

JJPAD

Juvenile Justice Policy and Data Board

Massachusetts Juvenile Justice System

2021 ANNUAL REPORT

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

MARCH 2022

[HTTPS://WWW.MASS.GOV/JUVENILE-JUSTICE-POLICY-AND-DATA-BOARDCHILDHOOD-TRAUMA-TASK-FORCE](https://www.mass.gov/juvenile-justice-policy-and-data-boardchildhood-trauma-task-force)

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Members of the JJPAD Board

Member Name	Appointing Organization
Maria Mossaides, Chair	Office of the Child Advocate
Awaiting New Appointment	House of Representatives (Speaker of the House Appointee)
Representative Timothy Whelan [^]	House of Representatives (Minority Leader Appointee)
Senator Adam Gomez	State Senate (Senate President Appointee)
Senator Patrick O'Connor*	State Senate (Minority Leader Appointee)
Deputy Court Administrator Thomas Capasso*	Juvenile Court
Commissioner Edward Dolan	Massachusetts Probation Service
Acting Commissioner Cecely Reardon	Department of Youth Services
Assistant Commissioner Rebecca Brink*	Department of Children and Families
Deputy General Counsel Cristina Tedstone	
Assistant Commissioner Nancy Connolly, Psy.D. [^]	Department of Mental Health
Yves Singletary*	Department of Public Health
Matthew Connolly*	Executive Office of Education
Dulcinea Goncalves	Committee for Public Counsel Services
Barbara Kaban	
Naoka Carey	Citizens for Juvenile Justice
Rachel Gwaltney [^]	Children's League of Massachusetts
Police Chief Kevin Kennedy	Massachusetts Chiefs of Police Association
Dawn Christie [^]	Parent of child who has been subject to juvenile court jurisdiction (2)
No Appointment Made	
Ruth Budelmann [^]	Juvenile Justice Advisory Committee
No Appointment Made	Massachusetts District Attorney Association
No Appointment Made	Individual with experience or expertise related to design and implementation of state administrative data systems
<p><i>The JJPAD Board wishes to thank the following individuals who were JJPAD Board members throughout 2021: Former DYS Commissioner Peter Forbes, Lindsey Tucker, Joshua Dohan, Tammy Mello and former State Representative Carolyn Dykema.</i></p> <p>*Members with an asterisk next to their name abstained from voting on this report. [^]Members with a caret next to their name were not present to vote on this report.</p>	

The JJPAD Board is staffed by the Office of the Child Advocate:

Melissa Threadgill, Director of Strategic Innovation

Kristi Polizzano, Juvenile Justice Program Manager

Alix Rivière, Research and Policy Analyst

Morgan Byrnes, Project and Research Coordinator

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 F20 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: 2022 Data Availability Report Update

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

About the Office of the Child Advocate

The Office of the Child Advocate (OCA) is an independent state agency that serves children and families across the Commonwealth. The Office’s goal is to ensure all children receive appropriate, timely and quality services. The OCA collects and analyzes data and makes recommendations to legislators and professionals to improve these services. The Office also takes complaints and provides information to families who receive state services. The Child Advocate chairs the JJPAD Board and the OCA provides staffing for the Board’s work. <https://www.mass.gov/orgs/office-of-the-child-advocate>

Guide to Acronyms

Acronym	Definition
BSAS	Bureau of Substance Addiction Services
CAFL	Children and Family Law (Division of CPCS)
CBHI	Children's Behavioral Health Initiative
CBI	Community-based intervention
CPCS	Committee for Public Counsel Services (Public Defenders)
CTTF	Childhood Trauma Task Force
CWOF	Continue Without a Finding
DCF	Department of Children and Families
DESE	Department of Elementary and Secondary Education
DMH	Department of Mental Health
DPH	Department of Public Health
DYS	Department of Youth Services
EOE	Executive Office of Education
EOHHS	Executive Office of Health & Human Services
EOPSS	Executive Office of Public Safety & Security
JJPAD	Juvenile Justice Policy and Data Board
JDAI	Juvenile Detention Alternatives Initiative
MOU	Memorandum of Understanding
MPS	Massachusetts Probation Service
ONA	Overnight Arrest
SRO	School Resource Officer
YAD	Youth Advocacy Division (Division of CPCS)
YO	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:
 - The continuing impact of *An Act Relative to Criminal Justice Reform (2018)*, and
 - The impact of the COVID-19 pandemic on the juvenile justice system
- **Summarizes the JJPAD Board's work in 2021**, including:
 - Studying the **Child Requiring Assistance (CRA) system** in Massachusetts
 - Continuing to **monitor the COVID-19 pandemic and its impact on the juvenile justice system** and youth at risk of involvement
 - Mapping updates to **juvenile justice system data availability** and making recommendations for improvement
 - Studying **trauma screening & referral** practices
 - Monitoring the **implementation of any new legislation** impacting the juvenile justice system and reporting any impact legislation has on the system.
 - Monitoring the implementation of statewide **Diversion Learning Labs**
 - Monitoring the implementation of the newly launched **Center on Child Wellbeing & Trauma**
 - Continuing to improve and update the **Juvenile Justice Data Website**

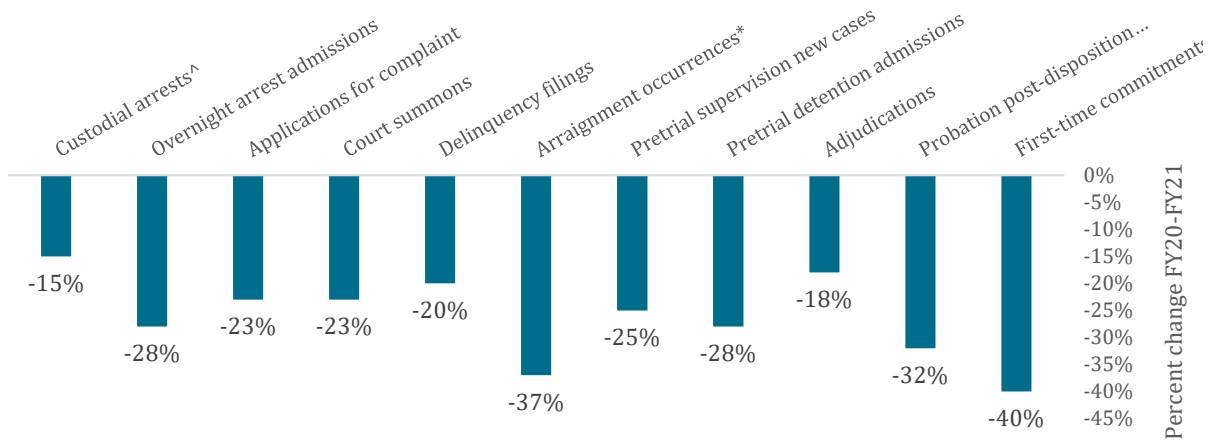
Key Data Findings

In this year's Annual Report, the Board reports and analyzes FY21 data on the juvenile justice system and identifies trends in use at various points in the process, as well as system-wide trends over the past several years.

The data analysis presented in this Annual Report is the most comprehensive to date from the JJPAD Board. Key data findings this year include:

1. **Massachusetts continues to use the juvenile justice system less:** At every process point in the juvenile justice system, there were decreases in use between FY20 and FY21, ranging from a decrease of 15% to a decrease of 40%, depending on the process point.

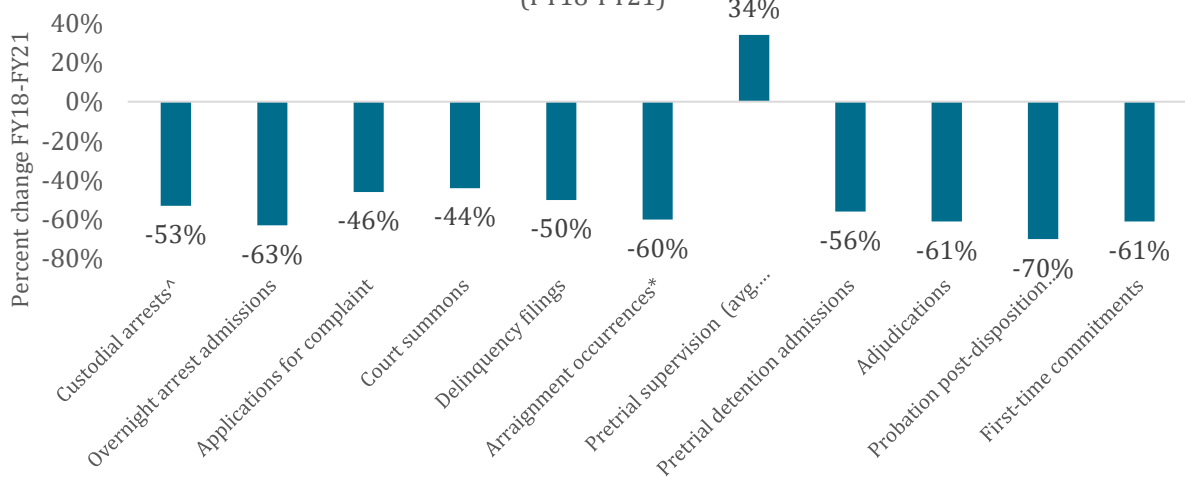
Fig. 1: Juvenile Justice System Utilization Rates of Change by Process Point (FY20-FY21)



[^]Custodial arrest data is preliminary and provided by EOPSS. Final arrests data is provided by the federal NIBRS data report released in the fall of the next calendar year. *Arraignment occurrence rates compares FY21 to CY19 due to historical annual data reported by calendar year.

While some of this decrease may be attributable to the COVID-19 pandemic (see *Monitoring the Impact of the COVID-19 Pandemic* on page 20 of this report for a more complete discussion on this topic), it is also part of a decade-plus long trend in declines in use of the juvenile justice system. This trend accelerated following passage of *An Act Relative to Criminal Justice Reform*: since FY18, there has been a decrease in use of the juvenile justice system ranging from 44% to a 70%, depending on the process point. Pretrial supervision (average monthly caseloads) is the only process point that increased during this time. **This is continuing evidence that the 2018 legislation is having its intended effect** of limiting the number of youth coming into contact with the juvenile justice system.

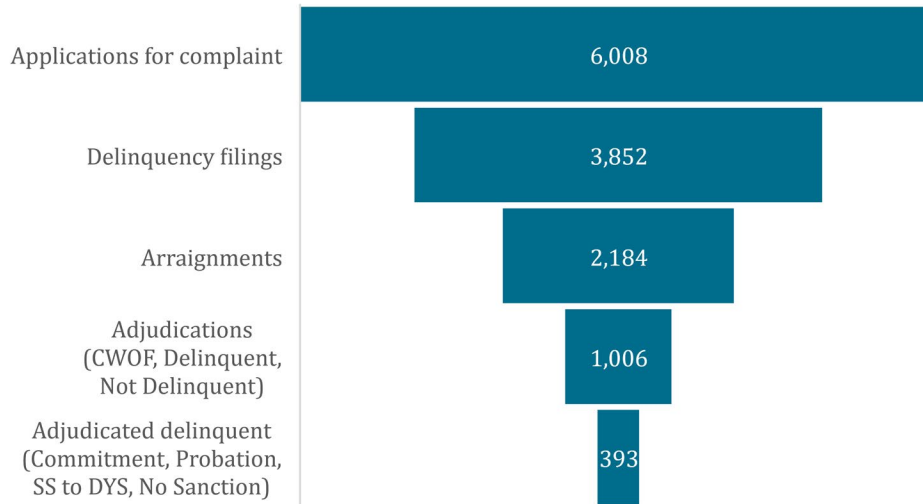
Fig. 2: Juvenile Justice System Utilization Rates of Change by Process Point (FY18-FY21)



[^] FY21 custodial arrest data is preliminary and provided by EOPSS. Final arrests data is provided by the federal NIBRS data report released in the fall of the next calendar year. *Arraignment occurrence rates compares FY21 to CY17 due to historical annual data reported by calendar year.

