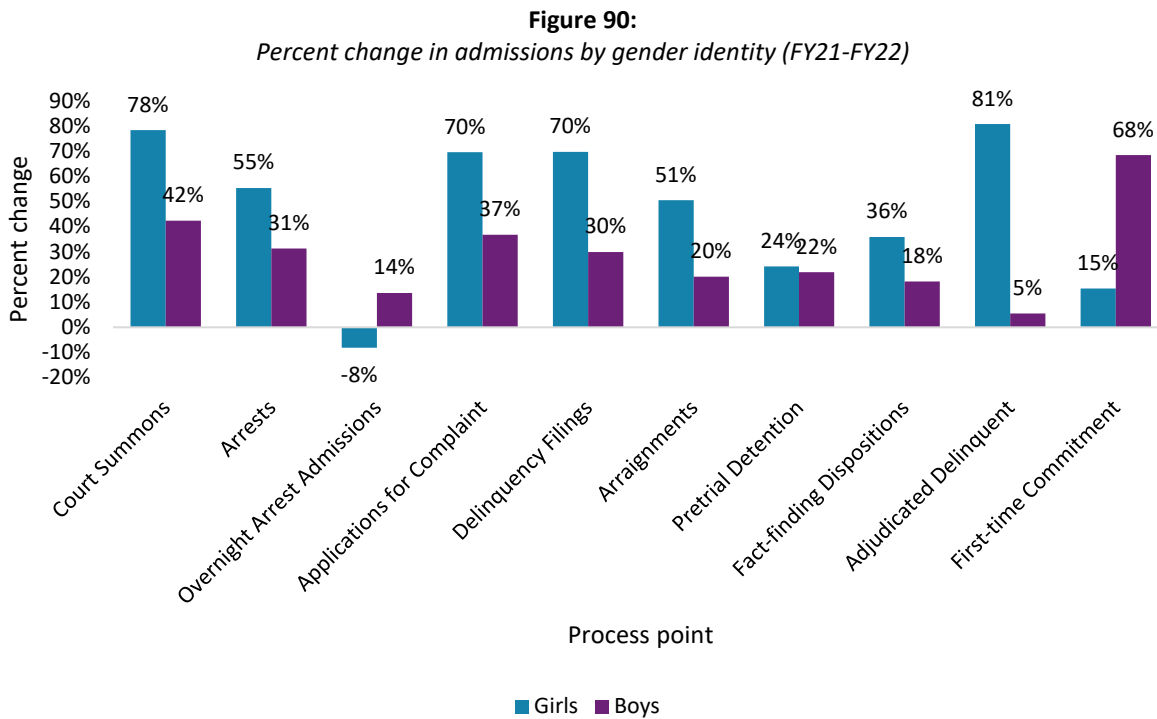
**Figure 89:**  
*Bail amounts by race/ethnicity (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

## Girls

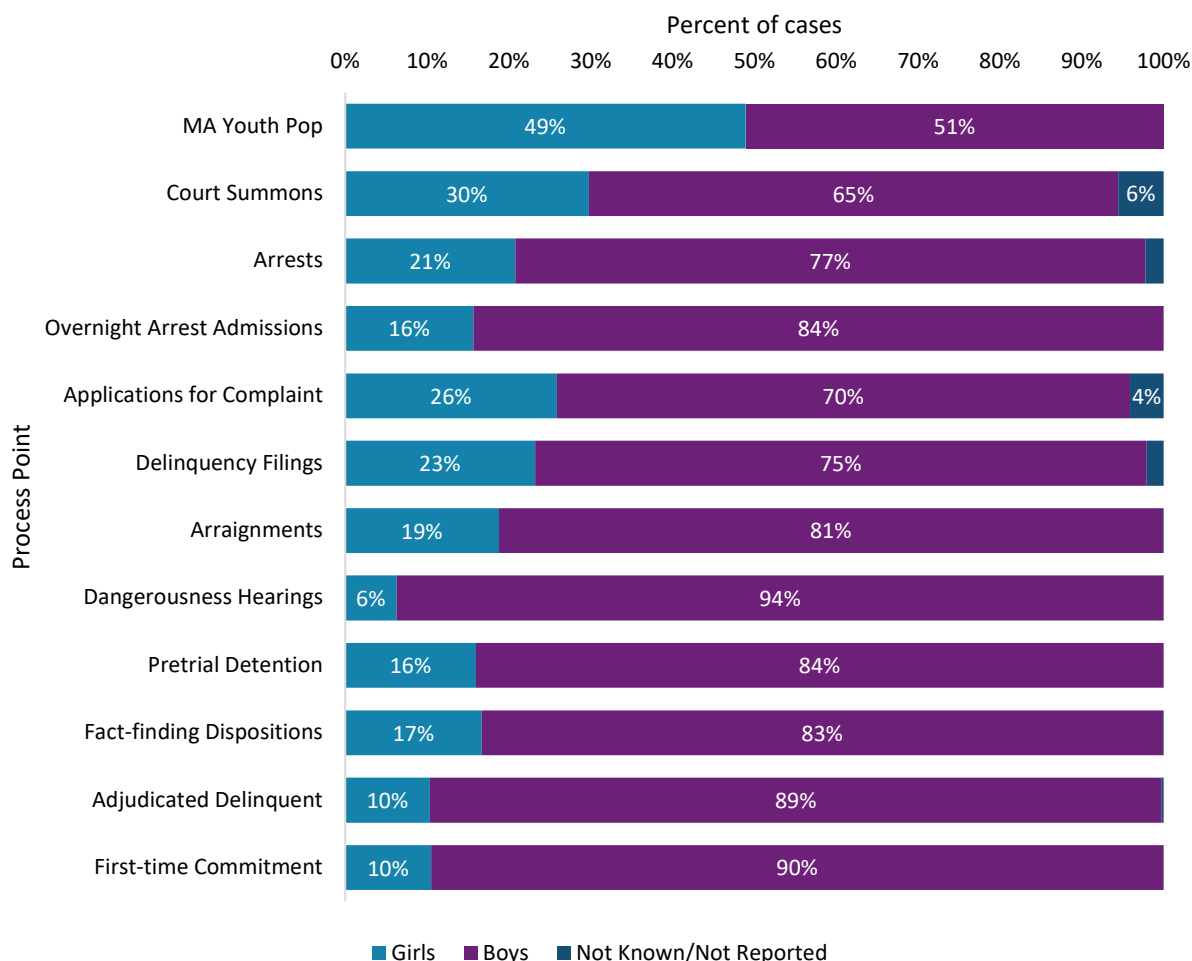
At most process points, the number of girls involved with the juvenile justice system increased at higher rates across most process points than boys from FY21 to FY22. This is likely because there are far fewer girls involved in the juvenile justice system than boys, and changes from one year to the next are sensitive to low case counts.<sup>146</sup>



Source: Court summons, arrests, application for complaint, delinquency filings, arraignments and adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by the Department of Youth Services

<sup>146</sup> For process point data broken down by gender counts, please see appendix K.

**Figure 91:**  
*Gender distribution data by process point (FY22)*



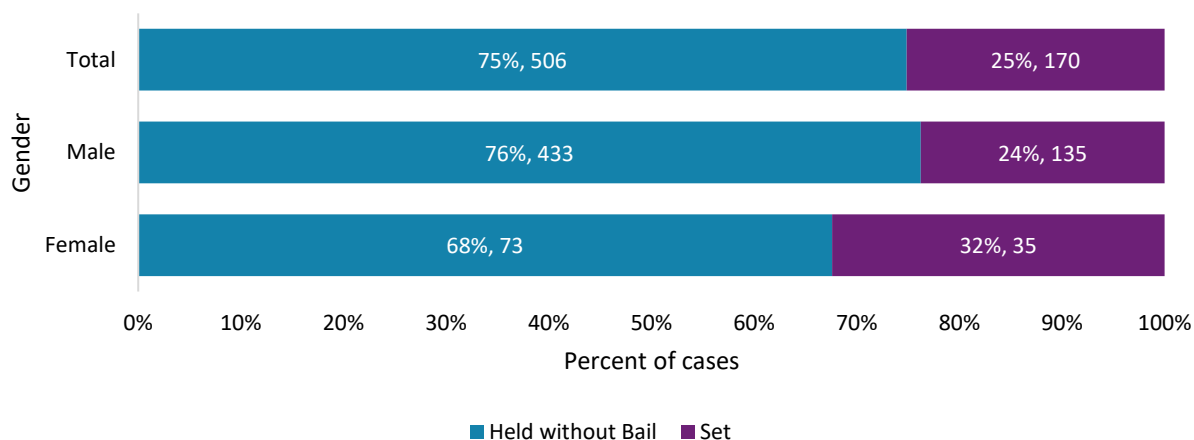
Source: Court summons, custodial arrests, custodial summons, application for complaint, delinquency filings, arraignments, dangerousness hearings and adjudications retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by the Department of Youth Services

### *Pretrial detention admissions*

In FY22, 16% (n=108) of detention admissions were for girls.<sup>147</sup> Of the 676 detention admissions, girls were held on cash bail at higher rates than boys. On average, girls had shorter lengths of stay than boys: 37.9 days (median=21.0) compared to boys who, on average, spent 68.2 days detained (median=35.0).

<sup>147</sup> DYS reports gender as “sex assigned at birth” with the following categories: female and male, and reports data regarding transgender youth separately.

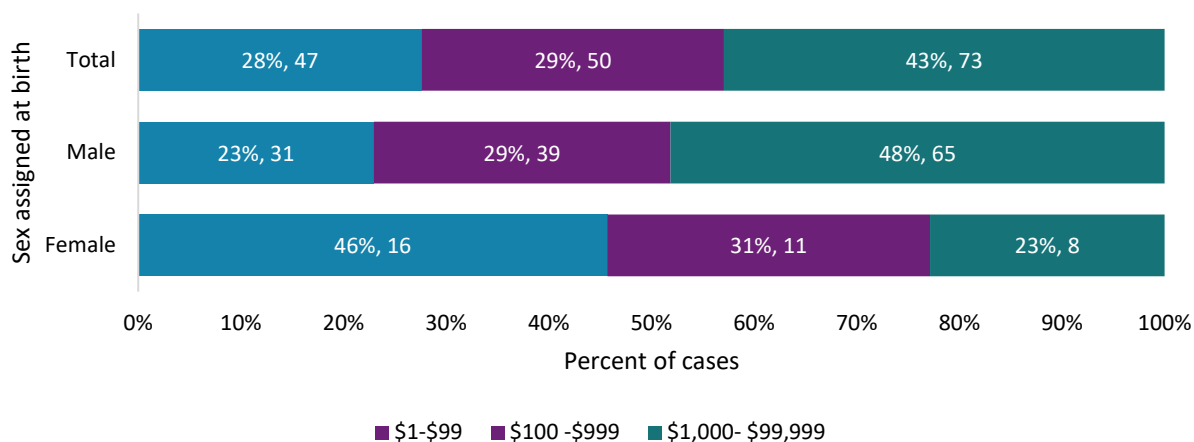
**Figure 92:**  
*Detention status by sex assigned at birth (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

Of the youth detained on cash bail, girls had bail set lower (\$1-99) more frequently than boys.

**Figure 93:**  
*Cash bail amounts by sex assigned at birth (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

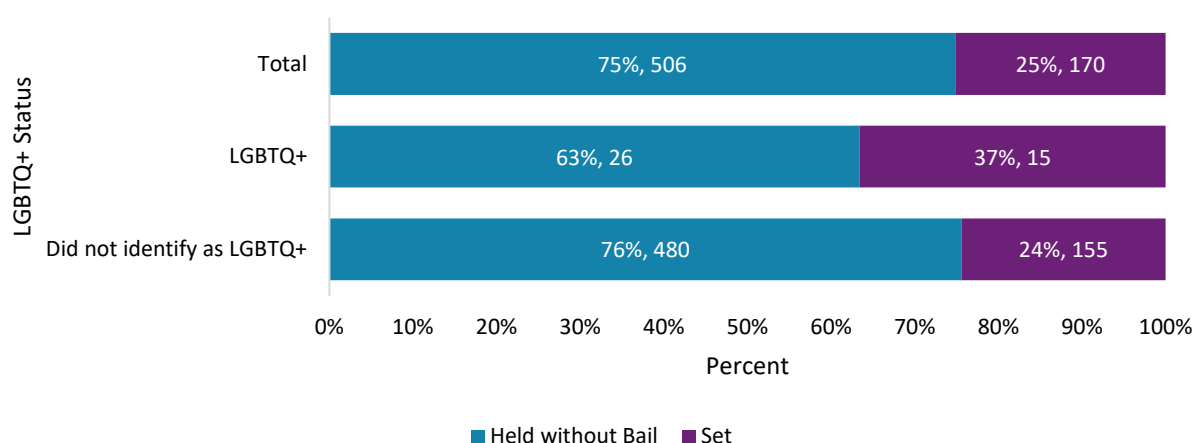
## LGBTQ+ Youth

DYS also reports the sexual orientation, transgender status, and intersex status of youth in their care and custody. Six percent (n=41) of pretrial detention admissions were for youth who identified as

LGBTQ+.<sup>148</sup> Of the 143 first-time commitments to DYS, 5% (n=7) were for youth who identify as LGBTQ+.<sup>149</sup>

Of the 676 detention admissions, youth who identified as LGBTQ+ were held on cash bail more frequently than youth who did not identify as LGBTQ+. On average, youth who identified as LGBTQ+ had shorter lengths of stay than youth who did not identify as LGBTQ+: 29.7 days (median=18.5 days) compared to youth who did not identify as LGBTQ+ who spent, on average, 65.2 days (median=34.0 days) detained.

**Figure 94:**  
*Detention status by LGBTQ+ (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

### Crossover Youth: Youth with both DYS and DCF involvement

In FY21, the JJPAD Board began studying the issue of “crossover” for youth who are involved with both the child welfare and juvenile justice systems. The Board has documented the challenges obtaining data relevant to youth with involvement across multiple state systems, but is happy to report progress made in this area. Beginning in 2021, DCF and DYS began data sharing to document the number of youth involved in DCF at the time of a DYS admission (either pretrial detention or commitment). This year, DYS was able to report this data to the Board.

<sup>148</sup> For the purposes of this report, sexual orientation and gender identity data is aggregated into one category due to low individual case counts and to protect youth confidentiality.

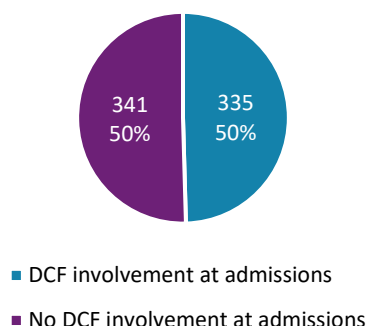
<sup>149</sup> Due to the low number of youth identify as LGBTQ+ with a first-time commitment, further data breakdowns like the one provided for pretrial detention admissions, are unable to be reported due to cell suppression to protect youth privacy.

## Detention Admissions

Of the 676 detention admissions in FY22, 50% (n=335) were for youth who had DCF involvement at the time of their detention admission.<sup>150</sup> For comparison, about 2% (n=335) of youth (12-17 years old) involved with DCF in FY22 were detained pretrial, compared to approximately 0.07% of Massachusetts' youth population with a detention admission who did *not* have DCF involvement (about 459,568).<sup>151</sup>

As indicated in the "Pretrial Detention Admissions" section of this report, youth with DCF involvement spent, on average, 6 more days in detention than the overall admissions during FY22. Of the 335 admissions for youth who had DCF involvement at the time of admission to DYS, 50% (n=168) were admitted for lower-level offenses (Table 16).

**Figure 95:**  
FY22 Detention admissions by DCF involvement (n=676)



**Table 16: FY22 DYS admissions by grid levels by DCF involvement**

Offense severity	Number of admissions for youth with DCF involvement	Number of admissions for youth with NO DCF involvement
Grid 1-2	168	94
Grid 3	58	45
Grid 4-6	109	202
Total	335	341

Source: Data provided to the OCA by the Department of Youth Services

## Bail Status

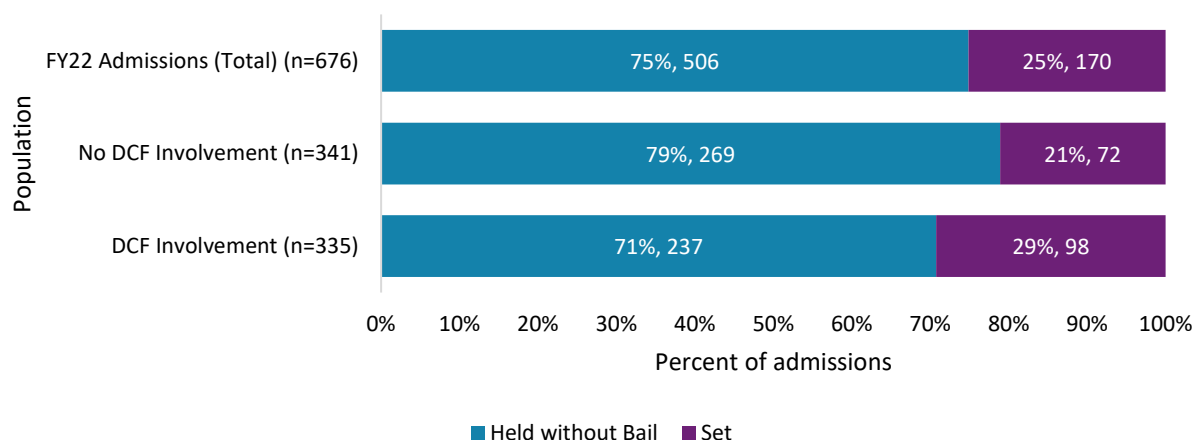
As Figure 96 indicates, of the youth admitted to a detention with DCF involvement, a greater percentage are held on bail than those without DCF involvement.

<sup>150</sup> Youth can be involved with DCF as a result of a Care and Protection case, a Child Requiring Assistance case, or on a voluntary basis.