2. **Of the cases that enter the juvenile justice system, most are dismissed or diverted before they reach an adjudication.** This year, an estimated 83% of applications for complaint, 74% of delinquency filings, and 54% of arraignment occurrences did not reach the point of an adjudication.¹

Fig. 3: FY21 Juvenile Justice System Utilization by Process Point



The figures above represent a snapshot of cases in FY21. Some cases will take longer than a year to resolve or take place across fiscal years, and thus, the cases that are adjudicated delinquent in FY21 are not necessarily the same cases at the application for complaint stage.

3. Consistent with previous years, **person and property related offenses account for most of the cases processed in FY21.**
4. **A significant portion of cases entering and moving through the juvenile justice system are for misdemeanors and lower-level offenses.** More than half of cases that enter the juvenile court system, and a third that reach the adjudication stage, are for misdemeanors. Nearly two-thirds of cases that result in an overnight arrest are low-level, as categorized by DYS, as well as significant portions of pretrial detention admissions and first-time commitments to DYS (41% and 38%, respectively).
5. **All of the above suggest that, while there is evidence of increased use of diversion throughout the system over the past five years², there are still opportunities to divert more youth.** There is strong evidence that keeping youth out of the juvenile justice system, specifically before reaching the point of arraignment, is beneficial for both the youth and overall

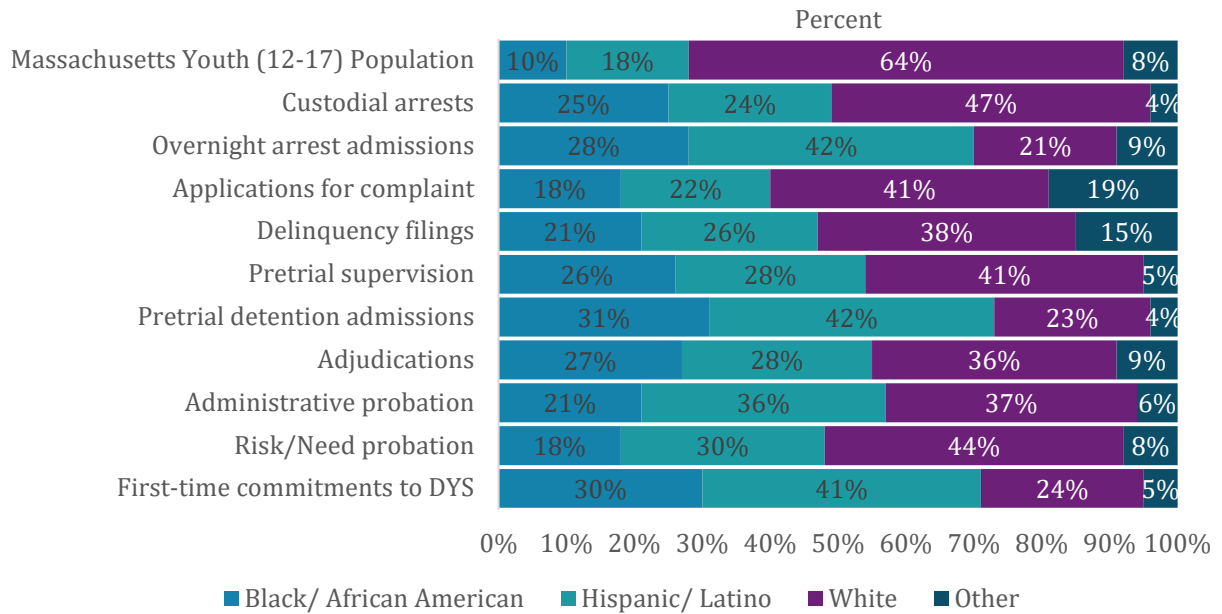
¹ This very likely means that fewer youth entered and moved through the juvenile justice system; however, because data is available by “event” (e.g., an arraignment occurrence) rather than by “youth” in most cases, this report discusses “use” of the system at various process points for technical accuracy.

² Data on the use of diversion is not available, as detailed in the JJPAD Board’s 2022 Data Availability Report. However, inferences on the use of diversion can be made by looking at drop-off in the number of cases from one process point to the next.

public safety, and research supports the practice.³ The JJPAD Board estimates that hundreds of additional cases each year could be appropriate candidates for diversion, if we gave youth the opportunity and appropriate supports to be successful.

6. One group that could benefit more from diversionary measures are youth of color, as racial and ethnic disparities remain a significant problem in our juvenile justice system.⁴

Fig. 4: Juvenile Justice System Utilization by Race (FY21)



Compared to white youth, in FY21, Black/African American youth were:⁵

- over 3 times more likely to be arrested (custodial arrest)
- almost 9 times more likely to be admitted for an overnight arrest
- almost 3 times more likely to be the subject of an application for complaint

Further, compared to white youth, in FY21, Black/African American youth were:⁶

- almost 3 times more likely to be the subject of a dangerousness hearing
- almost 3 times more likely to be detained pretrial
- held in detention 5 days longer (on average)

³ Wilson, H., & Hoge, R. (2012). The effect of youth diversion programs on recidivism: A meta-analytic review *Criminal Justice and Behavior*, (40) p. 497–518. International Association for Correctional and Forensic Psychology. Retrieved from http://users.soc.umn.edu/~uggen/Wilson_CJB_13.pdf; Click [here](#) to download the OCA's data brief on this study: <https://www.mass.gov/doc/diversion-research-brief/download>

⁴ For more information on racial and ethnic disparities in the juvenile justice system, see the *Demographics of Youth Involved in the Juvenile Justice System* section in this report.

⁵ The rates presented here compare the percent of Black/African American youth and white youth at each process point by the percent of Black/African American (10%) and white (64%) youth in Massachusetts' general youth (12-17) population.

⁶ The rates presented here compare the percent of Black/American and white youth at each process point by the percent of Black/African American (28%) and white (52%) youth arraigned.

Compared to white youth, in FY21, cases for Hispanic/Latino youth were:⁷

- almost 2 times more likely to be arrested (custodial arrest)
- over 7 times more likely to be admitted for an overnight arrest
- held in detention 16 days longer (on average)

Black and Latino youth are also less likely to see their case dismissed than white youth.⁸

The above data suggest that our juvenile justice system continues to use more methods of custodial control and out-of-home placement (e.g., custodial arrest, overnight arrest, pretrial detention) for Black and Latino youth than white youth, and that Black and Latino youth are more likely to be advanced through the juvenile justice system rather than diverted compared to white youth.

JJPAD Board 2021 Projects and Activities

In 2021, the JJPAD Board and the Childhood Trauma Task Force launched new initiatives, continued its legislatively mandated functions, and advanced prior JJPAD/CTTF projects, with the goals of:

- Reducing entry to the juvenile justice system by improving the quality and accessibility of community-based supports for youth at risk of delinquency, including youth with prior involvement with the child welfare system and/or the Juvenile Court
- Addressing persistent racial and ethnic disparities in our juvenile justice system
- Promoting earlier identification and intervention for youth who have experienced trauma
- Increasing the availability and quality of juvenile justice system data

This year's Annual Report summarizes the work accomplished by the Board and its Subcommittees in Calendar Year 2021. Major projects include:

Studying the Child Requiring Assistance (CRA) System in Massachusetts: The Commonwealth has made significant progress limiting the number of youth who come into contact with the juvenile justice system – but a large portion of the youth who remain in the justice system have prior or ongoing involvement with the child welfare system and/or the Juvenile Court. To further reduce the entry of youth to the juvenile justice system, we must focus on intervening earlier and more effectively with those who have prior system involvement.

The Child Requiring Assistance (CRA) process represents a clear opportunity for earlier and more effective intervention, and yet, as the JJPAD Board has learned following interviews with 100+ stakeholders, there is widespread agreement that this process is in need of reform. While practitioners working in the CRA system – from attorneys to social workers to probation officers to judges – can and often do have a positive impact on the lives of the children they work with, practitioners and other stakeholders can also point to many ways in which the system could produce better outcomes if it was structured differently. And, most troubling, many can also point to times the CRA system had a negative impact on children and families – the exact opposite goal of the CRA process.

⁷ Measuring disparities for Hispanic/Latino youth is particularly challenging given missing ethnicity data at some process points. These counts are, likely, underestimates. The rates presented here compare the percent of Hispanic/Latino youth and white youth at each process point by the percent of Hispanic/Latino (18%) and white (64%) youth in Massachusetts' general youth (12-17) population.

⁸ More information on case dismissals can be found on page 56. Data on dismissals is for cases dismissed at any point between a delinquency filing and an adjudication.

Over the past year, the JJPAD's Community Based Interventions (CBI) Subcommittee has conducted an in-depth review of the current CRA system and best practices in other states, with the intention of delivering recommendations for improvements to the Legislature in 2022.

Continuing to Monitor the COVID-19 Pandemic and Its Impact on the Juvenile Justice System and Youth at Risk of Involvement: In October 2021, the Board released *COVID-19 and the Massachusetts Juvenile Justice System*, a report focused on the impact of the pandemic on the juvenile justice system with recommendations for steps the state should take to prevent possible future delinquency due to pandemic-related stressors on children and families.⁹ These recommendations include:

1. Continue to limit youth contact with the juvenile justice system
2. Continue to support youth directly involved in the juvenile justice system
3. Keep and expand remote technology innovations for system stakeholders to supplement in-person activities/operations
4. Support community-based programs aimed at reducing system involvement and promoting prosocial activities
5. Support families across the Commonwealth
6. Expand availability and access to services that promote youth mental health
7. Support delinquency prevention efforts in schools
8. Expand substance use services for youth involved in the juvenile justice system and those at risk of involvement

Studying Trauma Screening and Referrals: 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 experienced trauma and are currently involved with the juvenile justice system or at risk of future juvenile justice system involvement.

This year, the CTTF began its study of trauma screening across sectors (e.g., schools, pediatricians' offices, juvenile justice entities) focusing on the purpose of screening in each sector. The Task Force's findings are detailed in its 2021 Annual Report.¹⁰ In 2022, the group will focus on developing recommendations on what, if anything, state government should do to support, incentivize and/or require trauma screening and referral practices in certain situations.

Mapping Updates to Juvenile Justice System Data Availability and Making Recommendations for Improvement. In 2019, the JJPAD Board released a Juvenile Justice System Data Availability report, which outlined each juvenile justice contact point in Massachusetts and the extent to which there was publicly available data reported about that point.¹¹ The Data Subcommittee spent most of 2021 updating the 2019 report to reflect progress made as well as highlight gaps and challenges that still exist.¹²

⁹ Click [here](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jpad-report-october-2021/download) to download the Board's COVID-19 Report: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jpad-report-october-2021/download>

¹⁰ To download the CTTF report click [here](https://www.mass.gov/doc/cttf-2021-report-identifying-childhood-trauma-an-interim-report-on-trauma-screening-and-referral-practices/download): <https://www.mass.gov/doc/cttf-2021-report-identifying-childhood-trauma-an-interim-report-on-trauma-screening-and-referral-practices/download>

¹¹ To download the 2019 Data Availability report click [here](https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-june-2019/download): <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-june-2019/download>

¹² To download the 2022 Data Availability report, click [here](https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download): <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

The group found that while progress in public data reporting has been made within each juvenile justice entity, challenges exist when collaboration is necessary across entities to assess earlier points of intervention and long-term outcomes.

In the report, the JJPAD Board identified four recommendations that would help address these findings:

1. The JJPAD Board should study the feasibility of creating an Administrative Data Center to serve as Massachusetts' central coordinator of record-level state data for child-serving entities.
2. The Legislature should consider policy changes to improve data availability in the short term.
3. Data holders and the OCA should collaborate to identify opportunities to expand the detail of available data.
4. Massachusetts should explore opportunities and partner with research institutions to conduct studies on long-term outcomes for youth who have contact with the juvenile justice system.

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 any implementation challenges are occurring. Since the Board's creation, two major pieces of legislation have passed that impact the juvenile justice system:

- *An Act relative to criminal justice reform* (2018) which established the JJPAD Board¹³
- *An Act relative to justice, equity and accountability in law enforcement in the Commonwealth* (2020)¹⁴

The full report includes details on implementation and an analysis of the laws' impact to date, to the extent possible.

¹³ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

¹⁴ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter253>

Introduction

The Juvenile Justice Policy and Data (JJPAD) Board was created by *An Act Relative to Criminal Justice Reform* (2018).¹⁵ 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.

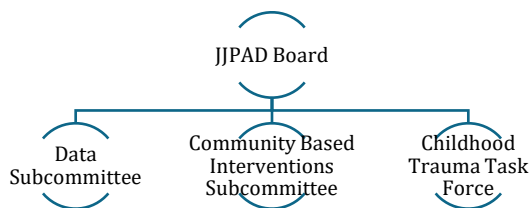


Figure 5: JJPAD and CTF Structure

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 CY21 work and presents and analyzes juvenile justice system and other child-serving entities’ data for FY21.¹⁶

Summary of JJPAD Board & Childhood Trauma Task Force 2021 Work

The JJPAD Board, CTF and Subcommittees met virtually throughout the year. This year, each Subcommittee launched new initiatives or areas of study in addition to the Board’s ongoing work.¹⁷ This next section summarizes the work of each Subcommittee and the JJPAD Board in 2021.

Studying the Child Requiring Assistance (CRA) System

The Commonwealth has made significant progress limiting the number of youth who come into contact with the juvenile justice system—but a large portion of the youth who remain in the justice system have prior or ongoing involvement with the child welfare system and/or the Juvenile Court. Generally, this group is referred to as “crossover” or “dual-system/status” youth. National research

¹⁵ See: <https://malegislature.gov/Bills/190/S2371>

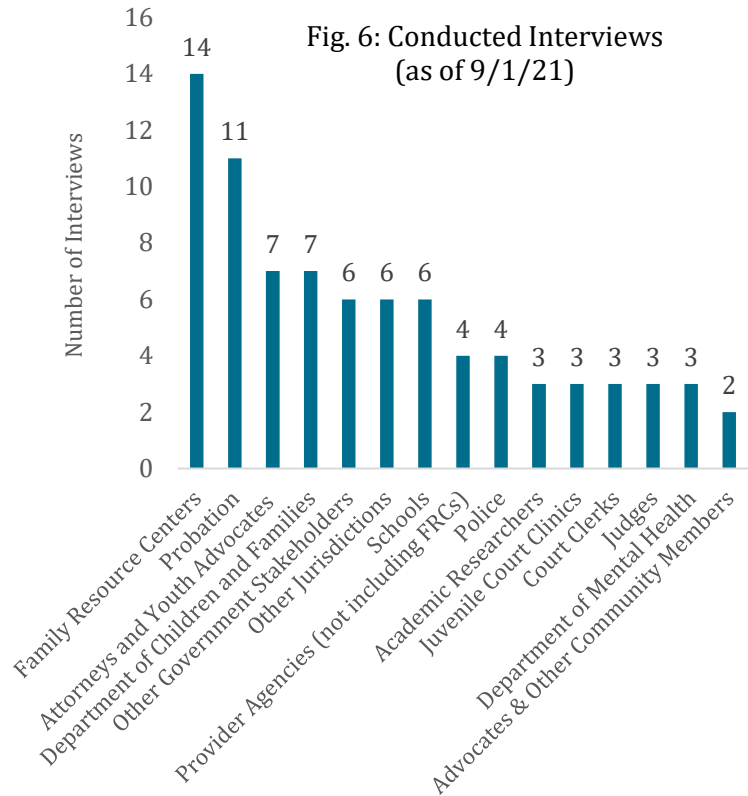
¹⁶ See: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section89>

¹⁷ For more information on the JJPAD work plan, see: <https://www.mass.gov/doc/jipad-board-2021-work-objectives/download>

shows youth of color are overrepresented among “crossover youth.”¹⁸ To further reduce the entry of youth to the juvenile justice system, Massachusetts must focus on intervening earlier and more effectively with youth who have prior system involvement.

The Child Requiring Assistance (CRA) process represents a clear opportunity for earlier and more effective intervention, and yet, as the JJPAD Board has learned following interviews with 100+ stakeholders, there is widespread agreement that this process is in need of reform.

It has been ten years since the current CRA statute, which was enacted in 2012, reformed the prior “Children in Need of Services (CHINS)” law. Since that reform, there has not been a comprehensive review of the law to see if it has been implemented as intended and if the current system addresses the previous system’s challenges. The Community Based Interventions (CBI) Subcommittee devoted its work this year to studying the CRA system. Meeting presentations have included topics such as understanding the key reforms made in the 2012 law, the CRA case process, the role of attorneys, social workers and probation officers, and services for youth with CRA petitions.



In addition to CBI Subcommittee presentations, OCA staff have interviewed over 100 individuals representing over 15 different stakeholder groups.

These interviews have informed the CBI Subcommittee’s ongoing conversations and have helped the group identify common gaps, challenges, and areas of strength; gain insight on possible changes needed; and assess whether the CHINS to CRA reform worked as intended. As described in the text box below, the OCA is also conducting youth and caregiver focus groups and case file reviews to better understand the CRA system in practice.

This analysis of the problem from interviews and subcommittee presentations have led to three overarching takeaway thus far:

- 1. The CRA system is currently serving many youth and families with extremely high needs – but not all youth and families with a CRA fall into this category.** Some of the families served by the CRA process could very easily be served without court involvement –

¹⁸ Herz, D., et. al. (2012). *Addressing the Needs of Multi-System Youth: Strengthening the Connection between Child Welfare and Juvenile Justice*. Center for Juvenile Justice Reform and the Robert F. Kennedy Children’s Action Corps. <http://www.njjn.org/uploads/digital-library/Addressing-the-Needs-of-MultiSystem-Youth-Strengthening-the-Connection-between-Child-Welfare-and-Juvenile-Justice-CJJR-3.1.12.pdf>

for example, through a connection to a local Family Resource Center. Unfortunately, practitioners working with families through a CRA process reported in interviews that many of these families have not connected with, or sometimes even heard of, a Family Resource Center (FRC). In their experience, many families are being advised by schools, therapists, and other service providers to file a CRA rather than being directed to an FRC. And, although the 2012 CRA law requires court clerks to provide families coming to the court to file a CRA application with information about Family Resource Centers, it is unclear if that information is always being provided to families, or if it is being provided in such a way that strongly encourages families to work with an FRC prior to filing.

Some youth and families will need support beyond what an FRC can provide, however. In theory, these youth with higher needs could also be served by other state systems – sooner and without juvenile court involvement – although this may require more intensive case management support.

2. **Almost no one believes the system is “working well,”** and almost everyone interviewed was able to point to situations where a CRA was not a good use of time or resources (i.e., there could have been a more efficient way of helping a family). Many professionals were able to share examples of when the CRA process was actively harmful to a youth/family.
3. **Almost everyone can point to situations where a CRA was helpful, but it was not always clear if the CRA process in and of itself was helpful,** or if it was simply that one or more of the people who became involved via the CRA process (e.g., a probation officer, a judge, a court clinician, a CPCS attorney, or social worker) was particularly helpful to that child and family. In other words, youth and families who *did* receive support through the CRA process received supports that could be, and in many cases are, provided outside of the court process. There is no type of service that the court has special access to. For a number of

Understanding the Problem: Youth/Family Perspective

In an effort to obtain feedback on the CRA system from those with first-hand experience, the OCA has launched two special projects that will inform the work of the CBI Subcommittee.

1. The OCA has organized youth and caregiver focus groups to better understand the experiences of individuals directly impacted by a CRA petition. These focus groups are ongoing at the time of this report.
2. The OCA is working with the [Children and Family Law \(CAFL\) Division](#) of the [Committee for Public Counsel Services \(CPCS\)](#) to conduct a case file review to better understand services across the Commonwealth for youth with CRA filings, as well as service gaps and/or mismatches between the services a youth needs and what they receive. This case file review is ongoing at the time of this report.

Findings from both the focus groups and case file reviews will be presented to the CBI Subcommittee and JJPAD Board to inform the recommendations phase of their work.

reasons, though, youth and families may not have had easy access to those services prior to the help of someone they met through the CRA process.

Using the results of the research from CY21, in CY22 the CBI Subcommittee will work to craft recommendations for improvements. **The Board will detail its findings and recommendations in a legislative report in CY22.**

Mapping Updates to Juvenile Justice System Data Availability and Making Recommendations for Improvement

As part of its work in 2021, the Data Subcommittee updated its 2019 data availability report to the Legislature. The 2019 report outlined each juvenile justice contact point in Massachusetts and the extent to which there was publicly available data reported about that point. The Data Subcommittee spent most of 2021 updating the 2019 report to reflect progress made as well as highlight gaps and challenges that still exist.¹⁹

The Data Subcommittee found that while progress in public data reporting has been made within each juvenile justice entity, challenges exist when collaboration is necessary across entities to assess earlier points of intervention and long-term outcomes. The report highlights six key findings:

1. Massachusetts has dedicated significant resources to increasing data availability over the past three years
2. Critical data about decision-making in the juvenile justice process remains unavailable to the JJPAD Board
3. Barriers to matching data across process points makes it difficult-to-impossible for the Board to accurately assess the impact of some policy and practices changes
4. Barriers to accessing data with greater levels of detail negatively impacts the Board's ability to conduct deeper analysis and make focused policy recommendations
5. There is limited ability to collect and report data on youth involved in multiple systems
6. There is limited ability to collect and report data on youth life outcomes over time

In the report, the JJPAD Board identified four recommendations that would help address these findings:

1. The JJPAD Board should study the feasibility of creating an Administrative Data Center to serve as Massachusetts' central coordinator of record-level state data for child-serving entities.
2. The Legislature should consider policy changes to improve data availability in the short term.
3. Data holders and the OCA should collaborate to identify opportunities to expand the detail of available data.
4. Massachusetts should explore opportunities and partner with research institutions to conduct studies on long-term outcomes for youth who have contact with the juvenile justice system.

¹⁹ To download the 2022 Data Availability report, click [here](https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download): <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

For more information, download the JJPAD Board 2022 Data Availability Report.²⁰

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

This year, the CTTF began its study of trauma screening across sectors (e.g., schools, pediatricians’ offices, juvenile justice entities) focusing on the purpose of screening in each sector, the pros and cons associated with screening at each point, and the role of resiliency measures in screenings. The Task Force details these findings in its Annual Report. In 2022, the group will focus on developing recommendations on what, if anything, state government should do to support, incentivize, and/or require trauma screening and referral practices in certain situations.