<sup>151</sup> These are averages and estimated calculations for FY22. At the time of this report, DCF has not published its Annual Report documenting the unduplicated number of youth involved in the agency. The Board took an average across FY22 quarterly reports accessed online: <https://www.mass.gov/info-details/department-of-children-and-families-reports-data>; In CY20, there was an estimated 459,568 youth in Massachusetts not involved with DCF (473,738 youth in Massachusetts, minus the 14,170 youth (12-17) involved with DCF).



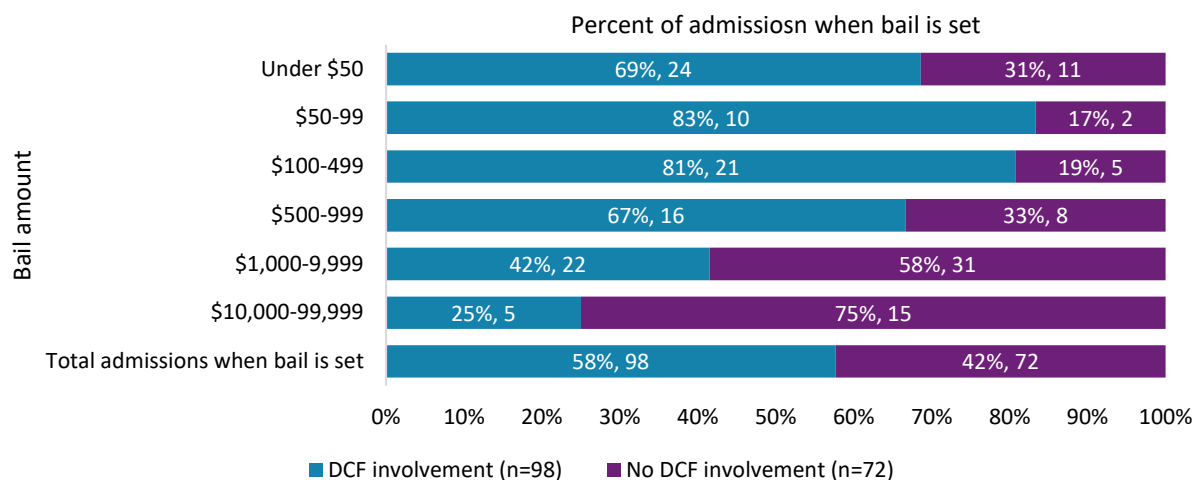
**Figure 96:**  
*Bail status by DCF involvement (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

Youth with DCF involvement made up the majority of admissions for youth with lower bail amounts (under \$500).

**Figure 97:**  
*Bail amounts by DCF involvement (FY22)*

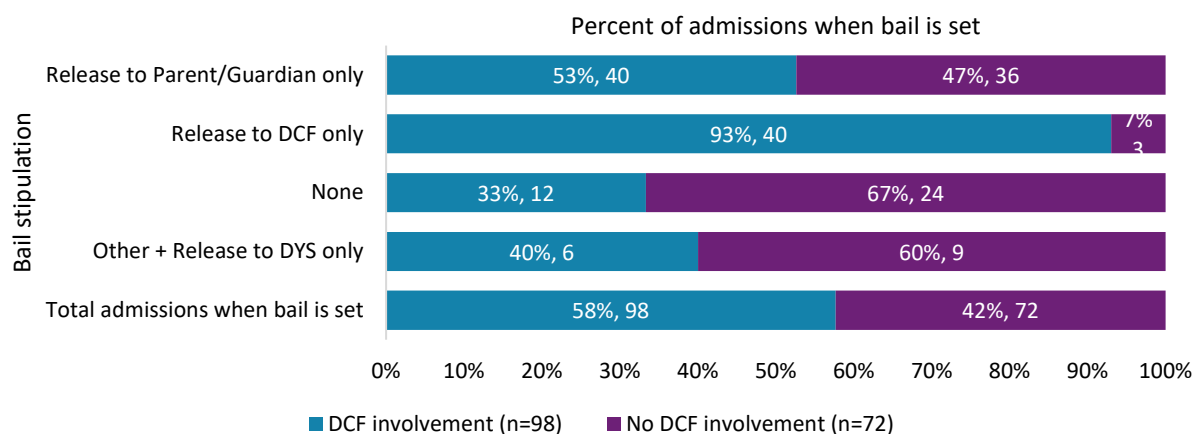


Source: Data provided to the OCA by the Department of Youth Services

In FY22, 41% (n=40) of youth with DCF involvement who had bail set had a bail stipulation to be “released to DCF only.” Figure 98, below, shows that of all the youth detained on cash bail, youth with DCF involvement were slightly more frequently (53% of admissions when bail is set, n=40) required to be

“released to a parent/guardian only” compared to youth without DCF involvement (47% of admissions when bail is set, n=36).

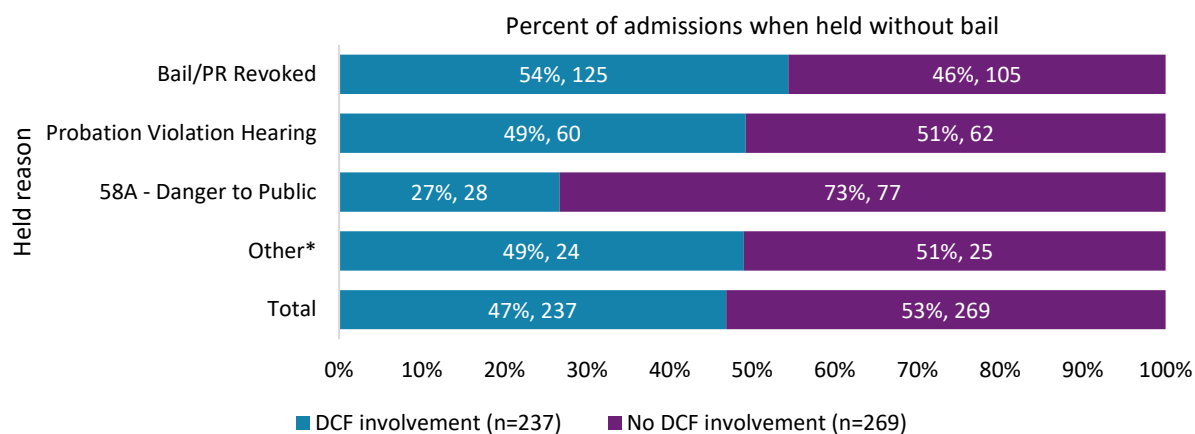
**Figure 98:**  
*Bail stipulations by DCF involvement (FY22)*



Source: Data provided to the OCA by the Department of Youth Services

Of the youth detained without bail as a result of a 58A hearing, most (73%, n=77) did not have DCF involvement (Figure 99). Of the youth detained without bail as a result of bail or personal recognizance being revoked, slightly more than half (54%, n=125) had DCF involvement at the time of admission.

**Figure 99:**  
*Held without bail reason by DCF involvement (FY22)*

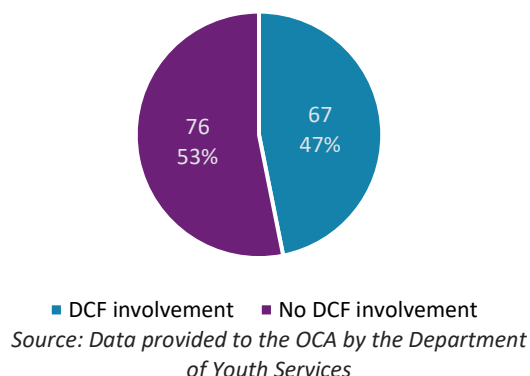


\*Refers to youth held without bail as a result of a 68A evaluation or for “unknown” reasons. Source: Data provided to the OCA by the Department of Youth Services

## First-time Commitments

Of the 143 youth who were committed to DYS for the first time in FY22, 47% (n=67) had DCF involvement at the time of their commitment. Youth with DCF involvement made up the majority of first-time commitments for youth with lower offense severities (61% of first-time commitments for youth with low grid levels). Meanwhile, first-time commitments for youth with DCF involvement made up a relatively small proportion of youth with first-time commitments as a result of high grid level offenses.

**Figure 100:**  
FY22 First-time commitments by DCF involvement (n=143)



**Table 17: First-time commitments to DYS by grid level and DCF involvement**

Offense severity	First-time commitments for youth with DCF involvement	First-time commitments for youth without DCF involvement	First-time commitments (Total)
Grid 1-2	39	25	64
Grid 3	13	7	20
Grid 4-6	15	44	59
Total	67	76	143

Source: Data provided to the OCA by the Department of Youth Services

## Youthful Offender Cases

A youthful offender case involves a youth between 14 and 18 years old who is indicted by a grand jury for allegedly committing an offense against a law of the Commonwealth which, if they were an adult, would be punishable by imprisonment in state prison and who meets any of the following criteria:<sup>152</sup>

- (a) the youth has previously been committed to the Department of Youth Services
- (b) the youth has committed an offense which involves the infliction or threat of serious bodily harm in violation of law
- (c) the youth has committed certain firearms and weapons offenses

District attorneys may choose to present certain juvenile cases to a grand jury, whose role is to decide whether there is enough evidence to charge the youth with the crime alleged and whether the crime and/or the youth meets the criteria necessary for the youth to be indicted as a youthful offender. If the grand jury determines there is sufficient evidence to charge the youth with the crime alleged and that the youth meets youthful offender criteria, they issue an “indictment” accusing the youth of specific offenses and a separate indictment accusing the youth of being a youthful offender.<sup>153</sup> If the grand jury

<sup>152</sup> As defined in [M.G.L c119 §52](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52): <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

<sup>153</sup> Pries, R. & Rosensweig, C. (2018). *Kids and the Law: A User's Guide to the Juvenile Court (4<sup>th</sup> edition)*. Adolescent Consultation Services. <https://acskids.org/flipbook/?page=152>

determines the youthful offender criteria have not been satisfied, the district attorney may continue to proceed against the youth with a delinquency complaint; however, if the grand jury determines that there is insufficient evidence to indict a youth for the crime alleged, youth are discharged from proceedings. If a youth is indicted, they are brought before the Juvenile Court and arraigned. The rest of their case proceeds similarly to a delinquency case except in two ways:

1. Youth in these cases have the right to be tried by a jury of 12 adults (compared to six adults in delinquency proceedings)
2. Youthful offender trials are open to the public (compared to delinquency proceedings, which are closed to the public)

If the youth is adjudicated delinquent as a youthful offender, the court may impose one or a combination of the following sanctions:

- commit the youth to DYS until age 21
- a suspended commitment to DYS until age 21
- an adult sentence which can be to the house of correction, state prison or adult probation
- commit the youth to DYS until age 21 with a suspended adult sentence. If the youth successfully completes their commitment, the case may conclude; if not, the youth may be sentenced to an adult facility.<sup>154</sup>

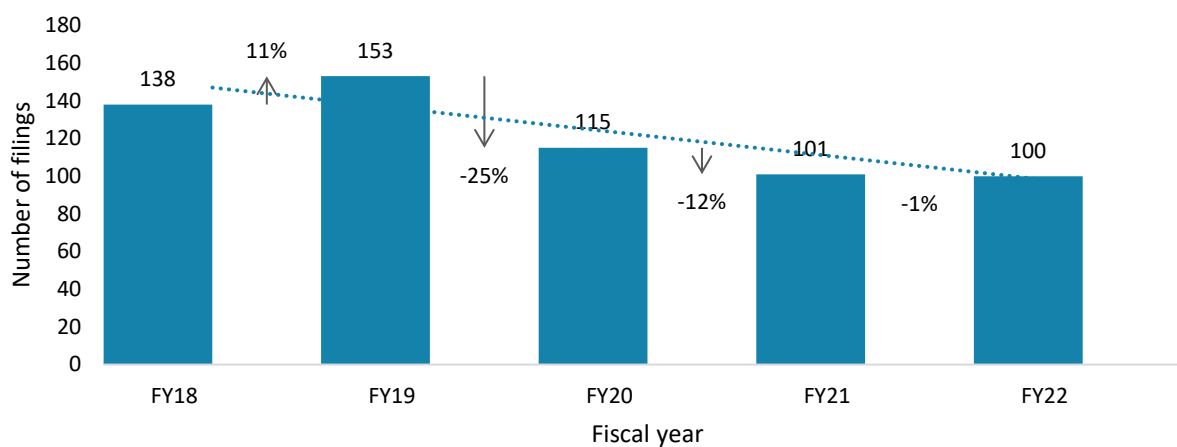
### Youthful Offender Indictments

In FY22, there were 100 youthful offender cases (or “indictments”), just one fewer than the previous year.

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<sup>154</sup> This is referred to as a “combination sentence” because it combines a commitment to DYS with the potential for a youth to complete an adult sentence if the youth fails to comply with the terms of the combination sentence. Typically, if the youth successfully completes their commitment the case will conclude without the youth serving an adult sentence; however, the court may also decide that the probationary period associated with the suspended sentence should begin after the youth is discharged from commitment. In either case, if the youth successfully meets the court’s terms, they will not have to serve the adult sentence, but if the youth violates the terms of the probationary period associated with the suspended sentence, the judge may impose the suspended adult sentence and commit the youth to an adult facility.

**Figure 101:**  
*Youthful offender indictments (FY18-FY22)*



Soruce: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

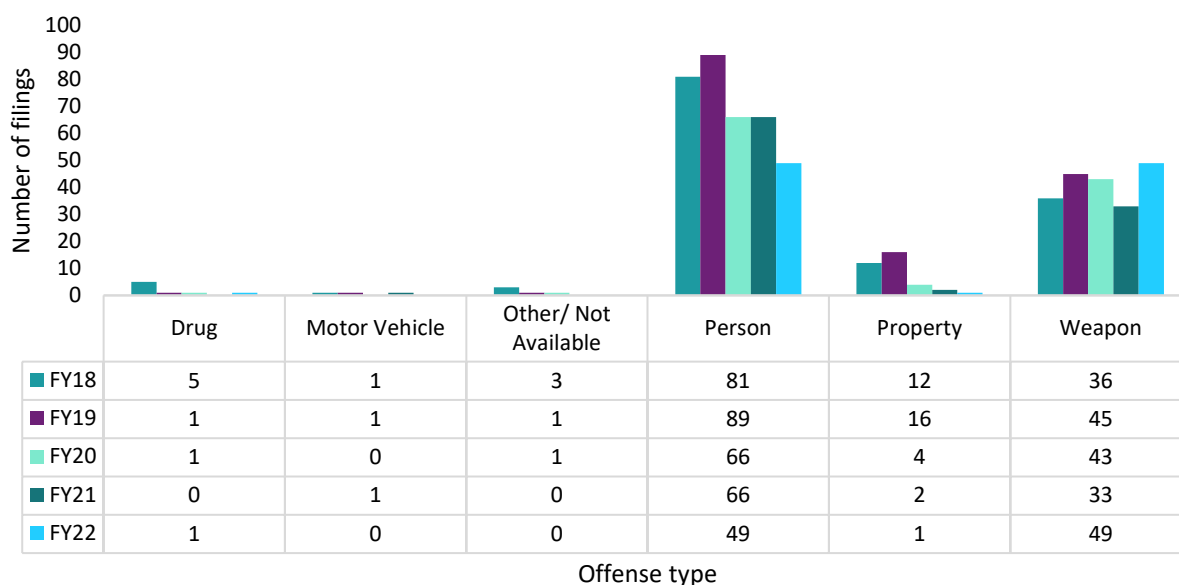
### Youthful Offender Indictments by Offense Severity & Type

Youthful offender indictments, by their nature, generally involve youth alleged of more serious types of offenses (i.e., felonies). The only exception to this would be for youth who have already been committed to DYS.<sup>155</sup>

Youthful offender indictments decreased across all offense types except *weapon* offenses, which increased 53% since FY21 and accounted for about half (49%, n=49) of all youthful offender indictments.

<sup>155</sup> The Trial Court reported one case indicted and arraigned on a misdemeanor offense in FY19. This may be a data entry error since youthful indictments for misdemeanor offenses alone are not legal.

**Figure 102:**  
*Youthful offender indictments by offense type (FY18-FY22)*



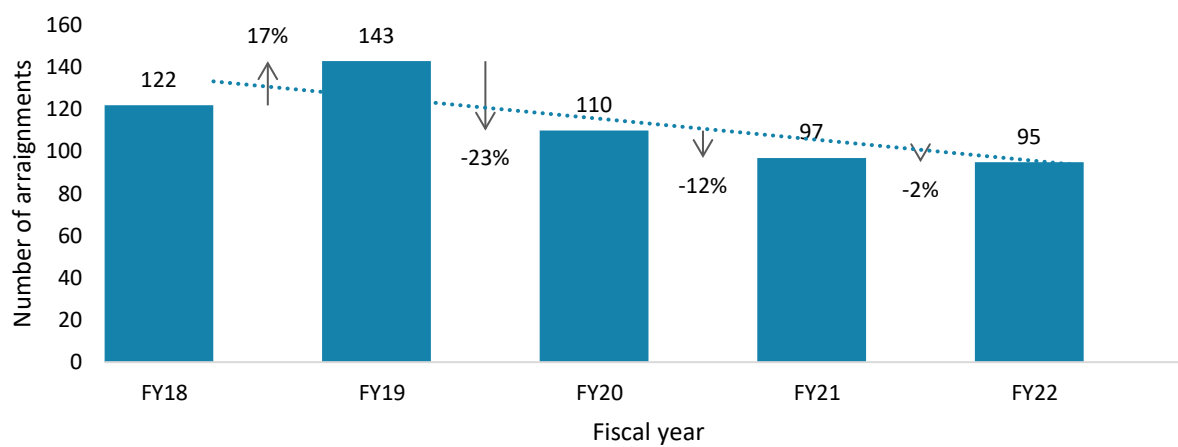
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

### Youthful Offender Arraignments

In FY22, there were 95 arraignments for youthful offender cases, just two fewer than the previous year. About 95% of youthful offender indictments resulted in a youthful offender arraignment. Over the past five fiscal years, youthful offender cases have accounted for 2-4% of all cases arraigned each year in Juvenile Court.