For more information on the CTTF FY21 work, download the Task Force’s Annual Report.²¹

JJPAD Board Continued Oversight of Prior Initiatives and Impact of Legislation

In 2021, 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

In 2019, based on a yearlong study of diversion in the Commonwealth, the JJPAD Board recommended the state launch a Diversion Learning Lab across three sites to test a state diversion model.²² A statewide model could address inequities in the diversion process, create consistent

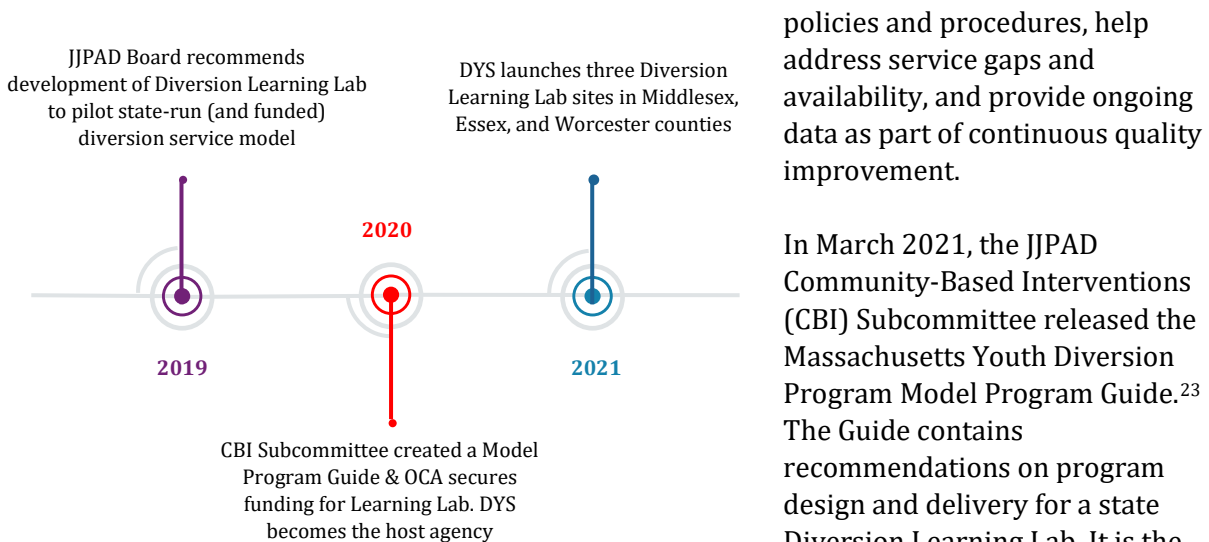


Figure 7: Timeline of State Diversion Program Launch

In March 2021, the JJPAD Community-Based Interventions (CBI) Subcommittee released the Massachusetts Youth Diversion Program Model Program Guide.²³ The Guide contains recommendations on program design and delivery for a state Diversion Learning Lab. It is the product of over a year of

²⁰ To download the 2022 Data Availability report, click [here](https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download): <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

²¹ Click [here](https://www.mass.gov/doc/cttf-2021-report-identifying-childhood-trauma-an-interim-report-on-trauma-screening-and-referral-practices/download) to download the CTTF Annual Report: <https://www.mass.gov/doc/cttf-2021-report-identifying-childhood-trauma-an-interim-report-on-trauma-screening-and-referral-practices/download>

²² Click [here](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download) to download the 2019 report: <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

²³ Click [here](https://www.mass.gov/doc/diversion-model-program-guide/download) to download the Model Program Guide: <https://www.mass.gov/doc/diversion-model-program-guide/download>

Subcommittee work and was developed based on research on successful diversion programs in Massachusetts and across the nation. The guide is intended as a recommended starting point for the Learning Lab project, understanding that lessons will be learned in the implementation process resulting in necessary changes in program design and delivery.

After two years of studying and planning, the Department of Youth Services (DYS), in partnership with the OCA, launched the Massachusetts Youth Diversion Program in October 2021.

The CBI Subcommittee will continue to act in an advisory capacity to DHS and the Learning Lab.

Diversion Learning Lab Development

In 2021, DHS issued a Request for Responses (RFR), a competitive process that led to the selection of three community-based providers to pilot the state model:

1. [Family Continuity](#) serving Worcester County
2. [Family Services of Merrimack Valley](#) serving Essex County
3. [NFI Massachusetts](#) serving Middlesex County

Each provider has a Diversion Coordinator dedicated to accepting referred youth to the program, conducting necessary assessments and intake, matching services, and providing case management. Additionally, DHS hired a Diversion Manager to act as the central coordinator across all three sites.

To date, Diversion Coordinators and provider staff have been trained on how to properly use the MAYSI-2 mental health screening tool as well as the YLS Risk/Need Screen for youth referred to them as part of the case planning process. Coordinators have also been trained on their data tracking requirements, racial and ethnic disparities, and victim's rights in the diversion process before starting to accept youth in January 2022.

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



In its 2020 Annual Report, the Childhood Trauma Task Force recommended the state establish a center on child wellbeing and trauma.²⁴ This recommendation came as a result of two years of study into how the state could support child-serving organizations and agencies in becoming trauma-informed and responsive.

The state's FY22 budget allocated funds to the OCA to launch such a center.

The Center on Child Wellbeing and Trauma (CCWT) was launched in October 2021 in partnership with Commonwealth Medicine (the consulting arm of the University of Massachusetts Chan Medical School). The CCWT provides resources and technical assistance to organizations that want to become trauma-informed and responsive. Since the CCWT launched, it has initiated projects with schools, Family Resource Centers, DCF congregate care providers, family emergency assistance shelters funded by the Department of Housing and Community Development (DHCD), and

²⁴ Click [here](https://www.mass.gov/doc/childhood-trauma-task-force-2020-annual-report/download) to read the CTF's 2020 annual report: <https://www.mass.gov/doc/childhood-trauma-task-force-2020-annual-report/download>

community-based organizations in the Worcester area. Additionally, the CCWT created a free, publicly available online racial trauma/racial equity training series for education professionals.²⁵

For more information on the Center on Child Wellbeing and Trauma, [visit the Center's website](#).²⁶

Monitoring Updates to the Juvenile Justice Data Website

The Board's 2020 Annual Report details the development and launch of the Office of the Child Advocate's juvenile justice system data website making aggregate juvenile justice system data publicly accessible.²⁷

This resource gives policymakers, juvenile justice stakeholders, researchers, and members of the public greater access to data across the variety of entities and processing points that make up the state's juvenile justice system.

In 2021, the following updates were made to the website:

- Updated visualizations reflecting FY21 data
- New data visualizations on arraignment occurrences
- New visualizations that allow for users to see data breakdowns by geography *and* demographics (e.g., court county by race)
- A new page dedicated to the "pretrial phase" of the delinquency system
- A new page dedicated to Child Requiring Assistance (CRA) data
- Additional options for users to view data adjusting for county-level youth population

As of November 1, 2021, there have been over 8,321 visits across the website pages, visited over 6,116 unique times. Policy makers, researchers, advocates, and Massachusetts community members have all provided feedback to the OCA that the interactive data website has helped in their own research, educational, and advocacy efforts. Journalists and news outlets have also cited the website's data to support their articles and stories.²⁸

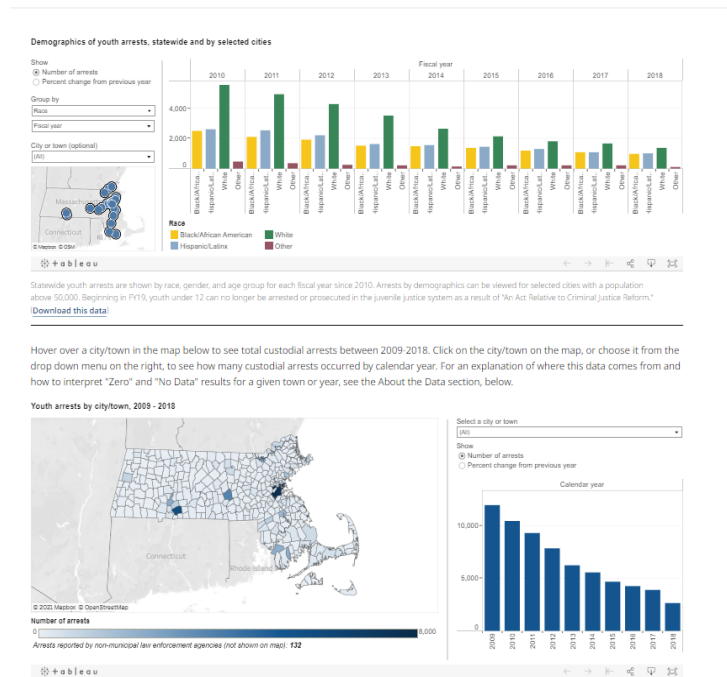


Figure 8: Screenshot of the OCA's Juvenile Justice Data Website

²⁵ To view the training series, click [here](https://childwellbeingandtrauma.org/resources-trainings/racial-trauma-and-equity-training/): <https://childwellbeingandtrauma.org/resources-trainings/racial-trauma-and-equity-training/>

²⁶ Click [here](https://childwellbeingandtrauma.org/) to visit the CCWT's website: <https://childwellbeingandtrauma.org/>

²⁷ The Juvenile Justice Data Website was launched in partnership with the Executive Office of Technology Services and Security (EOTSS) and the Data Subcommittee. Click this [link](https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth) to visit the website: <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

²⁸For examples see: <https://www.telegram.com/story/news/2021/08/20/worcester-da-drop-delinquency-rates-behavior-can-modified-between-ages-12-25/5565862001/>; and <https://www.bostonglobe.com/2021/09/28/arts/this-tabletop-game-teaches-players-about-juvenile-justice-system/>

Monitoring the Impact of the COVID-19 Pandemic

Part of the Board’s 2021 work included tracking the ongoing impact of COVID-19 on the juvenile justice system and children’s behavioral health as an extension of the work the Board started in 2020. In October 2021, the Board submitted its report *COVID-19 and the Massachusetts Juvenile Justice System* to the Legislature.²⁹ The report explores how the COVID-19 pandemic has affected youth’s current—as well as possible future—involvement with the Massachusetts juvenile justice system. The report’s analysis draws from research on risk factors of juvenile justice involvement, delinquency prevention, and positive youth development.

The Pandemic’s Impact on FY21 System Utilization

In the report, the Board suggests that shifts in “circumstantial” factors (e.g., limited contact with peers) that are tied to decreased likelihood of delinquent behavior and a concerted effort by juvenile justice system stakeholders to divert youth during the pandemic may result in a decrease in system utilization throughout the ongoing pandemic.³⁰

Still, the JJPAD Board cautioned that while data indicated an all-time low in the number of youth processed in the juvenile justice system in FY20 and FY21, the decline could not solely be attributed to the circumstances surrounding the pandemic. The data presented in this Annual Report, including the Quarterly Data in Table 1, below, reiterate that point. The pandemic likely increased the magnitude of that decline, but the Board is unable to isolate the specific impact of the pandemic.

Table 1: Quarterly Data by Process Point^ (FY20-FY21)										
Process Point	Q1 (Jul-Sep)		Q2 (Oct-Dec)		Q3 (Jan-Mar)		Q4 (Apr-Jun)		Total	
	FY20	FY21	FY20	FY21	FY20	FY21	FY20	FY21	FY20	FY21
Custodial arrests	*	455	*	450	*	348	*	376	*	1,629
Overnight arrest admissions	209	100	179	136	161	125	90	99	639	460
Dangerousness hearings	61	47	75	60	67	58	20	64	223	229
Pretrial probation (avg. monthly caseload)	593	740	624	741	675	757	685	692	644	733
Detention admissions	250	132	231	153	206	127	79	141	766	553
Risk/Need probation (avg. monthly caseload)	543	291	553	219	530	205	443	268	517	246
Administrative probation (avg. monthly caseload)	432	291	398	267	416	242	360	276	401	269

²⁹ Click [here](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jpad-report-october-2021/download) to download the Board’s COVID-19 Report: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jpad-report-october-2021/download>

³⁰ Click [here](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jpad-report-october-2021/download) to download the Board’s report: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jpad-report-october-2021/download>

First-time commitments	49	19	45	17	39	35	16	19	149	90
<p>[^]Quarterly data was not provided across most court process points. [*]Quarterly data was not available for FY20 custodial arrests. FYQ1 includes July-Sept. of the previous calendar year, FYQ2 includes Oct.-Dec. of the previous calendar year, FYQ3 includes Jan.-Mar. of the same calendar year, FYQ4 includes Apr.-Jun. of the same calendar year.</p>										

Using this quarterly data, Table 2, below, details the main juvenile justice policy/procedural shifts that occurred during that pandemic and the FY21 data available. More information on these data elements can be found in the data section of this report.