**Figure 103:**  
*Youthful offender arraignments (FY18-FY22)*



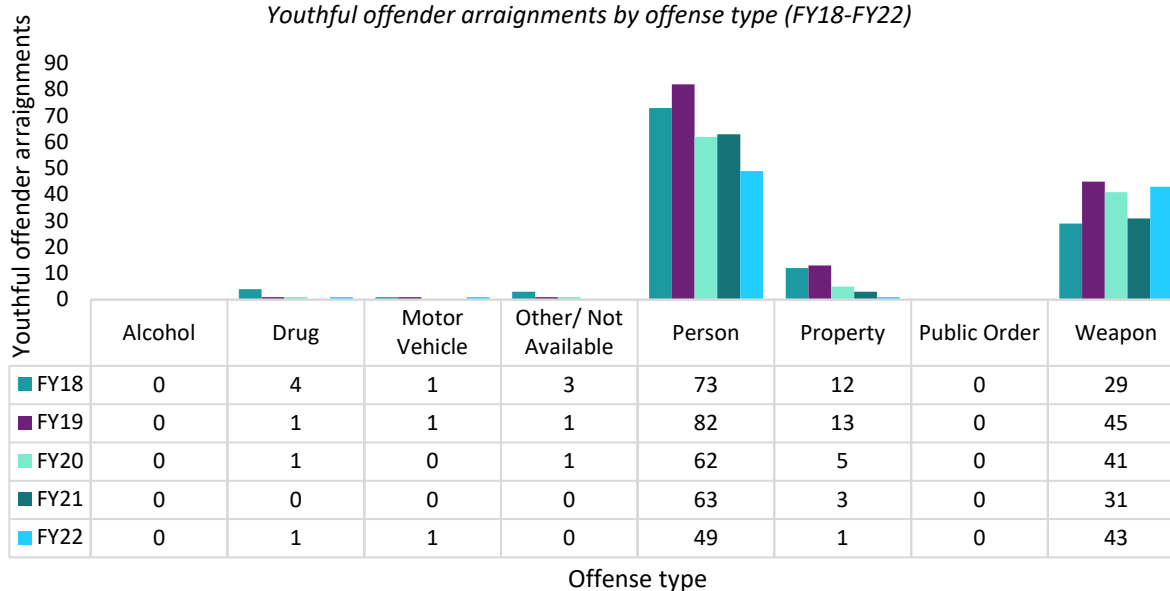
Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

### Youthful Offender Arraignments by Offense Severity & Type

As indicated in the youthful offender indictments section above, most youthful offender cases are for *person* or *weapon* offenses. In FY22, arraignments for youth charged with person-related offenses decreased 22% for youthful offender cases, while cases charging youth of committing a weapon-related offense increased 39%.

**Figure 104:**  
*Youthful offender arraignments by offense type (FY18-FY22)*

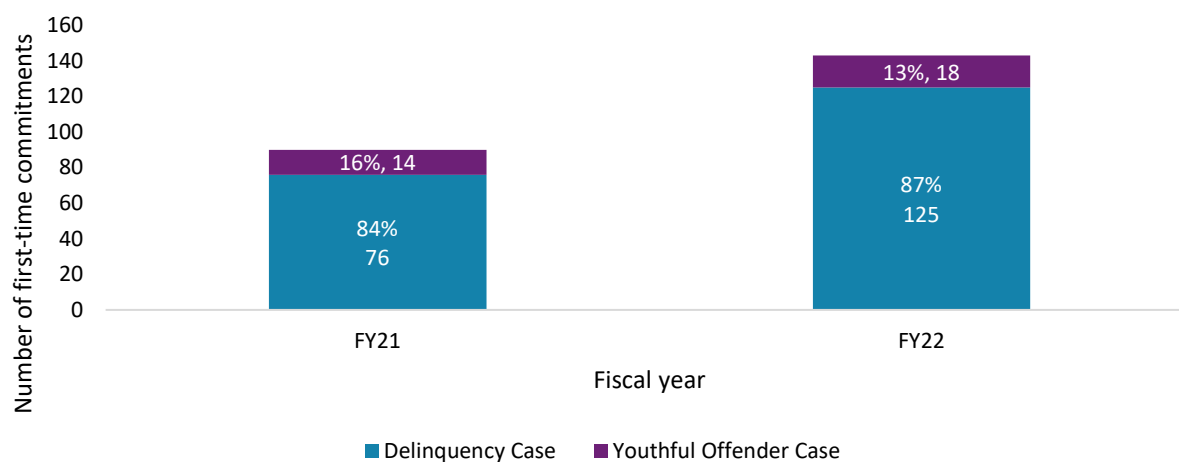


Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:  
<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

### Youthful Offender Cases Resulting in a First-time Commitment to DYS

Of the 143 first-time commitments to DYS in FY22, 13% (n=18) were for youth with underlying youthful offender cases. Seventeen of these cases were for youth with underlying higher-severity (grid 4-6) charges.

**Figure 105:**  
*First-time commitments by case type (FY21-FY22)*



Source: Data provided to the OCA by the Department of Youth Services



## County-by-County Variations in the Juvenile Justice System Utilization

Although all of Massachusetts is governed by the same laws, there are significant variations from county to county in both the availability of resources to support youth and families as well as the decision-making practices of local justice system officials.

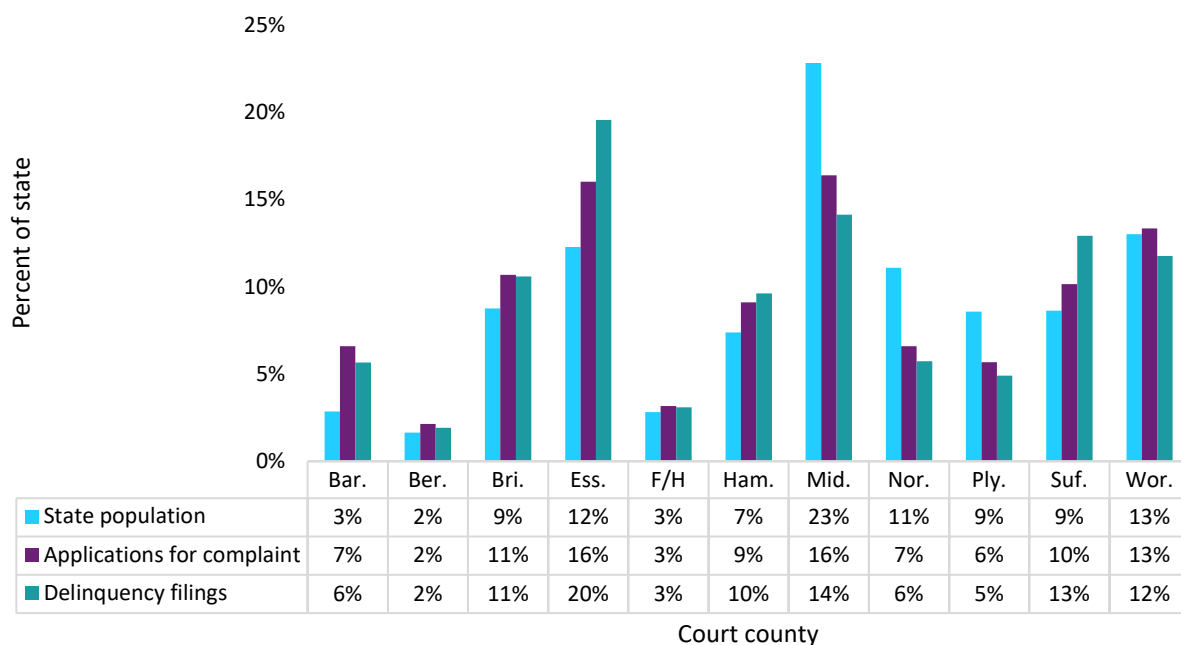
Accordingly, it is important to look at county-by-county variations in use of the juvenile justice system. The table below shows the percentage of youth at each process point coming from a given county. The percentage of the Massachusetts youth population (12-17-year-olds only) that lives in each county is presented as a point of comparison.

For all county-level data, see Appendix L.

**Some highlights from this data include variations in the use of:**

- **Custodial and overnight arrest admissions:** Compared to other counties, Hampden and Suffolk County account for a higher share of the state's custodial arrests and overnight arrest admissions. These data elements capture situations where a police officer made a decision to take a youth into custody, which in some cases resulted in an overnight arrest admission.
  - In FY22, Hampden County was home to 7% (n=35,032) of the state's juvenile population but accounted for 15% (n=557) of custodial arrests and 17% (n=82) of all overnight arrest admissions. Most (71%, n=58) ONA admissions in Hampden were the result of a new arrest, while the remainders were due to a warrant.
  - In FY22, 9% (n=40,955) of Massachusetts' youth lived in Suffolk County, but 16% (n=598) of custodial arrests and 28% (n=136) of overnight arrest admissions happened there. Eighty percent (n=118) of ONA admissions in Suffolk County were a result of a new arrest, while the remainders were due to a warrant.
  - Essex County and Bristol County also accounted for a higher percentage of custodial arrests compared to each county's state population percentage. Worcester accounted for a larger share of ONA admissions than its share of custodial arrests.
  - In comparison, in FY22, Middlesex, Norfolk, and Plymouth Counties all accounted for a smaller share of custodial arrests and overnight arrest admissions relative to their county youth population levels.

**Figure 107:**  
*County variations in applications for complaint and delinquency filings (FY22)*



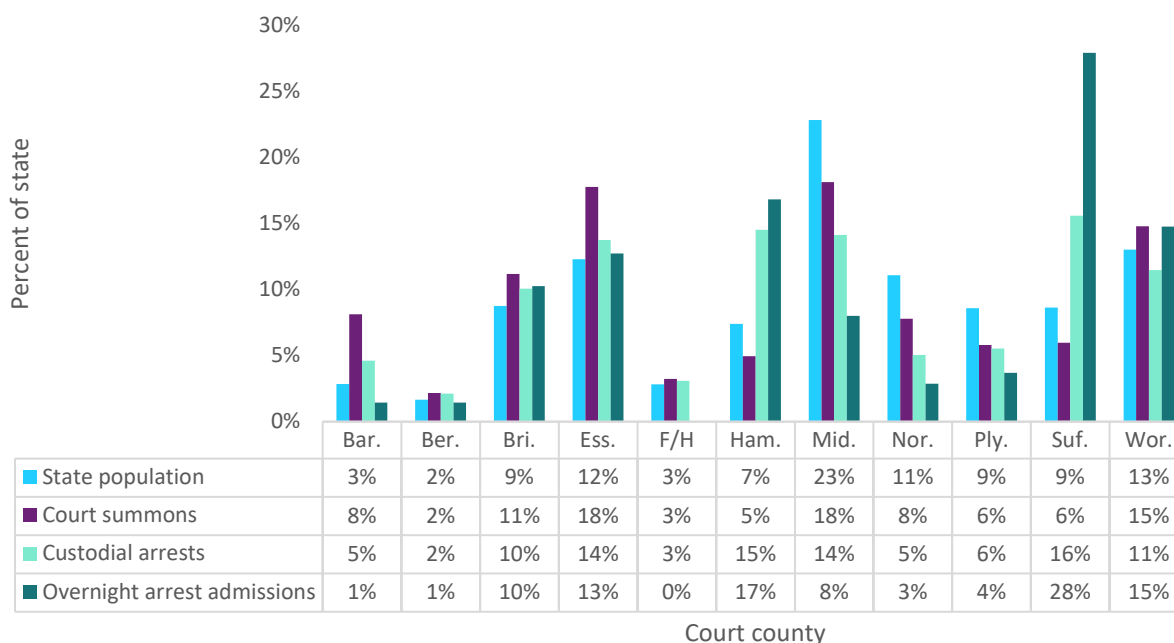
Source: Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation> ; Overnight arrest admissions provided by the OCA by the Department of Youth Services. State population data retrieved from Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojdp.gov/ojstatbb/ezapop/>

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

- Applications for complaint & delinquency filings: Barnstable, Bristol, Essex, Hampden, and Suffolk counties all accounted for a larger share of the state's applications for complaint and delinquency filings than their share of the state youth population.

**Figure 106:**  
County variations at the "front door" of the system (FY22)



Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

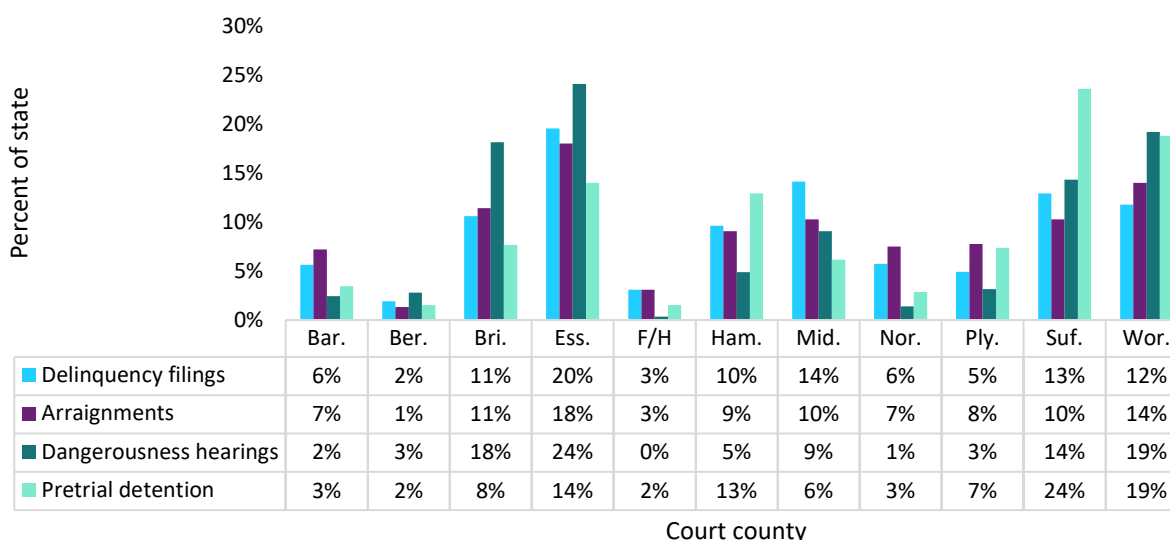
State population data retrieved from Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojdp.gov/ojstatbb/ezapop/>

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

- Arraignments: Although Hampden and Suffolk counties accounted for a greater share of arrests and applications for complaint than their share of the state population, each county accounted for smaller shares (9% and 10% respectively) of overall arraignments, suggesting increased use of prosecutorial diversion/case dismissal in those counties, as further discussed on page 55.

Meanwhile, Barnstable, Norfolk, Plymouth, and Worcester counties account for larger shares of the state's arraignments than their share of filings, suggesting pre-arraignment diversion is taking place less frequently in these counties.

**Figure 108:**  
County variations in arraignments and pre-trial processes (FY22)



Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

[https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn\\_](https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn_) ;  
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard> ;  
<https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics>

Pretrial denention data provided by the OCA by the Department of Youth Services

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

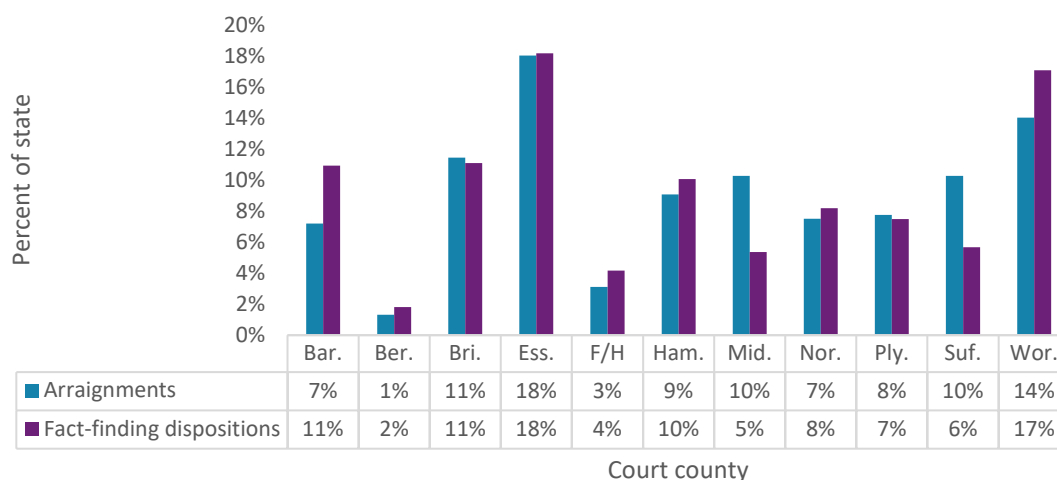
- **Dangerousness Hearings and pretrial detention:** As shown in Figure 108, above, almost a quarter (24%, n=69) of all dangerousness hearings in the state during FY22 took place in Essex County.

Almost a quarter of all pretrial detention admissions stem from Suffolk County. Berkshire, Hampden, and Worcester counties also accounted for larger shares of the pretrial detention admissions than each counties' arraignments rates.

- **Fact-findings hearings:** Of the 1,271 cases that resulted in a plea or trial in FY22, 18% (n=231) were in Essex County. As seen in Figure 110, below, most of these (79%, n=182) were for CWOFS or for cases adjudicated not delinquent.

Both Middlesex and Suffolk County accounted for smaller shares of the state fact-findings hearings compared to the percentage of state arraignments they accounted for, which may be explained, in part, by a larger share of case dismissals in those counties than the rest of the state (see the "Dismissed cases" section below).

**Figure 109:**  
*County variations in fact-finding dispositions compared to arraignments (FY22)*



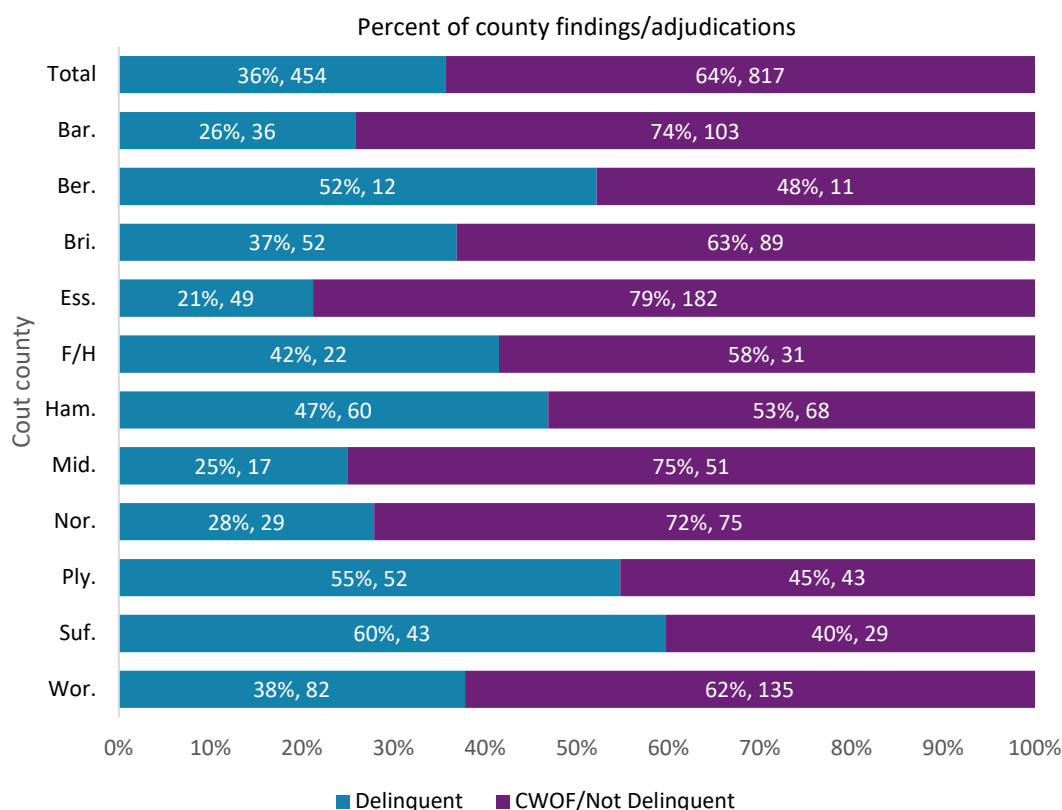
*Source: Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:*

<https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesAraigned/CountyMapCharacteristics>

*County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester*

Compared to the rest of the state, Barnstable, Essex, Middlesex, and Norfolk counties had higher rates of cases resolving through a CWO or adjudicated not delinquent.

**Figure 110:**  
*County variations in cases resolved with a CWO/Not Delinquent and cases adjudicated delinquent (FY22)*



Source: Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesAraigned/CountyMapCharacteristics>

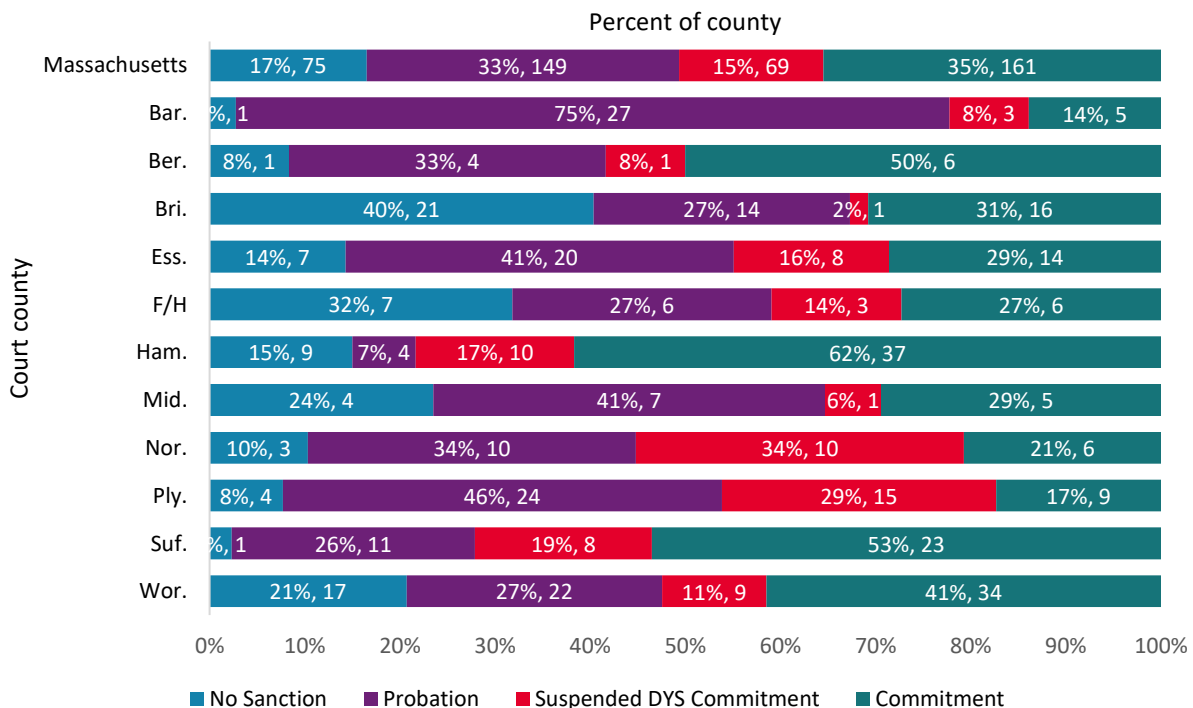
County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

- **Sanctions:** There are county variations in the types of sanctions given to youth whose cases are adjudicated delinquent. In FY22:
  - Bristol, Franklin/Hampshire, Middlesex, and Worcester resolved cases adjudicated delinquent without any sanction at higher rates than the statewide average.
  - Cases adjudicated delinquent in Barnstable, Essex, Middlesex, Norfolk, and Plymouth counties were more likely to be resolved by a probation sanction than the rest of the state
  - Cases adjudicated delinquent in Essex, Hampden, and Suffolk were more likely to be sanctioned using a suspended DYS commitment. Youth in Norfolk and Plymouth

counties were much more likely to have their case resolved this way than the rest of the state.

- Youth with cases adjudicated delinquent in Berkshire, Hampden, Suffolk, and Worcester counties were more likely to have their cases resolved by a DYS commitment than the statewide rates. In Suffolk, this may be a result of significant diversion and case dismissals as a result of diversion for youth with first time or lower-level offenses, resulting in the youth that remain in the system in being more likely to have serious offenses compared to rates seen in other counties. However, unlike in Suffolk County, in Berkshire, Hampden, and Worcester Counties, there is no indication of higher-than-average pre-arraignment diversion or case dismissals raising the "average seriousness level" of cases that were resolved through a plea or trial.

**Figure 111:**  
*County variations in sanctions (FY22)*



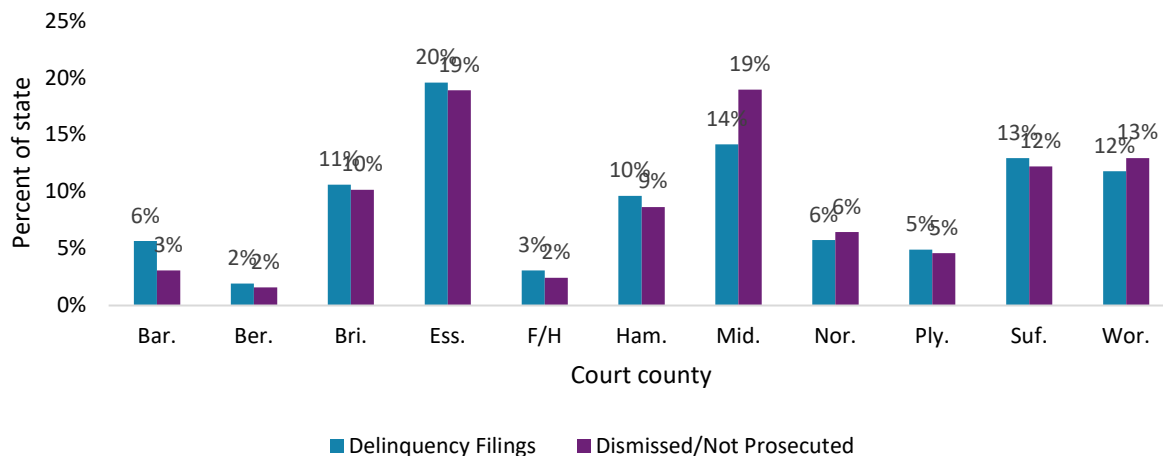
Source: Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

- **Dismissed cases:** In addition to the diversion data from MDAA discussed above, (see page 55 above for more information), Middlesex and Suffolk counties account for higher rates of case dismissals generally. The data below is reported by the Trial Courts and accounts for all cases dismissed pre-trial/plea, whether the reason for dismissal was for diversion pre-arraignment, or dismissed due to other legal/procedural reasons.
  - Compared to the rest of the state, Middlesex and Suffolk County account for a larger share of overall cases dismissed. Part of this is due to their high diversion rates (as indicated on page x, above), but considering there is a large difference between each county's share of arraignments and their share of fact-finding dispositions, there is likely also higher rates of case dismissal post- arraignment in these counties compared to other counties.

**Figure 112:**  
*County variations in case dismissals compared to delinquency filings (FY22)*



Source: Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

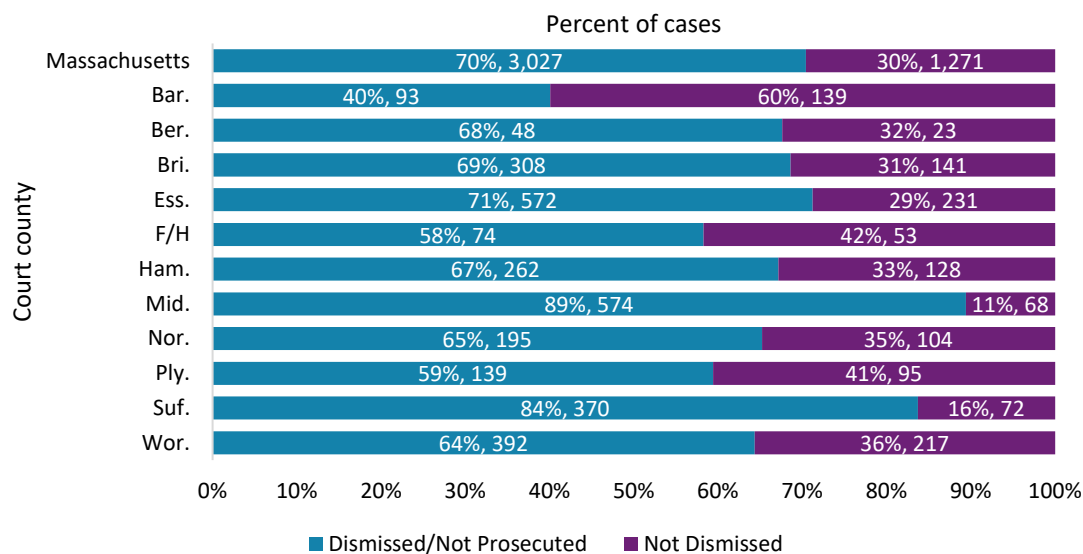
County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

Indeed, as Figure 113, below indicates, of all the delinquency cases during FY22 in:

- Middlesex County, 89% (n=574) were dismissed and 11% (n=68) were resolved by plea or trial.
- Suffolk County, 84% (n=370) were dismissed and 16% (n=72) were by plea or trial.



**Figure 113:**  
*County variations in dispositions (FY22)*



Source: Court data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

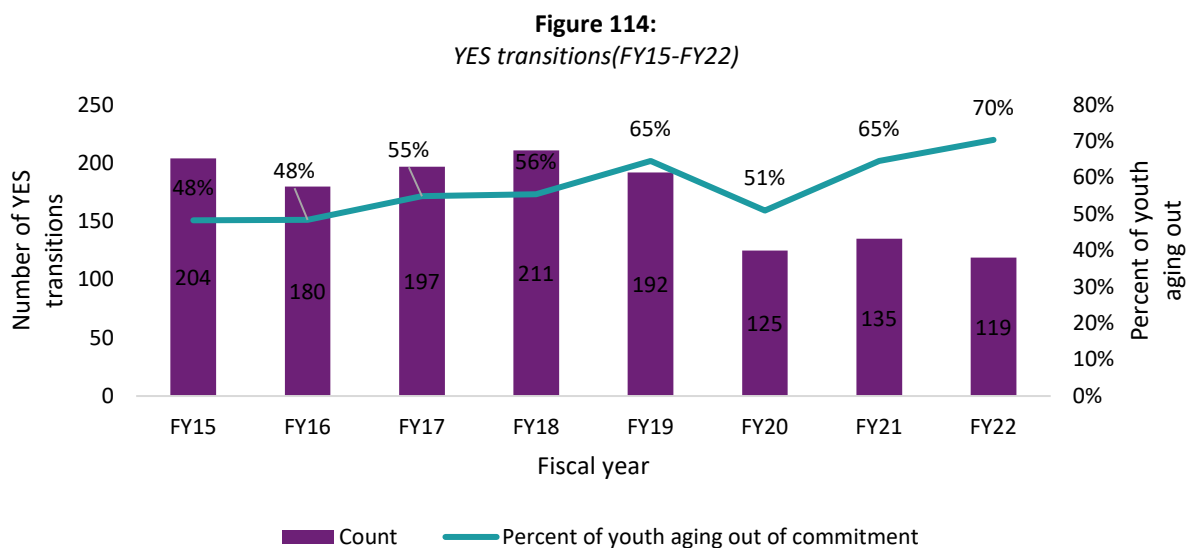
County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

## Post-commitment Services: Youth Engaged in Services (YES) Transitions

YES is an agreement between DYS and a young person, where the youth voluntarily extends their engagement with DYS after reaching the statutory age of discharge from DYS (after age 18 or 21), for example, to complete an education program or to continue case management. Through this program, DYS supports youth transitioning out of typical juvenile services into adulthood. Youth can terminate their YES status at any time.

YES transition counts include the number of youth that age out of DYS commitments (18,19, or 20 years old) who sign up for YES participation within 90 days of discharge. Youth who stop YES participation and restart at a later date are only counted once.

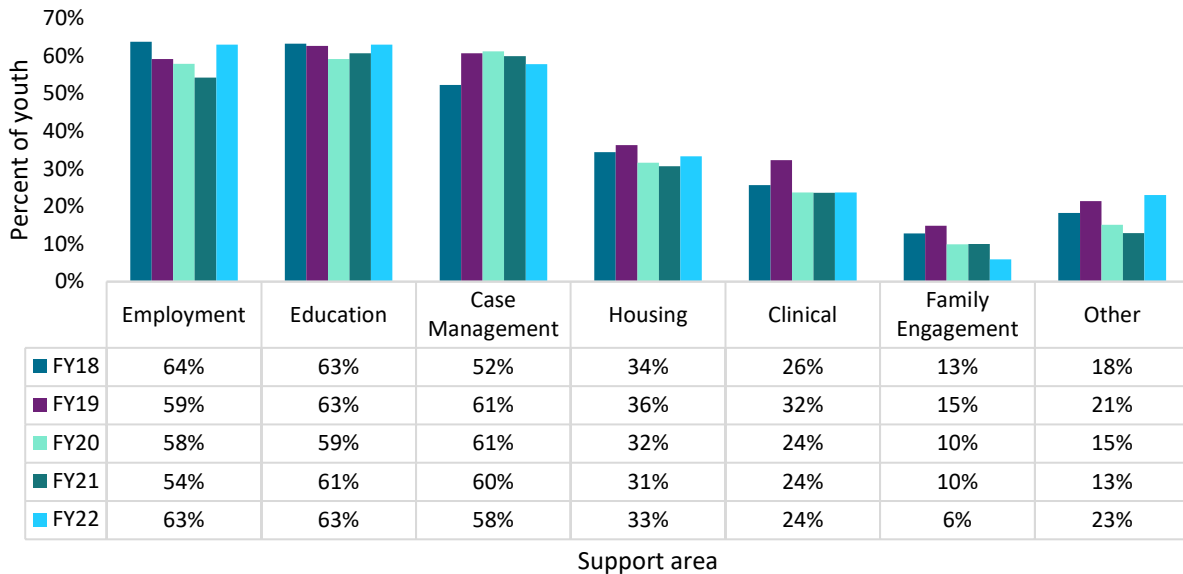
Although total YES transitions decreased 12% in FY22, the overall number of transitions as a proportion of the number of youth who age out of commitment (i.e., are no longer required to remain involved with DYS) increased from 65% (n=135) of all youth aging out in FY21, to 70% (n=119) of all youth aging out in FY22. This is a consistent trend in recent years, indicating a greater need and desire for supports by youth committed to DYS as they enter young adulthood.



*Source: Data provided to the OCA by the Department of Public Health*

The most frequent reason youth cited for signing up for YES was for employment and education supports. Housing supports were also frequent cited as reasons for participation (Figure 115).

**Figure 115:**  
Percent of youth signing up for YES by reason (FY18-FY22)



Data provided to the OCA by the Department of Public Health

## Utilization of Other Systems

The JJPAD Board also gathers data on the use of other state systems that may serve youth who are, or might otherwise have been, involved with the juvenile justice system. The goal is to identify the extent to which other response options are being used to address unlawful/concerning adolescent behavior and see if changes restricting the use of the delinquency system for certain types of behavior has led to an increase in the use of other systems.