Table 2: Pandemic-related Policy/Practice Changes and Impact on the Data	
Policy/Practice Shift	FY21 Data
<p>Massachusetts Trial Courts operated under a standing order court order that prioritized emergency hearings and paused in-person jury trials throughout the pandemic.³¹</p>	<p>Beginning in Q3, the Courts resumed jury trials. During Q3 and Q4, there was an increase in post-disposition system use. First-time commitments and average monthly probation caseloads (both administrative and risk/need supervision types) increased.</p> <p>Despite the delay in jury trials, adjudications only decreased 18% between FY20 and FY21, which is a slower rate than declines in prior years. (There was a 19% decrease between FY17 and FY18, a 36% decrease between FY18 and FY19, and a 26% decrease between FY19 and FY20.)</p> <p>One reason for this may be a back-log of cases that remained in the pre-trial phase by the end of FY21. (Additional data breakdowns provided starting on pg. 59 of the Annual Report.)</p>
<p>To limit physical contact, many police departments reported issuing court summons instead of using custodial arrests (i.e., handcuffing a youth, transporting them in a police cruiser to the courthouse and/or police station, and/or holding youth at the station) for arrests that did not threaten public safety.</p>	<p>This practice shift was not reflected in annual data. There was a decrease in the numbers of both summons and custodial arrests in FY21, but the overall rate of summons use remained the same between FY20 and FY21.</p> <p>53% of all applications for complaint were initiated by summons both years. Instead of issuing more summons during the pandemic, police officers may have increased their own diversionary methods. (Data breakdowns</p>

³¹ Emergency hearings included: Care and Protection Temporary Custody Hearing (G.L. c. 119, § 24); Child Requiring Assistance (CRA) applications where allegation is that the child is a runaway; arraignments and dangerousness hearings (G.L. c. 276, § 58A) for detained youth in delinquency and youthful offender proceedings; motions for reconsideration of bail, bail revocation, and probation violation detainer hearings; substance/alcohol use disorder proceedings (G.L. c. 123, §35); mental health proceedings (G.L. c. 123, §§7,8); and harassment prevention proceedings (G.L. c. 258E). <https://www.mass.gov/files/documents/2020/03/26/jud-Juvenile-Court-standing-order-3-20.pdf>

	<p>provided starting on pg. 38 of the Annual Report.)</p>
<p>The Juvenile Court’s standing order stemming from the Supreme Judicial Court decision in <i>Committee for Public Counsel Services v. Chief Justice of the Trial Court, SJC-12926</i>³² directly impacted utilization of detention and residential commitments at DYS facilities.³³</p>	<p>This policy directly impacted youth detained in Q3 of FY20.³⁴ While there was a sharp decrease in the number of youth in detention in Q3 of FY20, FY21 annual totals continue the downward trend in detention use seen in prior fiscal years.</p> <p>There was a 23% decrease in detention admissions between FY17 and FY18, a 29% decrease between FY18 and FY19, and a 14% decrease between FY19 and FY20. There was a 28% decrease in admissions between FY20 and FY21. (Data breakdowns provided starting on pg. 52 of the Annual Report.)</p>
<p>Juvenile Courts notified the Committee for Public Counsel Services (CPCS) of summons arraignments weeks ahead of time. This enabled defense counsel to prepare the young person and their family for the arraignment. As a result, young people were more likely to understand the implications of being in court and the actual arraignment process was streamlined.</p> <p>Since lawyers, youth, and families were more prepared at the outset, this may have led to more dismissals and diversions.</p>	<p>There was a slight decrease in the percentage of applications for complaint and delinquency filings reaching an adjudication stage in FY21. Overall, actual case dismissals increased almost two percentage points more than rates in FY20.</p> <p>In FY21, 83% of applications for complaint, 74% of delinquency filings, and just 54% of arraignments resulted in an adjudication, compared to 84% of applications, 75% of filings, and 65% of arraignments resulting in an adjudication in FY20.</p> <p>In FY21, there was a decline in overall case dismissals, but the overall percentage of eligible cases dismissed post-filing increased two percentage points. (Data breakdowns provided starting on pg. 57 of the Annual Report.)</p>
<p>Juvenile Probation Officers limited their use of violations of probation notices.</p>	<p>Probation violation notices for technical violations (i.e., no new arrest) decreased 66% in FY21. While there has been a decrease in utilization of violation of probation notices for</p>

³² See: <https://www.mass.gov/doc/sjc-12926-opinion/download>

³³ In line with federal guidance, the Juvenile Court issued a standing order that streamlined procedures for “presumption of release” cases due to the fact that detention centers, jails and prisons are locations where COVID-19 could spread easily and quickly.³³ Juvenile justice entities collaborated to some extent to review and identify prior and ongoing cases to determine which youth were eligible for release from detention or a residential setting. This guidance led to a decrease in detention utilization and residential commitments.

³⁴ Click [here](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download) to download the Board’s October 2021 report detailing more FY20 monthly detention data:

	<p>technical offenses over the past four fiscal years, the decrease in FY21 was a higher rate of decline compared to prior years.</p> <p>There was a 20% decrease in technical offense between FY17 and FY18, a 39% decrease between FY18 and FY19, and a 34% decrease between FY19 and FY20. (Data breakdowns provided starting on pg. 71 of the Annual Report.)</p>
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The Pandemic’s Impact on Future System Utilization

Further, the report provides research suggesting reasons why there *may* be a future increase in the number of youth with juvenile justice system involvement compared to FY20 and FY21. There are two main reasons for this cautionary prediction:

1. The pandemic impacted many aspects of youth and families’ lives that could increase risk for delinquency and juvenile justice system involvement.
2. As youth return to their pre-pandemic routines and schools/businesses open back up certain related offenses (e.g., school-based arrests, shoplifting from a store, etc.) will likely increase as a result of youth (and all individuals) no longer isolating.

In the meantime, the Board’s *COVID-19 Report* recommends eight important steps the state should take to prevent possible future delinquency and an increase in system utilization due to the pandemic-related constraints and stressors individuals experienced and are – as of this report – still experiencing:

1. Continue to limit youth contact with the juvenile justice system
2. Continue to support youth directly involved in the juvenile justice system
3. Keep and expand remote technology innovations for system stakeholders to supplement in-person activities/operations
4. Support community-based programs aimed at reducing system involvement and promoting prosocial activities
5. Support families across the Commonwealth
6. Expand availability and access to services that promote youth mental health
7. Support delinquency prevention efforts in schools
8. Expand substance use services for youth involved in the juvenile justice system and those at risk of involvement

For more information on the impact of the pandemic on Massachusetts’ juvenile justice system, download the Board’s Report.³⁵

³⁵ Click [here](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-ijpad-report-october-2021/download) to download the COVID-19 Report: <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-ijpad-report-october-2021/download>

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),³⁶ 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 of implementation of this law, including recommendations for additional changes in statute and practice that could help smooth challenges discovered in the implementation process.³⁷ In 2020 and 2021, the JJPAD Board has focused on tracking evidence of the law’s ongoing impact on juvenile justices system utilization rates. For a more complete discussion on this topic, see the Key Data Findings section of this report (page 27, below).³⁸

An Act relative to justice, equity and accountability in law enforcement in the Commonwealth (2020)³⁹: 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. Table 3 details each relevant provision and implementation updates available to the JJPAD Board at the time of this report.

Table 3: 2020 Policing Act Juvenile Justice Provisions	
Juvenile Justice Related Provision	2021 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>The Model SRO MOU Commission, co-chaired by EOPSS and DESE, met throughout 2021 to develop minimum standards for MOUs that all school districts with an SRO would be required to follow. In February 2022, these standards were released.</p> <p>Under the new law, schools will also be required to annually file an MOU with the Department of Elementary and Secondary Education (DESE),</p>

³⁶ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

³⁷ 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>

³⁸ 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.

³⁹ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter253>

	<p>which is instructed by the law to promulgate rules and regulations as necessary.</p>
<p>Mandating School Resource Officer (SRO) trainings to include specific components as outlined by statute</p>	<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. In September 2021, the MPTC hosted an initial SRO training under this additional guidance. Training topics included the role of the SRO, childhood trauma, youth engagement, information sharing, and diversion strategies.⁴⁰ MPTC also offered a second round of training in early December, and intends to continue offering trainings at regular intervals moving forward.</p> <p>The 2020 law also added a certification process for SROs. The certification process is being managed by the Massachusetts Peace Officer Standards and Training Commission (POST-C). That roll-out process is ongoing at the time of this report.</p>
<p>Expanding the expungement eligibility for youth with up to two delinquent adjudications and allowing for expungement of multiple charges related to a single incident</p>	<p>Massachusetts Probation Services (MPS) currently collects this information by hand and is unable to disaggregate expungement data by juvenile or adult case expungements.</p> <p>Further, as a recent Boston Globe editorial highlights, state data systems are currently not integrated in a way to accurately identify records eligible for expungement.⁴¹</p>
<p>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</p>	<p>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.</p>

⁴⁰ 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>

⁴¹ Click [here](https://www.bostonglobe.com/2022/01/18/opinion/search-clean-slate-remains-elusive/?p1=BGSearch_Advanced_Results) to read the Boston Globe editorial on this topic: https://www.bostonglobe.com/2022/01/18/opinion/search-clean-slate-remains-elusive/?p1=BGSearch_Advanced_Results

Juvenile Justice System Data Trends

This section provides an overview of Massachusetts' juvenile justice system data and identifies recent trends in use at various points in the process, as well as system-wide trends over the past several years. To the extent available, data is broken down by:

- offense type and severity⁴²
- race/ethnicity, gender, sexual orientation, and transgender status of youth at the point of analysis
- county of involvement

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*, challenges remain on some fronts, but since the JJPAD Board began meeting in FY19 tremendous progress has been made in the amount of publicly reported data.⁴³

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

- New publicly reported data on the juvenile court process including how cases are initiated at the application for complaint level, court-magistrate hearing outcomes, adjudications, dispositions, and case dismissals. The Trial Court also expanded existing data on the demographics of youth at certain court process points, including for youth subject to dangerousness hearings and intersectional data (e.g., data by gender and race) at certain court process points. The Trial Court also provided data on youth indicted on murder charges.
- More data on youth supervised by Probation that provides details on the type of pretrial supervision youth are subject to and expanded demographic reporting for probation cases started during the year.
- More information on youth who are detained or committed to DYS including additional data on the reasons youth are held pretrial and bail information. DYS reported more data regarding length of stay and revocations. DYS also provided quarterly breakdowns in admissions data for the Board's analysis of the pandemic's impact.
- Additional data on the utilization of other child-serving state systems, including data on the use of DMH services and DPH's violence prevention programs. DMH and DPH also provided quarterly breakdowns of admissions data for the Board's analysis of the pandemic's impact.

⁴² *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.

⁴³ To download the 2022 Data Availability report, click [here](https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download): <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

Further, **the OCA’s interactive data website continues to expand. In addition to presenting interactive visualizations of the data in this report, the website includes additional data on:**

- Custodial arrests broken down by offense type and reporting municipality
- Overnight arrest admissions, detention admissions, first-time commitments and YES transitions by calendar year
- County juvenile justice system utilization heat maps, adjusting for youth population rates
- Monthly probation caseload and violation of probation notices issued
- Detention and commitment caseload (i.e., individual youth) utilization trends and demographic breakdowns

The OCA continues to build new pages for the website in collaboration with JJPAD member entities.

Notes on the Data

Due to continuous data updates, do not compare the numbers in this report to previous reports or presentations.