**The JJPAD Board does not currently find evidence that the decline in the use of the juvenile justice system has led to increases in the use of other state systems/services. Compared to FY18 data, one year before the Criminal Justice Reform Act was implemented:**

- CRA filings are down 22% across petition types. Additionally, while the 2018 Criminal Justice Reform Act changed the law decriminalizing certain school-based offenses, it is important to note that the CRA system has not absorbed those cases as *CRA habitual school offender* petitions, which have decreased since FY18. In fact, petitions for habitual school offenders have decreased at a higher rate than other petition types (48%) during this time.
- BSAS referrals have increased each year since FY19, in part due to program expansion—mostly school-based interventions—during this time. However, admissions to BSAS for more intensive services (clinical stabilization, outpatient counseling, and residential treatment) have all decreased since FY19.
- Youth applications to the Department of Mental Health (DMH) have declined 47%.
- Juvenile Court Clinic referrals remained relatively stable between FY18 and FY21. However, there was a 28% increase in the number of referrals in FY22 compared to FY18. Meanwhile, the

number of cases heard in Juvenile Court each year decreased 28% during the same timeframe, suggesting the needs of youth who remain in the Juvenile Court process are possibly more complex.<sup>156</sup>

This is not necessarily cause for concern. We know from theories of child development that adolescence is a time for taking risks and testing limits. Behaviors that adults may consider “problematic” or “concerning” are common among adolescents and are in many cases normal adolescent behavior.<sup>157</sup> Eventually, most youth mature and grow out of risky behaviors – and will do so without any state intervention (justice system or otherwise) required.

We also know that many of the most effective interventions for youth do not involve state government at all: families, schools, community organizations, faith-based organizations, and health care providers are all systems that are likely to respond to difficult adolescent behavior without involving state government. None of these interventions will appear in the data, despite the importance these systems and organizations have in a youth’s life.

With these caveats, the JJPAD Board presents the following data on the use of other state systems:

### Child Requiring Assistance (CRA) Petitions

The Child Requiring Assistance (CRA) civil court process allows parents, guardians, and school officials to bring youth with certain behaviors into court for additional assistance.

#### Types of CRA Petitions

- Stubborn Petition: a type of CRA petition that can be filed by a parent/legal guardian for a child who repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child.
- Runaway Petition: a type of CRA petition filed by the child’s parent or legal guardian/custodial for a child who repeatedly runs away from their home.
- Truancy Petition: a type of CRA petition that can be filed by schools for a child who is habitually truant by willfully not attending school for more than 8 days a quarter.
- Habitual School Offender Petition: a type of CRA petition that can be filed by schools for a child who repeatedly fails to obey the lawful and reasonable regulations of the child's school.
- Sexual Exploitation Petition: a type of CRA petition that can be filed by a parent/legal guardian or a police officer for a child who is sexually exploited.

<sup>156</sup> This includes youth with Child Requiring Assistance Filings and Care and Protection cases, see:

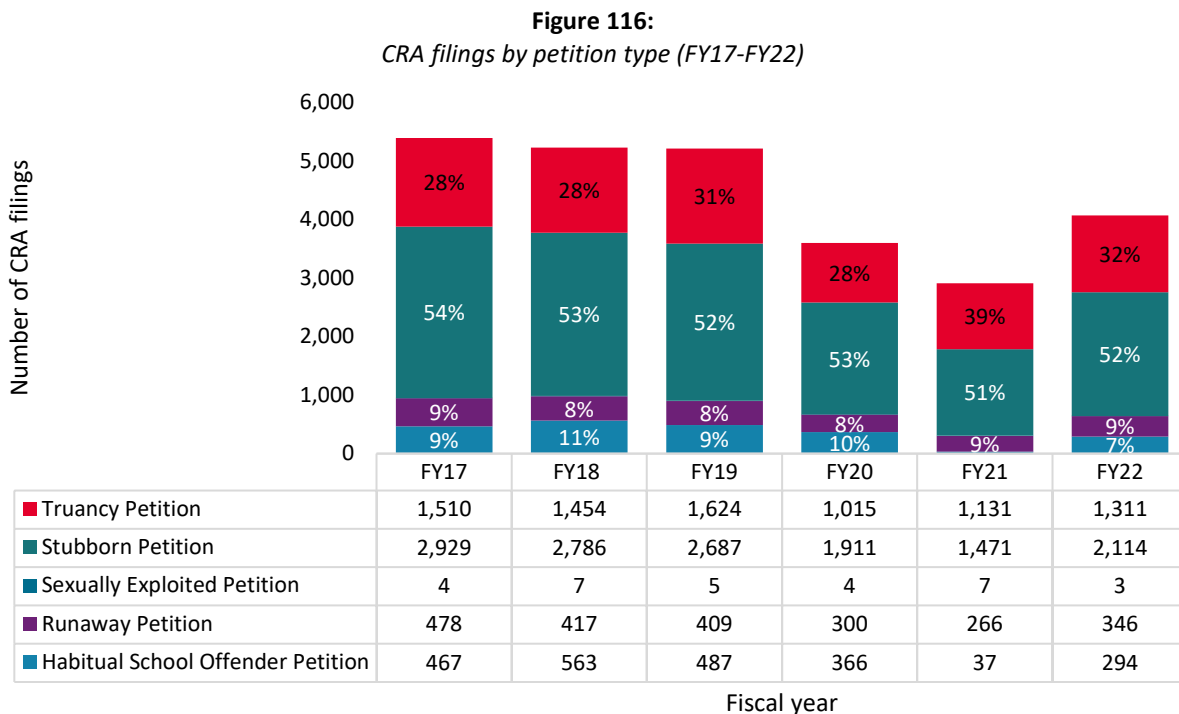
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtFY2022Year-EndCaseFilings/TrialCourt>

<sup>157</sup> Kann, L., McManus, T., & Harris, W. (2018). *Youth risk behavior surveillance-- United States. Surveillance Series*, (67). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/healthyyouth/data/yrbs/results.htm>

The number of CRA filings declined each year from FY15 until FY21. In FY22, filings increased from the prior year, although still remain 22% lower than filings from FY19, the last year before the start of the pandemic. In FY20 and FY21, the COVID-19 pandemic, resulted in a significant disruption to government and school operations, including many operating primarily virtually. This led to a substantial decrease in the number of CRA filings across the state. An increase in filings from FY20/FY21 was anticipated as typical government operations and schools reopened alongside the release of COVID-19 vaccinations.<sup>158</sup> Still, FY22 CRA filing numbers are the third lowest since data became publicly available.

### Petition Types

In FY22, there were 4,068 CRA filings. Over half (52%, n=2,114) of all CRA filings with the court were for stubborn petition types and almost a third (32%, n=1,311) were for truancy petition types. The remaining 16% (n=643) were for habitual school offender, runaway and sexually exploited petition types.



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

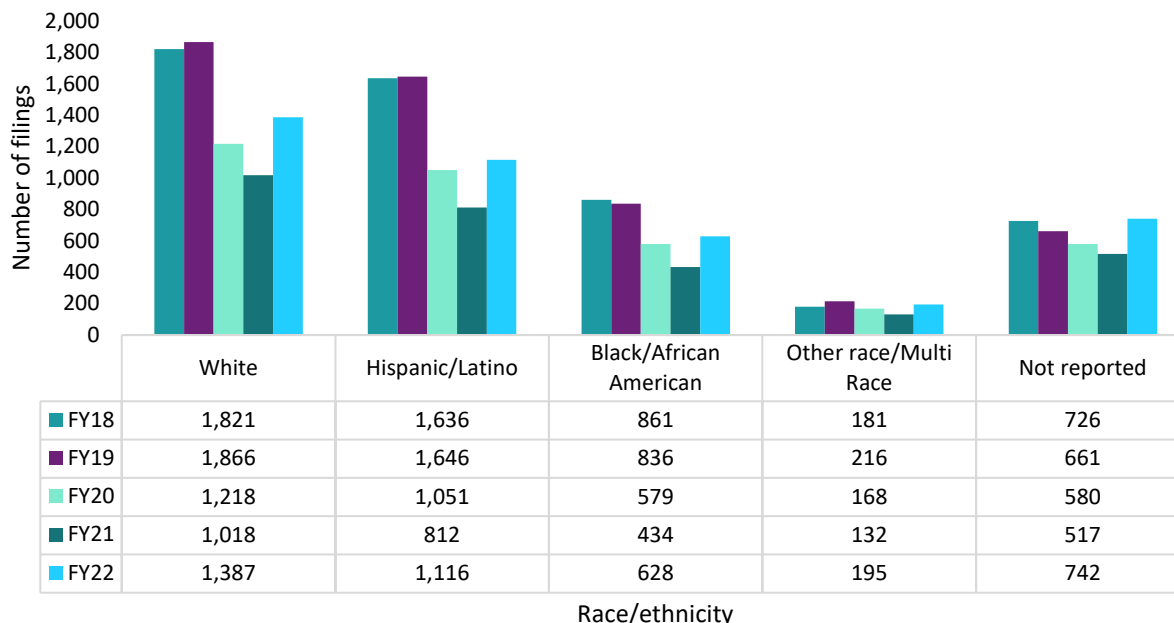
### Race/ethnicity of youth with CRA filings

Consistent with prior years, a little over a third (34%, n=1,387) of FY22 CRA filings were for white youth. Twenty-seven percent (n=1,116) of filings were for Hispanic/Latino youth and 15% (n=628) were for

<sup>158</sup> For more information on the pandemic's impact on youth and the juvenile justice system, download the Board's Fall 2021 report on the topic: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jipad-report-october-2021/download>

Black/African American youth. Compared to their state population rates, Black and Latino youth were almost three times more likely to be subjects of a CRA filing than white youth in Massachusetts.

**Figure 117:**  
*CRA filings by race/ethnicity (FY18-FY22)*



Source: Data retrieved on 11/14/2022 from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard:

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyAge>

## Department of Public Health

The Department of Public Health (DPH) provides substance addiction services as well as antiviolence programming for youth with- or without- juvenile justice system involvement.

### *Bureau of Substance Addiction Services Admissions*

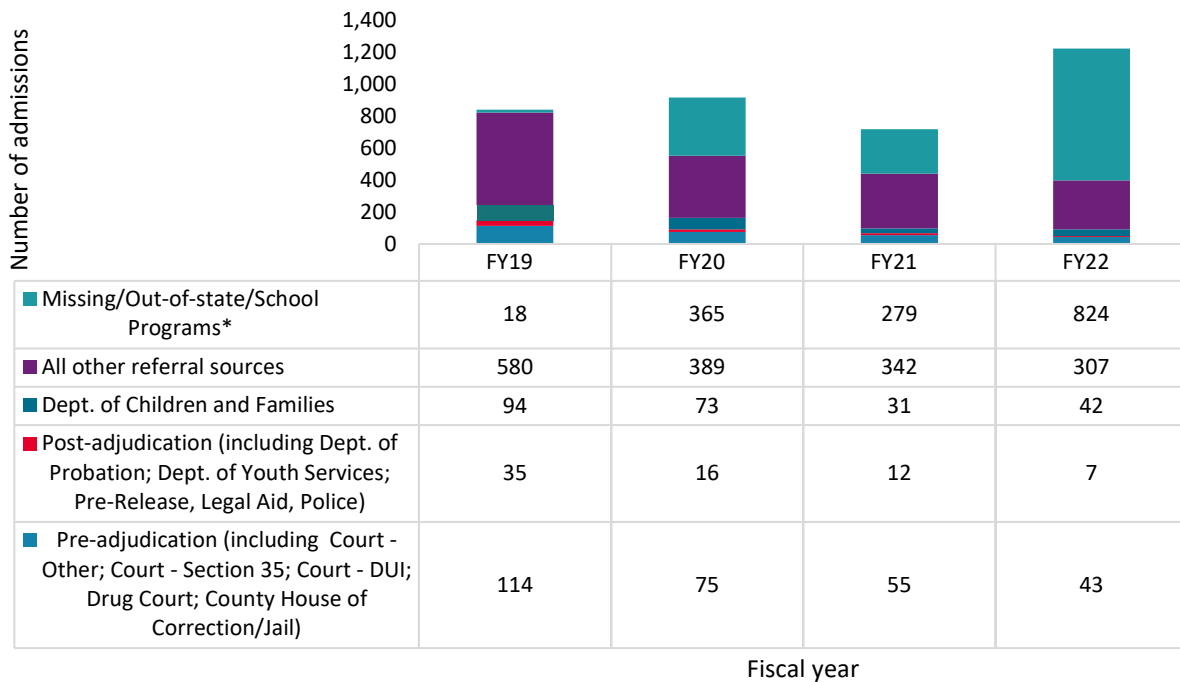
The Department of Public Health's Bureau of Substance Addition Services (BSAS) oversees the statewide system of prevention, intervention, treatment, and recovery support services for youth affected by substance addiction.

There were 1,223 BSAS programming participants aged 12-17 in FY22, a 70% increase from FY21.<sup>159</sup> This increase is largely attributed to the Bureau's expansion of Intensive School-Based Interventions during this year.

Most referrals to BSAS come from sources outside of the juvenile court process, with just 5% (n=50) of all BSAS admissions coming from the juvenile justice in FY22.

<sup>159</sup> Admissions includes any youth who enrolled in any BSAS intervention, treatment or recovery support service during the timeframe provided.

**Figure 118:**  
BSAS admissions by referral source (FY19-FY22)



Source: Data provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services \*Referral data is not provided by school-based interventions but is included in total BSAS participants.

The number of applications for complaint for underlying drug/alcohol offenses provides a rough proxy for the number of youth involved in the juvenile justice system who may be eligible for a BSAS referral. The data in Table 17 compares the number of youth referred to BSAS with the number of applications for complaint with underlying drug/alcohol offenses. In FY22, there was a substantial decline in both the number of juvenile justice referrals to BSAS, as well as a in the estimated percentage of referrals based on eligible applications for complaint.<sup>160</sup> As reported in the "Juvenile Court Clinic" section below, referrals to the Court Clinic for Substance Abuse Commitment evals have declined most years since FY17. This can suggest one of two things:

1. Juvenile justice professionals are referring youth to BSAS less frequently than they should
2. Youth coming into contact with the juvenile justice system with underlying drug/alcohol charges are there for charges related to something other than actual alcohol/drug use (e.g., distribution of controlled substances as opposed to possession), and therefore, BSAS services may be unnecessary.

<sup>160</sup> Data is approximate based on aggregate applications and aggregate BSAS referrals. We are unable to match individual applications for complaint (Trial Court data) with a BSAS referral outcome (DPH data).

<b>Table 17: BSAS Referrals as a Percentage of Drug and Alcohol Juvenile Delinquency Cases</b>					
	FY18	FY19	FY20	FY21	FY22
Applications for complaint (Drug & Alcohol offenses only)	708	415	307	272	315
All Juvenile Justice Referrals to BSAS	239	149	91	67	50
Referrals as a percentage of drug and alcohol juvenile delinquency cases	34%	36%	30%	25%	16%
Source: Data provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services					

Once youth are admitted to BSAS, they may receive different services based on their needs. Table 18, below, breaks down the different services youth admitted to BSAS may be receiving. The main types of services youth receive through BSAS include clinical stabilization services, outpatient counseling, and residential placement.

<b>Table 18: FY19-FY21 Admissions for BSAS Youth (Ages 12-17), Service Type</b>				
	FY19	FY20	FY21	FY22
1st Offender Drunk Driver	9	*	**	*
Clinical Stabilization	428	268	227	202
Criminal Justice Diversion	16	*	**	*
Intervention	*	348	**	794
Outpatient Counseling	251	195	97	161
Recovery Support	**	*	**	*
Residential	116	87	92	52
Other	8	**	*	*

BSAS providers may refer youth to other services once their BSAS services have ended. Multiple referrals may be made for each youth. The most frequent referrals at dis-enrollment over the past four fiscal years have remained consistent:<sup>161</sup>

- Outpatient Substance Abuse Counseling
- Residential Treatment
- Referral Not Made – Client Dropped Out
- Referral Not Needed – Appropriate Mental Health Clinical Services Already in Place

### **Race/ethnicity of youth referred to BSAS**

Consistent with previous years, most BSAS program participants were white (58%, n=665) in FY22, but between FY21 and FY22 there were substantial increases in referrals for Black youth and Latino youth (105% and 94% increases, respectively).

<sup>161</sup> For more service referrals at disenrollment data see Appendix E.



**Table 19: BSAS participants by race/ethnicity (FY19-FY22)**

Race/Ethnicity	FY19		FY20		FY21		FY22	
	#	% of BSAS participants	#	% of BSAS participants	#	% of BSAS participants	#	% of BSAS participants
Black, Non-Hispanic	53	6%	75	8%	42	6%	86	8%
Hispanic	152	18%	213	24%	134	19%	260	23%
Multi-Racial	31	4%	34	4%	22	3%	36	3%
Other	46	6%	44	5%	29	4%	35	3%
White, Non-Hispanic	554	66%	546	60%	486	68%	665	58%
Refused/Unknown/Missing	n/a	n/a	n/a	n/a	n/a	n/a	58	5%
Total	836	100%	912	100%	713	100%	1,140	100%

Missing and Unknown values are excluded (n=17 total enrollments).

"Multi-Racial" individuals report two or more races at enrollment; "Other" includes American Indian/Alaska Native, Asian, Native Hawaiian, and Pacific Islander individuals as well as those who report "other" race.

Source: Data provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services

### Youth Violence Prevention Programs

The Department of Public Health's youth violence prevention program provides funding to community-based initiatives across the state working to prevent youth violence.<sup>162</sup> Programs include:

- **Primary Violence Prevention:** These programs support youth at elevated risk for violence but who are not yet engaging in serious acts of violence.
- **Youth-At-Risk:** These programs support community organizations which address all types of violence experienced by young people, as well as other significant public health issues that may increase a young person's risk for violence, such as teen pregnancy and substance use.
- **Safe Spaces:** These programs are specifically for lesbian, gay, bisexual, transgender, queer and or questioning, intersex, asexual and/or allied (LGBTQIA+) youth and consists of community-based organizations currently working with LGBTQIA+ youth, to provide services that are trauma-informed, founded in Positive Youth Development, and are culturally appropriate and specific to LGBTQIA+ youth.

**Table 20: DPH youth violence prevention programs (FY22)<sup>163</sup>**

Program	Number of youth (under 18) served
Primary Violence Prevention	2,646
Youth at Risk	2,116
Safe Spaces	624
<b>Total</b>	<b>5,386</b>

Source: Data provided to the OCA by the Department of Public Health, Youth Violence Prevention Program

<sup>162</sup> Click here for more information on DPH's violence prevention programs: <https://www.mass.gov/child-and-youth-violence-prevention-services>

<sup>163</sup> The Board is unable to compare the number of youth served in FY22 to FY21 due to not all programs reporting in FY21.

## Department of Mental Health Services

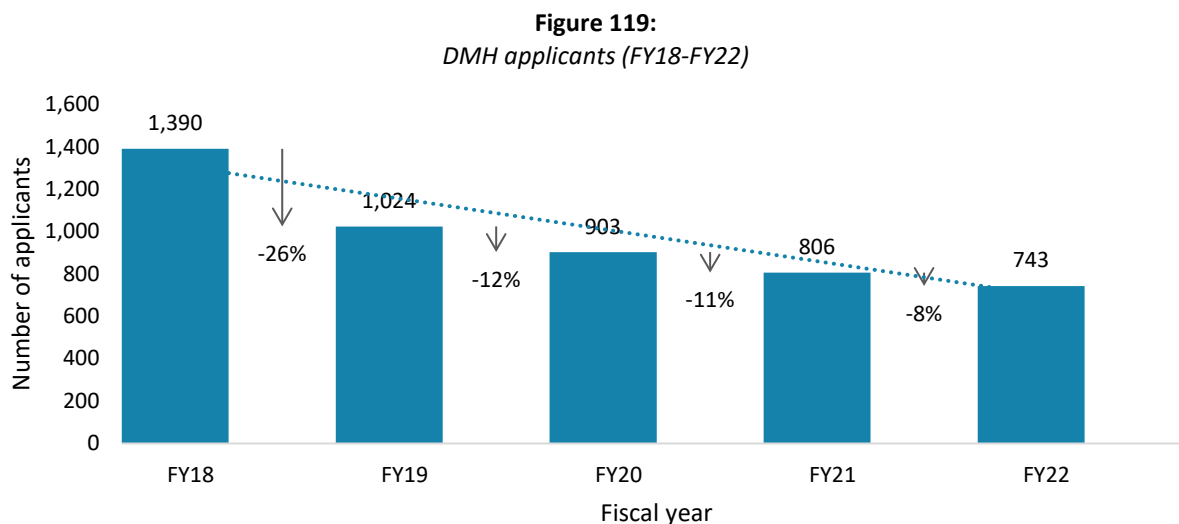
The Department of Mental Health (DMH) reports admissions and program participation data for youth in their system, as well as youth in Juvenile Courts who are referred to the Juvenile Court Clinic.

### *Child, Youth, and Family Programming*

Within DMH, the Child Youth and Family (CYF) Services division provides supports and services for individuals under the age of 18.

In FY22, there were 743 youth applications for Department of Mental Health (DMH) services, an 8% decrease from the prior year.<sup>164</sup> Youth applications have declined 47% since FY18.

This year, DMH was able to report to the Board the number of applications for full services that were accepted, denied, and withdrawn. In FY22, 42% (n=309) of applications were approved, 29% (n=213) were denied and 30% (n=221) were withdrawn.



*Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming*

In addition to the 743 youth applicants who completed the “full service authorization” process for DMH services in FY22, DMH approved approximately 450 additional youth to receive community mental health services via a “limited service authorization” (LSA) process. DMH’s LSA process enables more youth to access low-barrier, early intervention mental health services in their communities. The majority of these youth received Flexible Support Services.

Most youth clients (75%) of DMH are receiving CYF flex services, which include an “individualized set of services designed to prevent out-of-home placement, maintain the youth with their family, help the youth function successfully in the community, and assist families in supporting the growth

<sup>164</sup> "Youth" is defined as those who were between 7 and 17 years old at the time of the application received date. Data is collected and entered by DMH personnel and is obtained via face-to-face interview of persons served and/or any accompanying records. An individual is only counted once in each fiscal year but may be counted more than once across fiscal years if they applied more than once in the following fiscal year.

and recovery of their child. These include services such as respite, home-based family support, individual youth support, and youth support groups.”<sup>165</sup>

Table 21: DMH CYF service category counts (FY22)	
CYF Service Category	Count
Caring Together & ICS	262
Case Management	520
Day Services	501
Emergency Room Diversion	227
Flex Services	2,120
Statewide Programs*	129
Total Youth Served^	2,810
*Statewide Programs includes Intensive Residential Treatment (ages 13-18), Clinically Intensive Residential Treatment (ages 6-12), and Continuing Care inpatient services for DMH youth who need the most intensive level of clinical treatment available.	
^Youth can be enrolled in multiple services, and therefore totals will not add up to the total youth served	
Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming	

### Race/ethnicity of youth applicants to DMH and program participants

Black and white youth are the subjects of DMH applications at similar rate to their population rates: 10% of all DMH applications (excluding applications that were withdrawn) were for Black youth and 61% were for white youth (compared to 10% and 63% of the Massachusetts youth population ages 7 through 17). Latino youth were underrepresented in DMH application rates—11% of DMH applications compared to 18% of overall youth population.

Of the 522 cases that were either approved or denied (i.e., not withdrawn), applications were approved for Latino youth at higher rates than youth in other race categories (65% of applications for Latino youth were approved). Black youth had their applications approved at lower rates than youth in other race categories (47% of applications for Black youth were approved).

Table 22: DMH applications by race/ethnicity							
	Asian / Native American / Pacific Islander / Other Race	Black/ African American	Chooses Not to Self-Identify / Missing / Unknown	Hispanic/ Latino	Two or More Races	White	Total
Approved	17	24	22	36	12	198	309
Denied	19	27	13	19	12	123	213
Total*	36	51	35	55	24	321	522
*Race breakdowns for youth who withdrew their DMH applications was not reported.							
Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming							

<sup>165</sup> See the CYF services page for more information: <https://www.mass.gov/service-details/dmh-child-youth-and-family-services-overview>

Flex services remain the most utilized service across race categories.

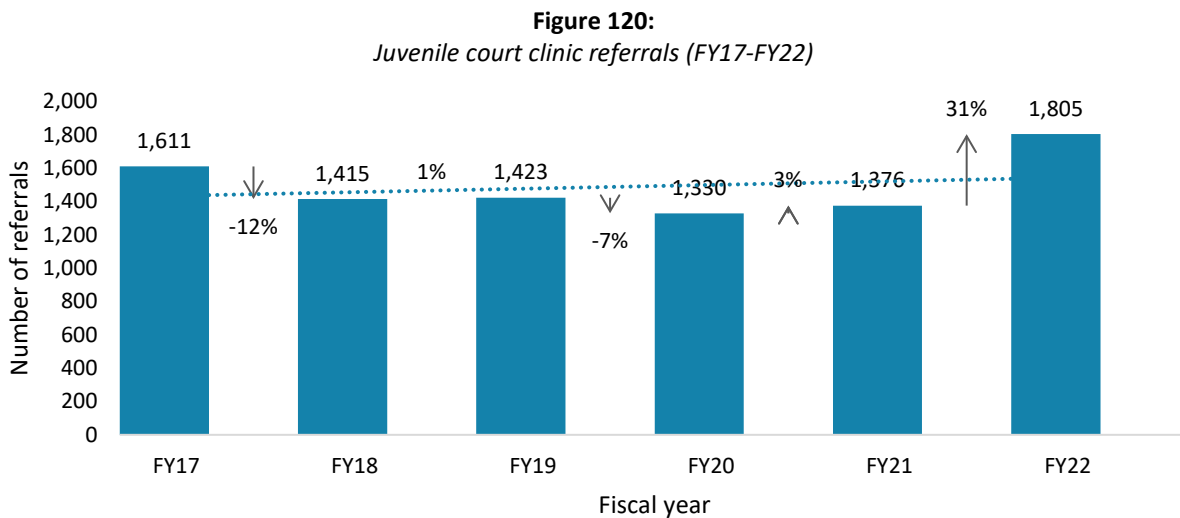
Service Category / Race	Asian / Native American / Pacific Islander	Black/African American	Chooses Not to Self-Identify / Missing / Unknown / Other Race	Hispanic/Latino	Two or More Races	White	Total
Caring Together & ICS	11	29	35	29	24	134	262
Case Management	13	42	59	65	36	305	520
Day Services	13	37	101	61	39	250	501
Emergency Room Diversion	*	21	66	49	*	75	227
Flex Services	48	320	764	277	110	601	2120
Statewide Programs	*	*	16	14	*	79	129

\* Indicates a non-zero number under eleven (11).  
Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming

### *Juvenile Court Clinics*

In addition to DMH's offered services, DMH operates the Juvenile Court Clinics. Youth with open delinquency cases, CRA cases and Care and Protection cases can be referred by a judge to the Court Clinic for evaluations and services at any time during their juvenile court case.

After remaining relatively stable between FY18 and FY21, referrals to the Court Clinic increased 31% in FY22.



Source: Data provided to the OCA by the Department of Mental Health's Forensic Services

Youth can be referred to the Court Clinic for multiple reasons.<sup>166</sup> Consistent with previous years, the most frequent (34%, n=611) referral was for “Other” Juvenile Court Clinic services. That includes referrals for multidisciplinary meetings, consultations, and specialized evaluations. The second most frequent referral was for a Child Requiring Assistance evaluation (19% of all referrals).

Unlike last year, referrals for behavioral health screenings increased substantially (142%), yet there are still fewer compared to pre-pandemic numbers.<sup>167</sup>

Table 22: Court clinic referral reason (FY22)	
Other^	611
Child Requiring Assistance Eval	350
Behavioral Health Screening	257
Competency and/or Criminal Responsibility Eval	140
Case Management	125
Diagnostic Study (c119 §68A)	115
Care & Protection Eval	84
Substance Abuse Commitment Eval	62
Brief Psychotherapy	46
Competence to Proceed Eval	15
Medication Consultation	0
Parental Rights Eval	0
*Youth referred for youthful offender evaluations, aid in sentencing evaluations, emergency mental health commitment evaluations, and psychological testing are omitted from this table due to small numbers in order to protect youth privacy. ^ Other includes referrals for multidisciplinary meetings, consultations, and specialized evaluations Source: Data provided to the OCA by the Department of Mental Health's Forensic Services	

### Juvenile Court Clinic Referrals by Race/ethnicity

Of the youth referred to the Court Clinic, almost half (44.9%) were white, 18% were Latino, and 10.7% were Black. These percentages are relatively consistent with prior years.

<sup>166</sup> “Youth” is defined as persons referred to the clinic by the Juvenile Court (excluding parents, in the case of families). Numbers represent specific service categories. Individuals may therefore be counted in more than one category.

<sup>167</sup> See Appendix E for more detailed referral type breakdowns.

**Table 23: Juvenile court clinic referral reason by race and ethnicity**

Race	FY17	FY18	FY19	FY20	FY21	FY22
White	50.9%	52.1%	55.4%	45.8%	45.7%	44.9%
Black or African American	15.7%	12.4%	17.5%	13.2%	9.2%	10.7%
Asian	1.4%	1.5%	1.8%	1.3%	1.5%	0.6%
Other^	9.8%	14.4%	14.4%	12.0%	15.1%	16.2%
Race Not Reported	22.2%	19.7%	10.9%	27.7%	28.4%	27.3%
Ethnicity	FY17	FY18	FY19	FY20	FY21	FY22
Hispanic or Latino	17.5%	19.1%	22.6%	18.9%	18.5%	18.0%
Not Hispanic or Latino	82.5%	80.9%	77.4%	81.1%	81.0%	82.0%
^"Other" on the chart above represents combined selections for American Indian or Native Alaskan, Native Hawaiian of Other Pacific Islander, Other, or Two or More Races.						
Source: Data provided to the OCA by the Department of Mental Health's Forensic Services						

## Appendix A: Legal considerations regarding data collection

The administrative data collected across public sector organizations is diverse, and each dataset typically has a set of corresponding laws and regulations that govern the collection, sharing, and use of the data.

The table below describes federal and Massachusetts' state laws that impact personally identifiable data sharing for certain child-serving entities, and any corresponding federal or state laws or state regulations.

Table 24: Policies regarding data sharing and privacy				
Federal Legislation				
Federal/State Entity	Statute/Regulation	Guidelines	Personal Identifiable Information (PII) Definition	Exemptions for Disclosure for Research Purposes
U.S. Department of Education	<a href="#">Family Educational Rights and Privacy Act (FERPA)</a>	<p>Under FERPA, a parent or eligible student must provide a signed and dated written consent before an educational agency or institution discloses PII from a student's education records, unless the disclosure meets one of the permissible exceptions to FERPA's written consent requirement.</p> <p>FERPA applies directly to all educational agencies and institutions that receive funds under any program administered by the Secretary of Education (Department). Private schools at the elementary and secondary levels generally do not receive funds from the Department and are, therefore, not subject to FERPA.<sup>168</sup></p>	PII includes student's name or identification number, that can be used to distinguish or trace an individual's identity either directly or indirectly through linkages with other information.	FERPA allows disclosures as follows "(a)(1) Authorized representatives of the officials or agencies headed by officials listed in §99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those

<sup>168</sup> U.S. Department of Education. (n.d.) Integrated Data Systems and Student Privacy. [https://studentprivacy.ed.gov/sites/default/files/resource\\_document/file/IDS-Final.pdf](https://studentprivacy.ed.gov/sites/default/files/resource_document/file/IDS-Final.pdf)

				<p>programs.” (Section 20 U.S.C. 1232g(b)(1)(C), (b)(3), and (b)(5))<sup>169</sup></p> <p>As described in <i>How do other states use administrative data centers?</i> other states have interpreted FERPA as allowing the use of data for research purposes.</p>
U.S. Department of Health and Human Services	<a href="#">The Health Insurance Portability and Accountability Act of 1996 (HIPAA)</a>	<p>The Privacy Rule protects all "individually identifiable health information" held or transmitted by a covered entity or its business associate, in any form or media, whether electronic, paper, or oral. The Privacy Rule calls this information "protected health information (PHI)."<sup>170</sup></p> <p>The Privacy Rule excludes from protected health information employment records that a covered entity maintains in its capacity as an employer and education and certain other records subject to, or defined in, the Family Educational Rights and Privacy Act, 20 U.S.C. §1232g.</p> <p><b>De-Identified Health Information.</b> There are no restrictions on the use or disclosure of de-identified health information. De-identified health information neither identifies nor provides a reasonable basis to identify an individual. There are two ways to de-identify information; either: (1) a formal determination by a</p>	<p>PII includes “Individually identifiable health information” is information, including demographic data, that relates to:</p> <p>the individual’s past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present, or future payment for the provision of health care to the individual, and that identifies the individual or</p>	<p>The Privacy Rule allows for disclosure for research purposes, where research is defined as "systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge."<sup>171</sup></p>

<sup>169</sup> [34 CFR § 99.31](#)

<sup>170</sup> U.S. Department of Health and Human Services. (2018). The State of Data Sharing at the U.S. Department of Health and Human Services. [https://www.hhs.gov/sites/default/files/HHS\\_StateofDataSharing\\_0915.pdf](https://www.hhs.gov/sites/default/files/HHS_StateofDataSharing_0915.pdf)

<sup>171</sup> [45 CFR 160, 162, and 164](#)



		qualified statistician; or (2) the removal of specified identifiers of the individual and of the individual's relatives, household members, and employers is required, and is adequate only if the covered entity has no actual knowledge that the remaining information could be used to identify the individual.	for which there is a reasonable basis to believe it can be used to identify the individual. Individually identifiable health information includes many common identifiers (e.g., name, address, birth date, Social Security Number).	
	<a href="#">Child Abuse Prevention and Treatment Act (CAPTA)</a>	In general, CAPTA requires that a State preserve the confidentiality of all child abuse and neglect reports and records in order to protect the rights of the child and the child's parents or guardians (section 106(b)(2)(B)(viii) of CAPTA). <sup>172</sup>	N/A	CAPTA states "The State may share confidential child abuse and neglect reports and records that are made and maintained in accordance with CAPTA with any other entities or classes of individuals who are authorized by statute to receive information pursuant to a legitimate State purpose" (section 106(b)(2)(B)(viii)(VI)). <sup>173</sup>

<sup>172</sup> Children's Bureau. (n.d.) Child Welfare Policy Manual.

[https://www.acf.hhs.gov/cwpm/public\\_html/programs/cb/laws\\_policies/laws/cwpm/policy\\_dsp.jsp?citID=67#:~:text=In%20general%2C%20CAPTA%20requires%20that,\(viii\)%20of%20CAPTA\).](https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=67#:~:text=In%20general%2C%20CAPTA%20requires%20that,(viii)%20of%20CAPTA).)

<sup>173</sup> Ibid.