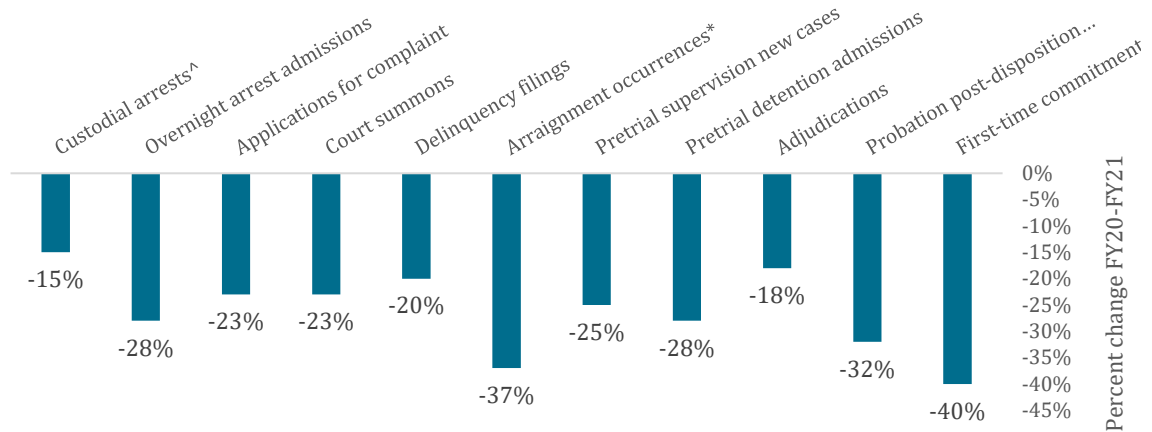
For the most up to date, detailed data, visit the OCA’s interactive data website. * In addition to the state-level trends detailed in this report, the OCA’s interactive data website also presents county level trends by demographics whenever possible. The website also includes U.S. Census data for users to explore data adjusting for county and state youth characteristics.

*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>

Key Data Takeaways

- 1. Massachusetts continues to use the juvenile justice system less:** At every process point in the juvenile justice system – from custodial arrests to applications for complaint through to youth being committed to the Department of Youth Services – there were decreases in use between FY20 and FY21, ranging from a decrease of 15% to a decrease of 40%, depending on the process point.

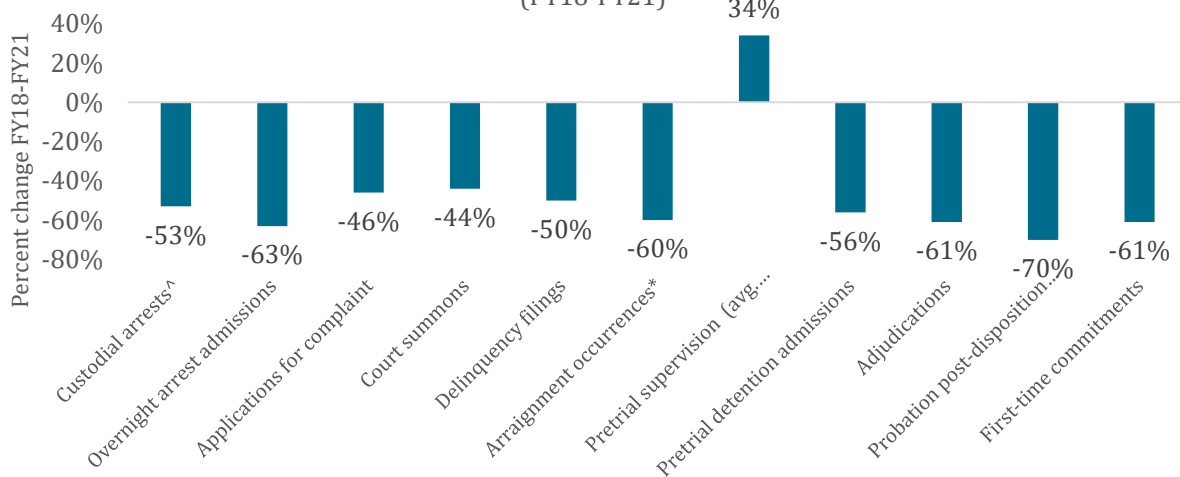
Fig. 9: Juvenile Justice System Utilization Rates of Change by Process Point (FY20-FY21)



Custodial arrest data is preliminary and provided by EOPSS. Final arrests data is provided by the federal NIBRS data report released in the fall of the next calendar year. *Arraignment occurrence rates compares FY21 to CY19 due to historical annual data reported by calendar year.

While some of this decrease may be attributable to the COVID-19 pandemic (see *Monitoring the Impact of the COVID-19 Pandemic* on page 20 of this report for a more complete discussion on this topic), it is also part of a decade-plus long trend in declines in use of the juvenile justice system. This trend accelerated following passage of *An Act Relative to Criminal Justice Reform*: since FY18, there has been a decrease in use of the juvenile justice system ranging from 44% to a 70%, depending on the process point. Pretrial supervision (average monthly caseloads) is the only process point that increased during this time. This is continuing evidence that the 2018 legislation is having its intended effect of limiting the number of youth coming into contact with the juvenile justice system.

Fig. 10: Juvenile Justice System Utilization Rates of Change by Process Point (FY18-FY21)



FY21 custodial arrest data is preliminary and provided by EOPSS. Final arrests data is provided by the federal NIBRS data report released in the fall of the next calendar year. *Arraignment occurrence rates compares FY21 to CY17 due to historical annual data reported by calendar year.

While the juvenile justice provisions of the Criminal Justice Reform Act focused primarily on low-level misdemeanor offenses, data suggest there are fewer youth involved in the juvenile justice system with serious offense types as well. As further described later in this report, applications for complaints regarding *misdemeanor* offenses have declined 49% since FY18, with the largest drop (27%) occurring in FY19, the year after the legislation was implemented.

At the same time, however, applications for *felony* offenses – which were not specifically impacted by the legislation —have also decreased at a steady, though slower rate, with a 20% drop from FY18 to FY19, and a 40% drop from FY18 to FY21.

All of the above provides increased support for the Board’s conclusion in its 2019 report: given that the declines following the implementation of the Criminal Justice Reform Act came following over a decade of decline in juvenile arrests, court processing, detention, and commitments, the Board concluded that **“it seems likely that the legislation has accelerated the decline at certain process points, but also that the decreases cannot be solely attributed to the new statute.”**

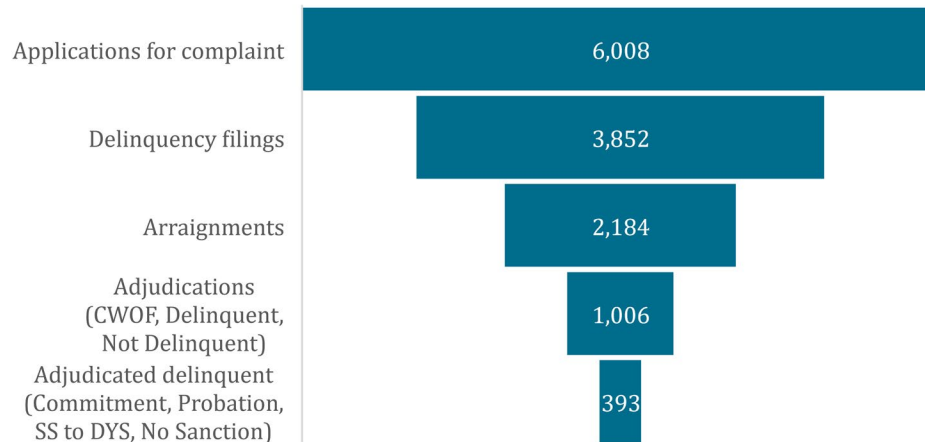
2. Of the cases that enter the juvenile justice system, most are dismissed or diverted before they reach an adjudication.⁴⁴ This year, an estimated 83% of applications for complaint, 74% of delinquency filings, and 54% of arraignment occurrences did not reach the point of an adjudication.⁴⁵

All of the above very likely means that fewer *youth* entered and moved through the juvenile justice system; however, because data is available by “event” (e.g., an arraignment occurrence) rather than by “youth” in most cases, this report discusses “use” of the system at various process points for technical accuracy.

⁴⁴ For more information on diversion/case dismissal data, see the “Dismissed Cases” section to follow.

⁴⁵ Percentage of arraignments, delinquency filings and applications for complaint resulting in adjudication are estimates based on FY21 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.

Fig. 11: FY21 Juvenile Justice System Utilization by Process Point



The figures above represent a snapshot of cases in FY21. Some cases will take longer than a year to resolve or take place across fiscal years, and thus, the cases that are adjudicated delinquent in FY21 are not necessarily the same cases at the application for complaint stage.

3. Consistent with previous years, *person and property* related offenses account for most of the cases processed in FY21.

Table 4: Juvenile Justice System Utilization by Process Point and Offense Type (FY21)

FY21 Caseload Rates	Alc.	Drg	MV	Pers	Prop	P.O.	Weap	Other/NA	Total (count)
<i>Overnight arrest admissions</i> [^]	0%	6%	8%	38%	11%	23%	12%	2%	460
<i>Applications for complaint</i>	2%	2%	20%	37%	28%	3%	4%	4%	6,008
<i>Delinquency filings</i>	1%	3%	11%	42%	31%	4%	5%	4%	3,852
<i>Arraignment occurrences (charges)</i> [*]	n/a	4%	6%	39%	30%	21%	n/a	n/a	5,820
<i>Detention admissions</i> [^]	0%	3%	4%	52%	15%	7%	19%	0%	553
<i>Adjudications</i>	0%	6%	12%	35%	30%	3%	7%	8%	1,006
<i>First-time Commitments</i> [^]	0%	6%	6%	38%	19%	13%	18%	0%	90

[^]DYS counts alcohol related offenses in public order category. ^{*}Arraignment occurrences offense type data includes all charges listed on an arraignment, and therefore, totals will be larger than overall arraignment occurrences in FY21. Arraignment offense types include “alcohol” offense types with “public order” and “weapons” with “person” counts. Alc.=Alcohol, Drg = Drug, MV=Motor Vehicle, Pers.=Person, Prop. =Property, P.O.=Public Order, Weap. =Weapon

4. A significant portion of cases entering and moving through the juvenile justice system are for misdemeanors and lower-level offenses. More than half of cases that enter the juvenile court system, and a third that reach the adjudication stage, are for misdemeanors. Nearly two-thirds of cases that result in an overnight arrest are low-level, as categorized by DYS, as well as significant portions of pretrial detention admissions and first-time commitments to DYS (41% and 38%, respectively).

Table 5: Juvenile Justice System Utilization by Process Point and Offense Severity (FY21)

<i>Court Process Point</i>	Misdemeanor	Felony	Total (count)	
<i>Applications for complaint</i>	59%	41%	6,008	
<i>Delinquency filings</i>	42%	58%	3,852	
<i>Adjudications</i>	34%	66%	1,006	
<i>DYS Process Point</i>	Low	Medium	High	Total (count)
<i>Overnight arrest admissions</i>	62%	22%	16%	460
<i>Detention admissions</i>	41%	17%	42%	553
<i>First-time Commitments</i>	38%	22%	39%	90

The Juvenile Court measures offense severity by classifying an offense as a misdemeanor (less serious) or a felony (more serious). 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.

5. All of the above suggest that, while there is evidence of increased use of diversion throughout the system over the past five years⁴⁶, there are still opportunities to divert more youth.

There is strong evidence that keeping youth out of the juvenile justice system, specifically before reaching the point of arraignment, is beneficial for both the youth and overall public safety, and research supports the practice.⁴⁷ Youth officially have a juvenile court record once they are arraigned, and a juvenile record (regardless of whether the youth was found delinquent, not delinquent or if their case was dismissed post-arraignment) can lead to adverse outcomes in future system involvement. While a juvenile’s court record is not available to the general public, it is available to certain government actors, and the negative stigma associated with a juvenile record can have adverse consequences.⁴⁸ Further, an arraignment can be used to “enhance future sentencing or affect charging or probation decisions.”⁴⁹ Additionally,

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 at the arrest stage
- 2. Clerk Magistrates** may divert a youth or dismiss a case due to lack of probable cause at the delinquency filing stage
- 3. District Attorneys** may divert a youth pre-arraignment or dismiss the case pre-adjudication
- 4. Judges** may divert a young person pre-arraignment or dismiss a case pre-adjudication (only certain charges)

⁴⁶ Data on the use of diversion is not available, as detailed in the JJPAD Board’s 2022 Data Availability Report. However, inferences on the use of diversion can be made by looking at drop-off in the number of cases from one process point to the next.

⁴⁷ Wilson, H., & Hoge, R. (2012). The effect of youth diversion programs on recidivism: A meta-analytic review *Criminal Justice and Behavior*, (40) p. 497–518. International Association for Correctional and Forensic Psychology. Retrieved from http://users.soc.umn.edu/~uggen/Wilson_CJB_13.pdf; Click [here](#) to download the OCA’s data brief on this topic: <https://www.mass.gov/doc/diversion-research-brief/download>

⁴⁸ In Massachusetts a juvenile court record is accessible to “the justices and probation officers of the courts, to the police commissioner for the city of Boston, to all chiefs of police and city marshals, and to such departments of the state and local governments as the commissioner of probation may determine” including the Department of Children and Families, Department of Early Education and Care and other children’s programs (*Commonwealth vs. Preston P., a juvenile*, Note 8 citing G. L. c. 276, § 100). A juvenile record may also present federal challenges as well (e.g., when enlisting in the military or with regards to immigration or international travel).

⁴⁹ *Commonwealth v. Manolo M.*, 486 Mass. 678, 686 (2021); *Commonwealth v. Humberto H.*, 466 Mass. 562 (2013)

national research shows that juvenile records can present challenges in accessing housing, employment, and education during youth and into adulthood.⁵⁰

Cases currently being processed in the juvenile justice system that *may* be good candidates for pre-arraignment diversion (or dismissal) include:

- Misdemeanors
- Cases involving alcohol, drugs, public order offenses, and lower-level property offenses
- Cases that result in an arraignment but are dismissed prior to adjudication

The above categories are overlapping, and so the JJPAD Board cannot calculate an exact number of cases fitting into these categories, but a rough estimate is that this represents over 1,000 cases a year.

And, as Suffolk County's youth diversion program (Juvenile Alternative Resolution Program (JAR)) has demonstrated in recent years, even more serious cases – including felonies and person crimes – can be successfully diverted if the right supports are provided.⁵¹ Research on diversion in other states has also shown that youth with moderate-severity offenses (such aggravated assault and some weapons charges) who are diverted are less likely to be rearrested and more likely to experience positive life outcomes than youth who are not.⁵²

To be clear, 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. Not all of these 1,000+ cases would necessarily be candidates for diversion – but many more might, if we gave the youth the opportunity and appropriate supports to be successful.

6. One group that could benefit more from diversionary measures are youth of color, as racial and ethnic disparities remain a significant problem in our juvenile justice system.⁵³

Compared to white youth, in FY21, Black/African American youth were:⁵⁴

- over 3 times more likely to be arrested (custodial arrest)
- almost 9 times more likely to be admitted for an overnight arrest
- almost 3 times more likely to be the subject of an application for complaint

Further, compared to white youth, in FY21, Black/African American youth were:⁵⁵

- almost 3 times more likely to be the subject of a dangerousness hearing
- almost 3 times more likely to be detained pretrial
- held in detention 5 days longer (on average)

⁵⁰ *Failed policies, forfeited futures: A nationwide scorecard on juvenile records.* juvenilerecords.jlc.org. (n.d.). Retrieved November 28, 2021, from <https://juvenilerecords.jlc.org/juvenilerecords/#!/map>

⁵¹ To learn more about the JAR program, see: <https://www.suffolkdistrictattorney.com/in-the-community/early-intervention-and-prevention>

⁵² Click [here](https://www.mass.gov/doc/diversion-research-brief/download) to download the OCA's data brief on this study: <https://www.mass.gov/doc/diversion-research-brief/download>

⁵³ For more information on racial and ethnic disparities in the juvenile justice system, see the *Demographics of Youth Involved in the Juvenile Justice System* section in this report.

⁵⁴ The rates presented here compare the percent of Black/African American youth and white youth at each process point by the percent of Black/African American (10%) and white (64%) youth in Massachusetts' general youth (12-17) population.

⁵⁵ The rates presented here compare the percent of Black/African American and white youth at each process point by the percent of Black/African American (28%) and white (52%) youth arraigned.

Compared to white youth, in FY21, cases for Hispanic/Latino youth were:⁵⁶

- almost 2 times more likely to be arrested (custodial arrest)
- over 7 times more likely to be admitted for an overnight arrest
- held in detention 16 days longer (on average)

Black and Latino youth are also less likely to see their case dismissed than white youth.⁵⁷

The above data suggest that our juvenile justice system continues to use more methods of custodial control and out-of-home placement (e.g., custodial arrest, overnight arrest, pretrial detention) for Black and Latino youth than white youth, and that Black and Latino youth are more likely to be advanced through the juvenile justice system rather than diverted.

⁵⁶ Measuring disparities for Hispanic/Latino youth is particularly challenging given missing ethnicity data at some process points. These counts are, likely, underestimates. The rates presented here compare the percent of Hispanic/Latino youth and white youth at each process point by the percent of Hispanic/Latino (18%) and white (64%) youth in Massachusetts' general youth (12-17) population.

⁵⁷ More information on case dismissals can be found on page 56. Data on dismissals is for cases dismissed at any point between a delinquency filing and an adjudication.

Figure 12: A Detailed Look at How Youth Flow Through Juvenile Justice System, FY21

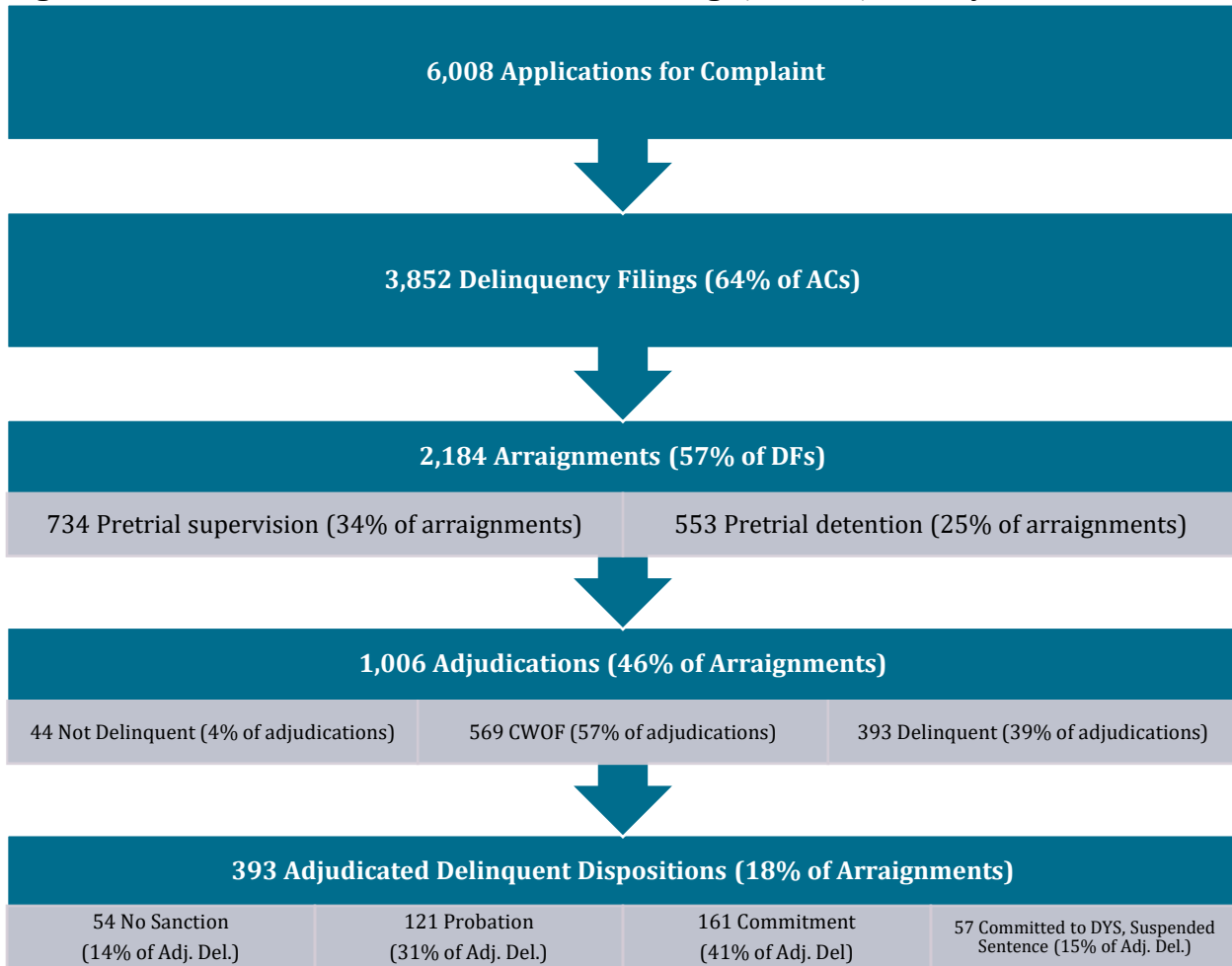
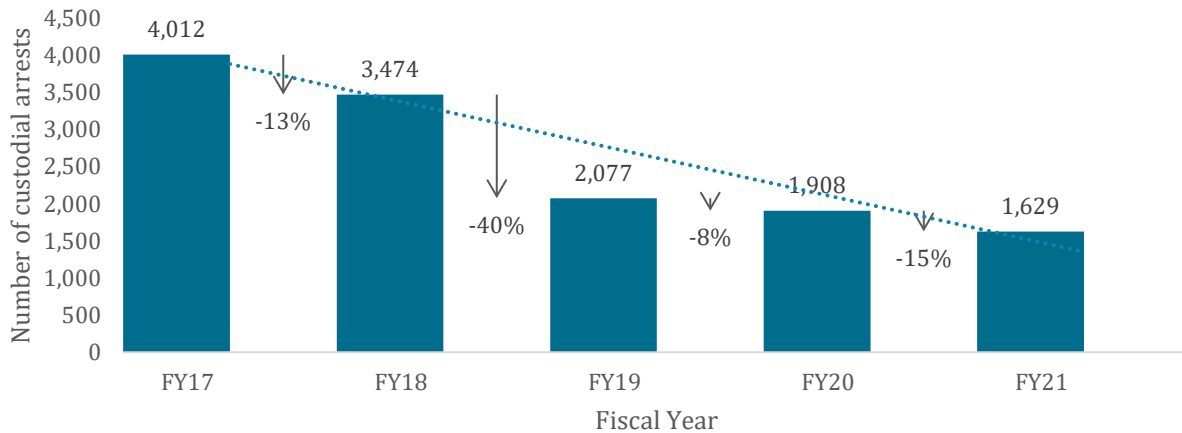


Figure 12: Some cases will take longer than a year or take place across fiscal years, and thus, percentages are approximate figures based on the available data.