	<a href="#">The Privacy Act of 1974</a>	<p>Protects records about individuals retrieved by personal identifiers. An individual has rights under the Privacy Act to seek access to and request correction (if applicable) or an accounting of disclosures of any such records maintained about him or her. Prohibits disclosure of such records without the prior, written consent of the individual(s) to whom the records pertain, unless one of the twelve disclosure exceptions enumerated in subsection (b) of the Act applies.</p> <p>Requires such records to be described in System of Records Notices (SORNs) published in the Federal Register and posted to the Internet.</p> <p>Binds only federal agencies and covers only records under the control of federal agencies (and, by contract, also applies to contractor personnel and systems used by a federal agency to maintain the records).</p>	PII includes name, social security number, or other identifying number or symbol.	The Privacy Act of 1974 allows for disclosure for “routine use” meaning “with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected;” <sup>174</sup>
	<a href="#">Title 42 of the Code of Federal Regulations (CFR) Part 2</a>	<p>“Part 2 is intended to ensure that a patient receiving treatment for a [substance use disorder] in a Part 2 program does not face adverse consequences in relation to issues such as criminal and domestic proceedings such as those related to child custody, divorce or employment.” The protection 42 CFR Part 2 provides is by restricting access to or disclosure of such treatment records.</p>	PII includes information contained in treatment records.	“Special instructions for entities that facilitate the exchange of health information and research institutions. Notwithstanding paragraph (a)(4)(i) of this section, if the recipient entity facilitates the exchange of health information or is a research institution, a written consent must include the

<sup>174</sup>[Privacy Act, 5 U.S.C. § 552a \(1974\)](#)

				<p>name(s) of the entity(-ies) and</p> <p>(A) The name(s) of individual or entity participant(s); or</p> <p>(B) A general designation of an individual or entity participant(s) or class of participants that must be limited to a participant(s) who has a treating provider relationship with the patient whose information is being disclosed. When using a general designation, a statement must be included on the consent form that the patient (or other individual authorized to sign in lieu of the patient), confirms their understanding that, upon their request and consistent with this part, they must be provided a list of entities to which</p>
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				their information has been disclosed pursuant to the general designation (see § 2.13(d)).”
State Law				
Any agency of the Massachusetts’ Executive Branch	<a href="#">G.L. c. 66A</a>	<p>Duties for maintaining personal data systems:</p> <ul style="list-style-type: none"> <li>• Identify one individual immediately responsible for the personal data system who shall insure that the requirements of this chapter for preventing access to, or dissemination of personal data are followed</li> <li>• Secure data by following data privacy best practices</li> <li>• Not allow any other agency or individual not employed by the holder to have access to personal data unless such access is authorized by statute or regulations</li> </ul> <p>Make available to a data subject upon their request in a form comprehensible to him, a list of the uses made of his personal data, including the identity of all persons and organizations which have gained access to the data</p>	“Personal data” includes any information concerning an individual which, because of name, identifying number, mark or description can be readily associated with a particular individual	Allows disclosure when “access is authorized by statute or regulations which are consistent with the purposes of this chapter or is approved by the data subject whose personal data are sought if the data subject is entitled to access under clause” (Section 2(c)) <sup>175</sup>
State Rules/Regulations				
Trial Courts	<a href="#">G.L. c. 119 Sec. 60A, 65, Standing Court Order 1-84</a>	Delinquency cases in the Juvenile Court are closed to the public to protect youth confidentiality. Similarly, delinquency records are kept confidential.	This law and standing court order states that the Juvenile Court must follow rules of confidentiality.	Records are allowed to be shared by order of a judge, as well as certain situations when state agencies can open sealed records. This law does not specifically discuss data sharing.

<sup>175</sup> [G.L. c. 66A](#)

	<a href="#">Uniform Rules on Public Access to Court Records Rule 4: Requests for bulk data</a>	<p>Requests for bulk distribution of court record information shall not be granted except where explicitly required by law, court rule, or court order.</p> <p>The need for information from court databases for scholarly, educational, journalistic, or governmental purposes can be satisfied by the tailored provision of compiled data under <a href="#">Uniform Rules on Public Access to Court Records Rule 3: Requests for Compiled Data</a>. Such requests shall be made to the Court Administrator in such form as the Court Administrator may prescribe. Each request must (i) identify what compiled data is sought, and (ii) describe the purpose for requesting the compiled data.</p>	<p>“Bulk data” (which includes PII) means electronic court records as originally entered in Trial Court case management database(s), not aggregated or compiled by computerized searches intended to retrieve specific data elements.</p>	<p>Allows disclosure only “where explicitly required by law, court rule, or court order.”<sup>176</sup></p>
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<sup>176</sup> Massachusetts Trial Courts. (n.d.) Uniform Rules on Public Access to Court Records Rule 4: Requests for bulk data. <https://www.mass.gov/trial-court-rules/uniform-rules-on-public-access-to-court-records-rule-4-requests-for-bulk-data#rule-4>

## Appendix B: FY21 Data Indicating Impact of An Act Relative to Criminal Justice Reform

Table 25: An act relative to criminal justice reform data	
Juvenile Justice Provision	FY22 Data
Raised the lower age of criminal responsibility from age 7 to age 12	<p>Based on available data to the Board, it appears this part of the law is having its intended effect.</p> <ul style="list-style-type: none"> <li>• The Juvenile Court no longer has delinquency jurisdiction for youth under the age of 12. There may be instances when some youth under 12 are arrested (e.g., an officer may not know the age of a youth at the time of arrest and that youth does not have identification with a date of birth). If that happens, Clerk magistrates will not issue a delinquency filing for the youth under the age of 12 due to lack of jurisdiction. Due to this lack of jurisdiction, the Trial Court does not report this data.</li> <li>• There is no evidence available to the Board indicating youth under 12 are increasingly using other state systems. For example, in FY22, there were 205 CRA admissions for youth under the age of 12, a 31% decrease from the 299 CRA admissions in FY18.</li> <li>• It is important to note that the Board does not collect data from many of the organizations and agencies youth under 12 interact with (e.g., community or faith based, mental health services, school, etc.). As such, there may be changes in the number of youth under 12 in those organizations.</li> </ul>
Removed Juvenile Court jurisdiction for violations of local ordinances and first, low-level misdemeanor offenses including disorderly conduct	<p>Data is not reported in a way for the Board to determine the number of violations of local ordinances before or after the Criminal Justice Reform Act implementation, or data reporting the number of youth cases diverted for first time offenses. Still, based on available data, it appears this part of the law is having its intended effect:</p> <ul style="list-style-type: none"> <li>• Applications for complaint for <i>public order</i> offense types (including “violations of local ordinances” pre-2018 reforms) have decreased 73% since FY18. Pre-Criminal Justice Reform Act, <i>public order</i> offenses made up 9% of the applications for complaint, but by FY22, they made up just 3% of the applications. (Data breakdowns provided starting on pg. 64 of the Annual Report.)</li> <li>• Applications for complaints with underlying <i>misdemeanor</i> offenses have declined 25% since FY18. (Data breakdowns provided starting on pg. 64 of the Annual Report.)</li> <li>• Fact-finding hearings of all types (i.e., CWOFS, delinquent and not delinquent) with underlying <i>misdemeanor</i> offenses have declined 61% since FY18. (Data breakdowns provided starting on pg. 92 of the Annual Report.)</li> </ul>

Decriminalized “disturbing lawful assembly” and “disorderly conduct” offenses for students under 18 when in school or at school events	<p>Data is not reported to the Board in a way that disaggregates offenses that happen at a school from offenses that happen elsewhere. Still, there is evidence suggesting the reform is having its intended effect.</p> <ul style="list-style-type: none"> <li>• Applications for complaint for <i>public order</i> offense types (including “disturbing lawful assembly” and “disorderly conduct” pre-2018 reforms) have decreased 73% since FY18. (Data breakdowns provided starting on pg. 64 of the Annual Report.)</li> <li>• There is no evidence suggesting youth committing these offenses have received Habitual School Offender petitions in the Child Requiring Assistance (CRA) system instead of being processed through the delinquency system. Habitual School Offender filings have decreased 48% since FY18. (Data breakdowns provided starting on pg. 15 of the Annual Report.)</li> </ul>
Authorized Juvenile Court judges to divert some youth pre-arraignment	<p>Based on available data to the Board, it appears this part of the law is having its intended effect.</p> <ul style="list-style-type: none"> <li>• In FY22, an estimated 86% of applications for complaint, 77% of delinquency filings, and 59% of arraignments did not resolve in a plea/trial. In FY18, 77% of applications, 68% of filings and 53% of arraignments did not resolve in a plea/trial. Together, this data suggests diversion has increased pre-arraignment. (Data breakdowns provided starting on pg. 64 of the Annual Report.)</li> </ul>
Removed the requirement that police departments contact Probation when there is a written request to detain a child overnight	<p>Based on available data to the Board, it appears this part of the law is having its intended effect.</p> <ul style="list-style-type: none"> <li>• ONA admissions are down 59% since the CJRA, which changed overnight arrest procedures, was passed. (Data breakdowns provided starting on pg. 60 of the Annual Report.)</li> </ul>

## Appendix C: 2020 Policing Act, Juvenile Justice Provisions

Table 26: 2020 policing act juvenile justice provisions	
Juvenile Justice Related Provision	2022 Update
Establishing a “Model School Resource Officer MOU Commission” to address Memoranda of Understanding (MOU) between schools with school resource officers (SROs) and local police departments	<p>In 2019, the JJPAD Board recommended that the Legislature designate a state agency or agencies to track and review MOUs and standard operating procedures and provide feedback and assistance when a school district or police department is not in full compliance.</p> <p>As a result of a state-led commissions, in February 2022, a model SRO MOU was released by EOPSS and DESE with minimum standards for all school districts with an SRO to follow.<sup>177</sup></p> <p>Under the new law, schools are also required to annually file an MOU with the Department of Elementary and Secondary Education (DESE). As of November 7, 2022, 79% (n=160) of schools who report having an SRO have submitted their MOU to DESE. DESE is currently in the process of reaching out to those who have not yet submitted their MOU draft. <i>(Information provided by DESE).</i></p>
Mandating School Resource Officer (SRO) trainings to include specific components as outlined by statute	<p>One reason the JJPAD Board recommended that a state agency be designated to track MOUs was a concern that not all schools included a provision in their MOUs requiring an SRO receive specific training outlined in the 2018 legislation. Board members also expressed concern about if a sufficient system for ensuring the quality of trainings and tracking participation existed.</p> <p>The 2020 Policing Act took that concern into consideration and included a requirement that the Municipal Police Training Committee (MPTC) establish an in-service training for SROs. Since 2021, the MPTC has hosted 5 SRO trainings under this guidance. Training topics included the role of the SRO, childhood trauma, youth engagement, information sharing, and diversion strategies.<sup>178</sup></p>

<sup>177</sup> [Massachusetts Model School Resource Officer Memorandum of Understanding \(SRO-MOU\) Review Commission](https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission) (2022). School Resource Officer Memorandum of Understanding. <https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission>

<sup>178</sup> Click [here](https://www.mass.gov/doc/jipad-board-september-28-2021-meeting-presentation/download) for a copy of the SRO training agenda: <https://www.mass.gov/doc/jipad-board-september-28-2021-meeting-presentation/download>



	The 2020 law also added a certification process for SROs. The certification process is being managed by the Massachusetts Peace Officer Standards and Training (POST) Commission. At the time of this report, the POST Commission has drafted certification standards and heard public comments.
Expanding the expungement eligibility for youth with up to two delinquent adjudications and allowing for expungement of multiple charges related to a single incident	Massachusetts Probation Services (MPS) currently collects this information by hand and is unable to disaggregate expungement data by juvenile or adult case expungements.
Limiting circumstances in which a school department may report any information to local police departments relating to a student or student's family from its databases that may indicate gang activity/affiliation	The model SRO MOU Commission includes this provision of the law in the model MOU to be disseminated and used by all schools and police departments.

## Appendix D: Diverted Cases by Offense Type and District Attorney Office (CY2021)

Table 27: Diverted cases by offense type and district attorney office (CY2021)											
Diversion Case Type 1/1/2021 - 12/31/2021	Ber.	Bri.	C&I.	Ess.	Ham.	Mid.	Nor.	NW.	Ply.	Suf.	Wor.
Animal Cruelty	0	0	0	0	0	5	0	0	0	Not reported	0
Child Abuse	0	0	0	0	1	5	0	0	0		0
Child Pornography	0	0	0	5	9	1	0	0	12		0
Crimes Involving Property	4	17	64	106	119	655	30	43	45		49
Crimes Involving Administration of Justice	1	0	3	2	7	69	22	1	3		3
Crimes Against Morality	0	0	0	9	10	0	0	1	0		0
Crimes Against Person	21	2	50	76	115	555	5	14	20		67
Crimes Against Public Policy	0	0	9	5	7	107	5	2	0		3
Crimes Against Public Order	3	3	17	28	0	84	11	2	11		16
Domestic Violence & 209A Violations	2	1	0	0	3	51	0	0	0		39
Drugs (c.94C)	3	0	94	0	7	221	18	3	4		5
Elder and Disabled Persons Abuse	1	0	0	2	1	28	0	0	4		2
Firearms (c.140)	0	0	0	0	22	4	0	0	0		0
Homicide	0	0	0	0	16	0	0	0	0		0
Motor Vehicle-related (c.90)	18	1	28	22	0	109	22	5	27		49
Sexual Assault	0	0	0	0	0	4	0	0	1		0
Total	53	24	265	255	317	1,898	113	71	127	867	233
Source: District attorney diversion data comes from the Legislature's website which makes publicly available the Massachusetts District Attorneys Association's report providing prosecution data to the state (pursuant to item 0340-2100 of Chapter 24 of the Acts of 2021): <a href="https://malegislature.gov/Bills/192/SD2939">https://malegislature.gov/Bills/192/SD2939</a>											

## Appendix E: BSAS Disenrollment Data (FY19-FY22)

**Table 28: FY19-FY22 admissions for BSAS youth (ages 12-17), primary referral made at disenrollment**

Referral to	2019		2020		2021		2022	
	#	%	#	%	#	%	#	%
Acupuncture	*	*	0	0%	0	0%	0	0.0%
ATS - Level A	11	2%	*	*	*	*	*	*
Clinical Stabilization Services	9	1%	*	*	*	*	*	*
Community and Religious Organizations	*	*	0	0%	*	*	0	0.0%
Community Behavioral Health	*	*	0	0%	0	0%	0	0.0%
Court - Section 35	0	0%	*	*	0	0%	0	0.0%
Dept. of Children and Families	22	3%	20	4%	9	3%	13	4.5%
Dept. of Developmental Services	*	*	0	0%	0	0%	**	**
Dept. of Probation	*	*	*	*	0	0%	**	**
Dept. of Youth Services	*	*	*	*	*	*	*	*
Drug Court	0	0%	*	*	0	0%	0	0.0%
Drunk Driving Program	*	*	0	0%	0	0%	0	0.0%
Emergency Room	7	1%	*	*	*	*	*	*
Family Intervention Programs	6	1%	12	3%	11	3%	13	4.5%
Healthcare Professional, Hospital	6	1%	**	**	*	*	*	*
Mental Health Care Professional	21	3%	37	8%	10	3%	12	4.2%
Opioid Treatment	*	*	0	0%	0	0%	*	*
Other SA Treatment	7	1%	9	2%	11	3%	*	*
Other State Agency	*	*	*	*	0	0%	*	*
Outpatient SA Counseling	187	26%	57	13%	45	14%	42	14.6%
Recovery High School	*	*	9	2%	**	**	*	*
Recovery Support Center	*	*	*	*	*	*	*	*
Referral Attempted - Not Wanted by Client	42	6%	27	6%	12	4%	14	4.9%
Referral Not Made - Client Dropped Out	109	15%	57	13%	59	18%	67	23.3%

Referral Not Needed - Appropriate Mental Health Clinical Services Already in Place	67	9%	67	15%	54	17%	47	16.4%
Referral Not Needed - Appropriate Substance Abuse Clinical Services Already in Place	19	3%	26	6%	17	5%	13	4.5%
Referral Not Needed - Assessment Indicates that Client Does Not Require to Enter Formal Treatment	27	4%	14	3%	15	5%	11	3.8%
Residential Treatment	111	16%	55	12%	41	13%	23	8.0%
School Personnel, School Systems	*	*	*	*	0	0%	0	0.0%
Second Offender Aftercare	0	0%	0	0%	*	*	*	*
Self, Family, Non-Medical Professionals	35	5%	28	6%	17	5%	0	0.0%
Shelter	*	*	0	0%	0	0%	0	0.0%
Sober House	*	*	0	0%	*	*	0	0.0%
Transitional Support Services	*	*	0	0%	0	0%	*	*
Total	714	100%	452	100%	327	100%	287	100.0%
<p>To maintain client confidentiality, the data in cells with <math>1 \leq \text{counts} \leq 5</math> are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so that the values in the primary suppressed cells cannot be calculated.</p> <p>Up to 3 referrals may be indicated at time of disenrollment; only primary referrals are represented in this table.</p> <p>Missing and unknown values, as well as admissions which are active and have not yet made referrals, or admissions where referrals are not collected, are excluded (FY22 n=438)</p> <p>Due to continuous data updates, do not compare the information in this report to any prior statistics</p> <p>Source: Admissions statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 8/5/2021 with data as of 7/2/2021.</p>								

## Appendix F: PREA Questions

1. Have you ever been physically abused?
2. Have you ever been sexually abused?
3. Have you ever been engaged in any type of sexual activity in exchange for food, money, a place to stay, drugs, clothing, gifts, safety from physical harm by others , or to avoid arrest?
4. Have people ever made negative comments about your appearance?
5. Have people ever made negative comments about your race?
6. Have people ever made negative comments about your religion?
7. Have people ever made negative comments about your sexual orientation?
8. Have people ever made negative comments about your gender identity?
9. Do you have any fears about being here?

## Appendix G: Disability Status Data – DYS Detention Admissions and First-time Commitments

Table 29: Disability status data by department of youth services (DYS) detention admissions and first-time commitments		
Disability Status	Number of <b>detention</b> admissions where youth has identified disability	Number of <b>first-time commitments</b> where youth has identified disability
Does not apply to student	244	68
Emotional	205	42
No Record	77	6
Health	62	19
Specific Learning Disabilities	45	7
Intellectual	17	**
Communication	14	*
Neurological	8	0
Multiple Disabilities	*	0
Autism	*	0
Total	676	143
<p>*To maintain youth confidentiality, the data in cells with <math>\leq 5</math> are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so that the values in the primary suppressed cells cannot be calculated.</p> <p>Source: data provided to the OCA by the Department of Youth Services</p>		

## Appendix H: Juvenile Court Clinic Referrals by Reason and Year

Table 30: Juvenile court clinic referrals by reason (FY17-FY22)						
Referred To JCC For	Statewide Totals					
	FY17	FY18	FY19	FY20	FY21	FY22
Youthful Offender Eval (c119 §58)	0	*	0	0	0	*
Aid In Sentencing Eval	*	0	*	0	*	*
Behavioral Health Screening	178	234	325	186	106	257
Brief Psychotherapy	39	75	75	106	37	46
Care & Protection Eval	101	64	85	46	94	84
Case Management	0	0	*	*	63	125
Child Requiring Assistance Eval	466	417	462	250	254	350
Competence to Proceed Eval	19	*	13	*	14	15
Competency and/or Criminal Responsibility Eval	240	209	157	109	128	140
Diagnostic Study (c119 §68A)	226	195	174	128	92	115
Emergency Mental Health Commitment Eval	*	*	*	*	11	*
Medication Consultation	*	*	0	0	0	0
Other^	236	118	32	429	507	611
Parental Rights Eval	0	0	0	0	0	0
Psychological Testing	*	*	12	*	*	*
Substance Abuse Commitment Eval	94	84	80	47	70	62
Totals	1,611	1,415	1,423	1,330	1,376	1,805
Source: Data provided to the OCA by the Department of Mental Health's Forensic Services						

## Appendix I: Length of Stay Data

Table 31: Length of pretrial detention stay (LOS) by population (FY22)																		
Measure	Total	Specific population of youth in pretrial detention																
		Child Welf.	Gender		LGBTQ+	Race/ethnicity				Offense Type						Offense Severity		
Population	FY22 Detention Releases	DCF	Girls	Boys	LGBTQ+	Hispanic/Latino	Black/ African American	White	All Other	Per	Wea.	Pro.	PO	MV	Dru	L	M	H
N	658	337	274	551	36	283	234	118	23	342	150	67	46	40	12	255	102	301
Mean LOS (days)	63.3	69.3	37.9	68.2	29.7	66.8	66.2	53.4	40.4	69.5	73.8	49.3	32.5	38.9	31.4	40.8	50.5	86.6
Median LOS (days)	32.0	43.0	21.0	35.0	18.5	35.0	35.0	27.0	19.0	34.0	43.0	34.0	18.0	23.0	22.5	24.0	35.5	43.0
Min (days)	1	1	1	1	2	1	2	1	2	1	2	2	1	1	7	1	2	2
Max (days)	771	702	274	771	224	771	551	430	139	771	702	405	214	169	92	275	236	771
Range (days)	770	701	273	770	222	770	549	429	137	770	700	403	213	168	85	274	234	769
Source: Data provided to the OCA by the Department of Youth Services Per.= person, Wea.= Weapons, Pro.=property, MV= motor vehicle, Dru=Drug, L= Low, M= Medium, H= high																		



## Appendix J: Race and ethnicity data<sup>179</sup>

Table 32: Race/ethnicity data across juvenile justice system process points						
Process Point	Total	Black/ African American	Latino/ Hispanic	White	Other Race/ Multi Race	Not known/ Not reported
MA Youth Population (CY20)	473,738	46,313	85,050	305,156	37,219	0
DA Diversion	Race/ethnicity data breakdowns are not reported					
Court Summons	4,987	813	923	2,176	134	941
Custodial Arrests	3,833	975	1,028	1,250	130	450
Overnight Arrest Admissions	504	173	227	80	0	24
Applications for Complaint	8,820	1,788	1,951	3,426	264	1,391
Delinquency/YO indictments	5,498	1,326	1,510	1,883	179	600
Delinquency Filings (Delinquency filings only)	5,398	1,277	1,480	1,868	178	595
Youthful Offender Indictments	100	49	30	15	1	5
Arraignments	3,095	837	945	982	116	215
Arraignments (Delinquency arraignments only)	3,000	797	911	968	115	209
Arraignments (Youthful offender arraignments only)	95	40	34	14	1	6
Dangerousness Hearings	286	91	106	57	9	23
Pretrial Detention	676	247	294	113	22	0
Pretrial Supervision	Race/ethnicity data not available at the time of this report; we anticipate this data be on the OCA's website in January 2023					
Fact-finding hearings	1,271	286	393	461	59	72
Adjudicated delinquent	454	142	145	132	20	15
Not Delinquent	57	14	19	17	3	4
CWOF	760	130	229	312	36	53
Dismissed/Not Prosecuted	3,027	621	880	1,111	95	320
No Sanction	75	22	20	26	6	1

<sup>179</sup> Reporting agencies are asked to report demographic data (such as race and gender) according to the JJPAD Board's recommended data reporting standards. For more information see: <https://www.mass.gov/doc/jypad-recommended-data-reporting-standards/download>

Probation	149	42	47	49	4	7
Suspended DYS Commitment	69	34	16	16	2	1
Commitment	161	44	62	41	8	6
Probation (New Starts)	Race/ethnicity data not available at the time of this report; we anticipate this data will be on the OCA's website in January 2023					
Probation (Risk/Need)						
Probation (Admin)						
First-time Commitment	143	50	64	23	6	0
YES Transitions	119	46	65	20	4	0
CRA Petitions	4,068	628	1,116	1,387	195	742
BSAS Admissions	1,082	86	260	665	71	
Youth Violence Prevention Programs (DPH)	Race/ethnicity data breakdowns are not reported					
DMH Full Service Authorization Applications (DMH)*	522	51	55	321	60	35
Child, Youth, and Family Programming (DMH)	2,810^	449	495	1,444	294	1,041
Juvenile Court Clinics	1,805	194	325**	810	304	493
*DMH Applications that are withdrawn are not included						
<p>^Total does not equal the sum of girls and boys because youth with their gender not reported are not included in the counts. Additionally, gender counts are based on services, not individual youth while the "total" count here is the number of youth served.</p> <p>** The Juvenile Court Clinics report Hispanic/Latino as a separate category from race, and therefore may be counted across other race categories reported here. This is why the total does not add up across all categories.</p> <p>Source: FY22 Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments, CRA petitions, dangerousness hearings and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <a href="https://public.tableau.com/app/profile/drap4687">https://public.tableau.com/app/profile/drap4687</a> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services ; FY22 Probation data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <a href="https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard">https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard</a> ; YES Transitions, BSAS admissions data and Youth Violence Prevention Programs provided by the OCA by the Department of Public Health ; Full service authorization applications, child, youth and family programming and juvenile court clinic data provided by the OCA by the Department of Public Health ; State population data retrieved from Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <a href="https://www.ojdp.gov/ojstatbb/ezapop/">https://www.ojdp.gov/ojstatbb/ezapop/</a></p>						

Table 33: FY22 Rate of Disproportionality (RoD)*						
Process Point	Base Population	Black/ African American	Latino/ Hispanic	White	Other Race/ Multi Race	Not known/ Not reported
Court Summons	Mass. Youth Pop	1.67	1.03	0.68	0.34	n/a
Custodial Arrests	Mass. Youth Pop	2.60	1.49	0.51	0.43	n/a
Overnight Arrest Admissions	Custodial Arrests	1.35	1.68	0.49	0.00	0.41
Applications for Complaint	Mass. Youth Pop	2.07	1.23	0.60	0.38	n/a
Delinquency/YO indictments	Applications	1.19	1.24	0.88	1.10	0.69
Delinquency Filings (Delinquency)	Applications	1.17	1.24	0.89	1.11	0.69
Youthful Offender Indictments	Applications	2.42	1.36	0.39	0.34	0.32
Arraignments (Total)	Filings (Total)	1.12	1.11	0.94	1.15	0.64
Arraignments (Delinquency)	Filings (Del.)	1.12	1.11	0.95	1.16	0.63
Arraignments (Youthful Offender)	Filings (YO.)	0.86	1.19	0.98	1.05	1.26
Dangerousness Hearings	Arraignments	1.18	1.21	0.62	0.56	1.11
Pretrial Detention	Arraignments	1.35	1.42	0.52	0.87	0.00
Fact-finding Dispositions	Arraignments	0.83	1.01	1.12	1.24	0.82
Delinquent Adjudications	Fact-finding Dispositions	1.39	1.03	0.80	0.95	0.58
Not Delinquent	Fact-finding Dispositions	1.09	1.08	0.82	1.13	1.24
CWOF	Fact-finding Dispositions	0.76	0.97	1.13	1.02	1.23
No Sanction	Delinquent Adjudications	0.94	0.83	1.19	1.82	0.40
Probation	Delinquent Adjudications	0.90	0.99	1.13	0.61	1.42
Suspended DYS Commitment	Delinquent Adjudications	1.58	0.73	0.80	0.66	0.44

Commitment	Delinquent Adjudications	0.87	1.21	0.88	1.13	1.13
First-time Commitment	Delinquent Adjudications	1.12	1.40	0.55	0.95	0.00
Dismissed/Not Prosecuted	Filings	0.85	1.06	1.07	0.96	0.97
<p>* Rate of Disproportionality (RoD) — an indicator of inequality calculated by dividing the percentage of youth in a racial/ethnic group at a specific process point (e.g., arrests, detentions, commitments) by the percentage of youth in that same racial/ethnic group in the Massachusetts youth census population or in an earlier process point. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation. For example, there were 1.26 times (i.e., an overrepresentation) the rate of Black youth at the delinquency filings stage compared to their application for complaint rates.</p> <p>Source: FY22 Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments, dangerousness hearings and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <a href="https://public.tableau.com/app/profile/drap4687">https://public.tableau.com/app/profile/drap4687</a> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services ; FY22 Probation data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <a href="https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard">https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard</a></p>						

Table 34: FY22 Relative Rate Index (RRI)*						
Process Point	Base population	Black/ African American	Latino/ Hispanic	White	Other Race/ Multi Race	Not known/ Not reported
Court Summons	Mass. Youth Pop	2.46	1.52	1.00	0.50	n/a
Custodial Arrests	Mass. Youth Pop	5.14	2.95	1.00	0.85	n/a
Overnight Arrest Admissions	Custodial Arrests	2.77	3.45	1.00	0.00	0.83
Applications for Complaint	MA General Pop	3.43	2.03	1.00	0.62	n/a
Delinquency/YO indictments	Applications	1.35	1.41	1.00	1.25	0.78
Delinquency Filings (Delinquency)	Applications	1.32	1.40	1.00	1.25	0.78
Youthful Offender Indictments	Applications	6.28	3.53	1.00	0.88	0.82
Arraignments (Total)	Filings (Total)	1.19	1.18	1.00	1.22	0.67
Arraignments (Delinquency)	Filings (Del.)	1.18	1.17	1.00	1.22	0.67

Arrests (Youthful Offender)	Filings (YO.)	0.87	1.21	1.00	1.07	1.29
Dangerousness Hearings	Arrests	1.91	1.97	1.00	0.91	1.80
Pretrial Detention	Arrests	2.61	2.75	1.00	1.68	0.00
Fact-finding Dispositions	Arrests	0.74	0.90	1.00	1.10	0.73
Delinquent Adjudications	Fact-finding Dispositions	1.73	1.29	1.00	1.18	0.73
Not Delinquent	Fact-finding Dispositions	1.33	1.31	1.00	1.38	1.51
CWOF	Fact-finding Dispositions	0.67	0.86	1.00	0.90	1.09
No Sanction	Delinquent Adjudications	0.79	0.70	1.00	1.52	0.34
Probation	Delinquent Adjudications	0.80	0.87	1.00	0.54	1.26
Suspended DYS Commitment	Delinquent Adjudications	1.98	0.91	1.00	0.83	0.55
Commitment	Delinquent Adjudications	1.00	1.38	1.00	1.29	1.29
First-time Commitment	Delinquent Adjudications	2.02	2.53	1.00	1.72	0.00
Dismissed/Not Prosecuted	Filings	0.79	0.99	1.00	0.90	0.90
<p>Relative Rate Index (RRI)*— compares the observed rate of disproportionality for white youth to the observed rate of disproportionality for youth of color after adjusting for “base” population rates, using either data on the demographics of all Massachusetts youth as identified by the U. S. Census, or the demographic breakdown of the youth at an earlier stage of the juvenile justice process. RRIs greater than 1.0 indicate an increased likelihood of involvement for people of color at that point. RRIs less than 1.0 indicate a decreased likelihood of involvement for people of color at that point. For example, Latino youth were 3.45 times more likely to experience and overnight arrest admission than white youth.</p> <p>Source: FY22 Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arrests, dangerousness hearings and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <a href="https://public.tableau.com/app/profile/drap4687">https://public.tableau.com/app/profile/drap4687</a> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services ; FY22 Probation data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <a href="https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard">https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard</a></p>						

## Appendix K: Gender counts across juvenile justice system process points<sup>180</sup>

<b>Table 35: FY22 process points by gender</b>				
Process Point	Total	Girls	Boys	Not Known/Not Report
MA Youth Population (CY20)	473,738	231,865	241,873	0
DA Diversion	Gender breakdowns are not reported			
Court Summons	4,987	1484	3227	276
Custodial Arrests	3,833	797	2,951	85
Overnight Arrest Admissions	504	79	425	0
Applications for Complaint	8,820	2,281	6,178	361
Delinquency Filings/YO Indictments	5,498	1,275	4,110	113
Delinquency Filings (Delinquency filings only)	5,398	1,269	4,016	113
Youthful Offender Indictments	100	6	94	0
Arraignments	3,095	581	2511	3
Arraignments (Delinquency arraignments only)	3,000	576	2421	3
Arraignments (Youthful offender arraignments only)	95	5	90	0
Dangerousness Hearings	286	18	268	0
Pretrial Detention	676	108	568	0
Pretrial Supervision	Gender data not available at the time of this report; we anticipate this data will be on the OCA's website in January 2023			
Fact-finding hearings	1,271	212	1,058	1
Adjudicated delinquent	454	47	406	1
Not Delinquent	57	10	47	0
CWOF	760	155	605	0
Dismissed/Not Prosecuted	3,027	721	2,245	61
No Sanction	75	8	67	0
Probation	149	17	132	0

<sup>180</sup> Reporting agencies are asked to report demographic data (such as race and gender) according to the JJPAD Board's recommended data reporting standards. For more information see: <https://www.mass.gov/doc/jpad-recommended-data-reporting-standards/download>

Suspended DYS Commitment	69	7	62	0
Commitment	161	15	145	1
Probation (New Starts)	Gender data not available at the time of this report; we anticipate this data will be on the OCA's website in January 2023			
Probation (Risk/Need)				
Probation (Admin)				
First-time Commitment	143	15	128	0
YES Transitions	119	28	107	0
CRA Petitions	4,068	1,891	2,010	167
BSAS Admissions	1,103	563	540	0
Youth Violence Prevention Programs (DPH)	Gender data breakdowns are not reported			
DMH Full Service Authorization Applications (DMH)**	522	294	228	0
Child, Youth, and Family Programming (DMH)	2,810^	1,842	1,917	Not reported
Juvenile Court Clinics	1,805	596	862	347
<p>*DMH Applications that are withdrawn are not included</p> <p>^ Total does not equal the sum of girls and boys because youth with their gender not reported are not included in the counts. Additionally, gender counts are based on services, not individual youth while the "total" count here is the number of youth served.</p> <p>Source: FY22 Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments, CRA petitions, dangerousness hearings and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <a href="https://public.tableau.com/app/profile/drap4687">https://public.tableau.com/app/profile/drap4687</a> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services ; FY22 Probation data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <a href="https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard">https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard</a> ; YES Transitions, BSAS admissions data and Youth Violence Prevention Programs provided by the OCA by the Department of Public Health ; Full service authorization applications, child, youth and family programming and juvenile court clinic data provided by the OCA by the Department of Public Health ; State population data retrieved from Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <a href="https://www.ojjdp.gov/ojstatbb/ezapop/">https://www.ojjdp.gov/ojstatbb/ezapop/</a></p>				

## Appendix L: Juvenile Justice Process Points by Juvenile Court County

Table 36: Juvenile justice process points by juvenile court county (FY22)												
Court County	Total	Bar.	Ber.	Bri.	Ess.	F/H	Ham.	Mid.	Nor.	Ply.	Suf.	Wor.
All Counties (CY20)	473,738	13,529	7,834	41,564	58,260	13,370	35,032	108,218	52,551	40,679	40,955	61,746
Court Summons	4,987	406	108	558	887	161	247	905	389	290	298	738
Arrests	3,833	177	81	386	527	119	557	542	194	212	598	440
Overnight Arrest Admissions	487	7	7	50	62	<5	82	39	14	18	136	72
Applications for Complaint	8,820	583	189	944	1,414	280	804	1,447	583	502	896	1,178
Delinquency Filings/YO indictments	5,498	311	106	583	1,076	170	529	778	316	270	711	648
Arraignments/YO Arraignments	3,095	223	41	354	558	96	281	318	232	240	318	434
Dangerousness Hearings	286	7	8	52	69	1	14	26	4	9	41	55
Pretrial Detention	664	23	10	51	93	10	86	41	19	49	157	125
Fact-finding Hearings	1,271	139	23	141	231	53	128	68	104	95	72	217
Delinquent Adjudications	454	36	12	52	49	22	60	17	29	52	43	82
CWOF/Not Delinquent	817	103	11	89	182	31	68	51	75	43	29	135
No Sanction	75	1	1	21	7	7	9	4	3	4	1	17
Probation	149	27	4	14	20	6	4	7	10	24	11	22
Suspended DYS Commitment	69	3	1	1	8	3	10	1	10	15	8	9
Commitment	161	5	6	16	14	6	37	5	6	9	23	34



DA/Judicial Diversion	4,223	265	53	24	255	71	317	1,898	113	127	867	233
Dismissed/Not Prosecuted	3,027	93	48	308	572	74	262	574	195	139	370	392

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket, Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

For more information on how each Massachusetts juvenile justice entity reports their geography data, [download this sheet](#).

Source: FY22 Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments, CRA petitions, dangerousness hearings and fact-finding dispositions retrieved on 11/14/2022 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; FY22 Overnight arrest admissions, pretrial detention and first-time commitment data provided to the OCA by the Department of Youth Services ; FY22 Probation data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard> ; YES Transitions, BSAS admissions data and Youth Violence Prevention Programs provided by the OCA by the Department of Public Health ; Full service authorization applications, child, youth and family programming and juvenile court clinic data provided by the OCA by the Department of Public Health ; State population data retrieved from Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

# Commonwealth of Massachusetts

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