Custodial Arrests

In FY21, there were 1,629 custodial arrests reported.^{58, 59} Custodial arrests decreased 15% between FY20 and FY21. Since FY17, custodial arrests have declined 59%, continuing a decade-plus trend of decreasing arrests.⁶⁰

Fig.13 : Custodial Arrests by Fiscal Year (FY17-FY21)



Arrest data is preliminary and may change over time as police departments update their data reports. Final arrest data is publicly published by the FBI, typically each fall for the previous calendar year. *Source: Executive Office of Public Safety and Security*

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 Department of Youth Services (DYS) facility overnight or until the next court day.

In FY21, there were 460 ONA admissions, a 28% decrease from FY20. ONA admissions have decreased 71% since FY17.

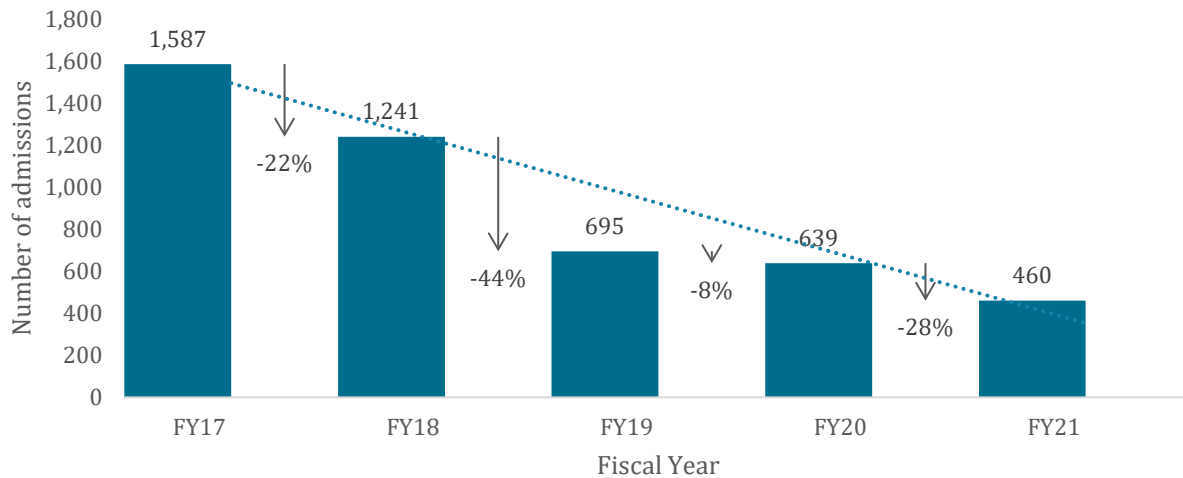
⁵⁸ Juvenile arrest data in this report only includes custodial arrests (categorized as “on-view” and “taken into custody” in the NIBRS reporting system). Many police departments will issue youth a summons to court rather than making a custodial arrest for less serious offenses. However, the use of summons is not consistently reported by all police departments; as a result, summons data reported by police departments is not provided here. Data on the use of summons, as reported by the courts, is included in the applications for complaint section.

⁵⁹ This data may be an undercount of the true number of youth with a custodial arrest in a given year. Data on custodial arrests (which is a combination of the “on-view” and “taken into custody” arrest types) is reported to the JJPAD Board by EOPSS, using data reported by local police departments through the federal National Incident Based Reporting System (NIBRS). Historically, the JJPAD Board has used this data to report on the number of youth who were arrested and taken into custody. This year, the Trial Court began publicly reporting data on the number of delinquency cases initiated by arrest, as reflected in the “applications for complaint” section, below. The Trial Court reports data based on whether a clerk’s hearing was scheduled. (Clerk’s hearings are usually not scheduled when a case is initiated by arrest.) In theory, these numbers should match; however, the total number of custodial arrests reported by EOPSS differs substantially from the number of cases reported by the Trial Court as being initiated by an arrest. The reason for this discrepancy is not clear. However, while the NIBRS data system has existed since the 1980’s, 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. Additionally, other researchers have raised concerns about the quality of NIBRS data more generally. For example: [one study](#) from January 2022 compared NIBRS arrest data to data collected directly from law enforcement agencies and found data matched in just 84% of cases. [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. For all of these reasons, the JJPAD Board suspects, but cannot say with certainty, that the NIBRS data reported here is an undercount.

⁶⁰ Click [here](https://www.mass.gov/info-details/data-about-youth-arrests#youth-arrest-data-trends-) to see historical arrest data: <https://www.mass.gov/info-details/data-about-youth-arrests#youth-arrest-data-trends->

Of the 460 times a youth was held on an overnight arrest, 58% of the time (n=268) the youth was later held in pretrial detention after an arraignment.

Fig. 14: Overnight Arrest Admissions by Fiscal Year (FY17-FY21)



Source: Research Department, Department of Youth Services

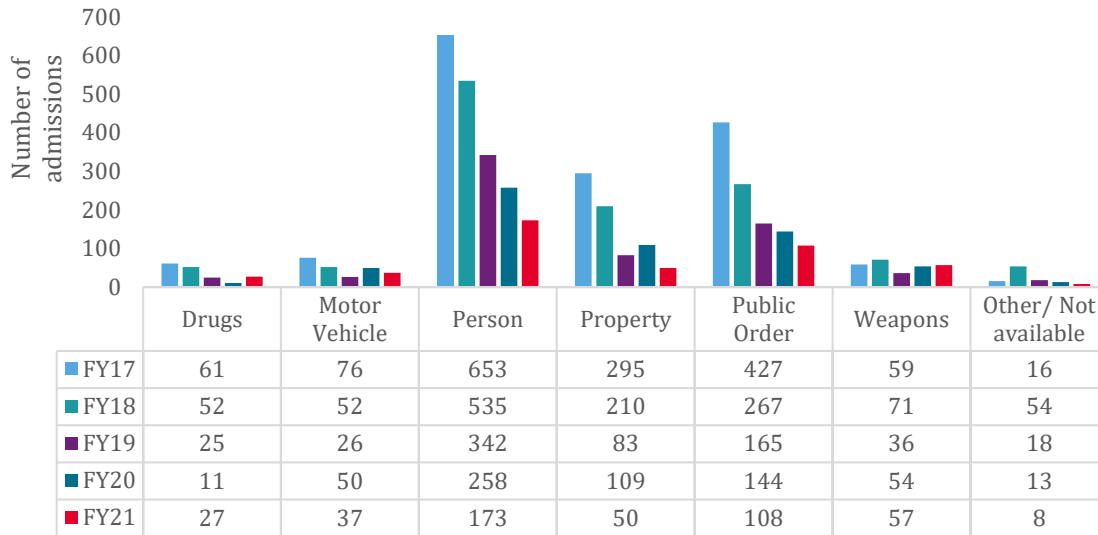
Overnight Arrest Admissions by Offense Type & Severity

In FY21, 38% (n=173) of ONA admissions were for youth with underlying alleged *person* offense types. ONA admissions decreased across offense types between FY20 and FY21, except for *weapons* and *drug* offenses.

Since FY17, ONA admissions decreased 71%, largely driven by decreases in *property* offenses (83% decline), *public order* offenses (75% decline), and *person* offenses (74% decline).

Table 6: 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

Fig. 15: Overnight Arrest Admissions by Offense Type (FY17-FY21)



Source: Research Department, Department of Youth Services

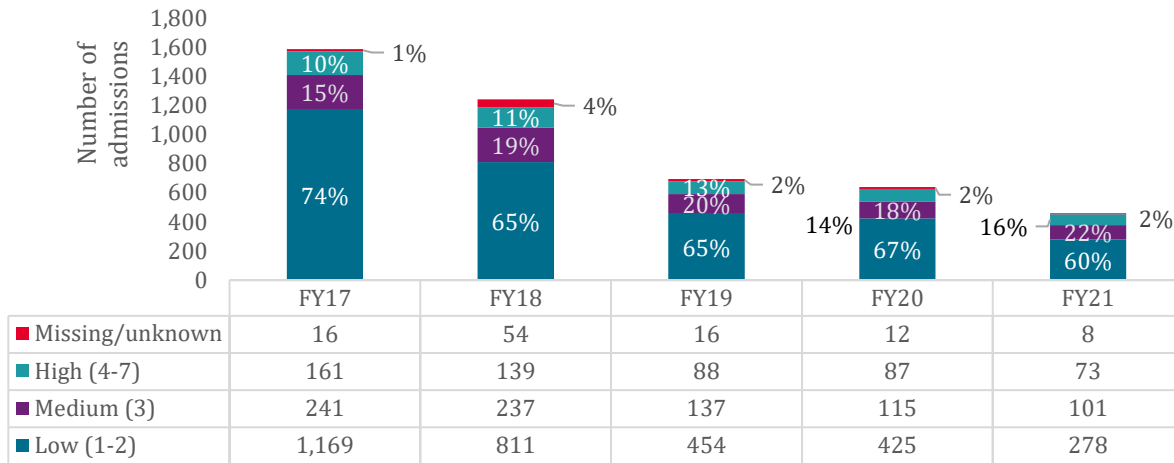
DYS categorizes offense severity by “grid level.” This is a numeric representation, ranging from 1 (least serious) to 7 (most serious), based on adult sentencing guidelines. For the purposes of this report, grid levels have been combined into *low* (grid levels 1-2), *medium* (grid level 3), and *high*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

Table 7: 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.	

ONA admissions decreased across grid level groups in FY21 largely due to a 35% decrease in admissions for *low* level offenses. Since FY17, ONA admissions have decreased 76% for *low* level offenses.

While these declines reflect steps taken to keep youth with lower-level offenses out of detention settings, there is still room to improve: 60% (n=278) of all ONA admissions in FY21 were for youth with low-level offenses (as categorized by DYS). And, as noted above, a large proportion (42%) of youth held on an overnight arrest are *not* subsequently held in pretrial detention following arraignment. Taken together, this data suggests that many youth are held overnight for reasons other than public safety considerations.

Fig. 16: Overnight Arrest Admissions by Grid Level (FY17-FY21)



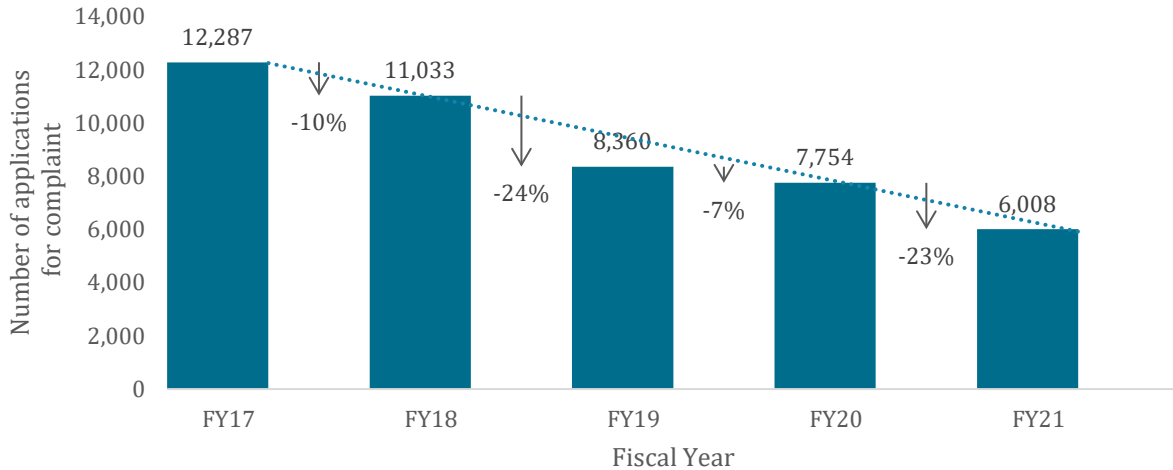
Source: Research Department, Department of Youth Services

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 Footnote 59 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 FY21, there were 6,008 applications for complaint, a decrease of 23% from FY20. Since FY17, applications for complaint have decreased 51%.

Fig. 17: Applications for Complaint by Fiscal Year (FY17-FY21)



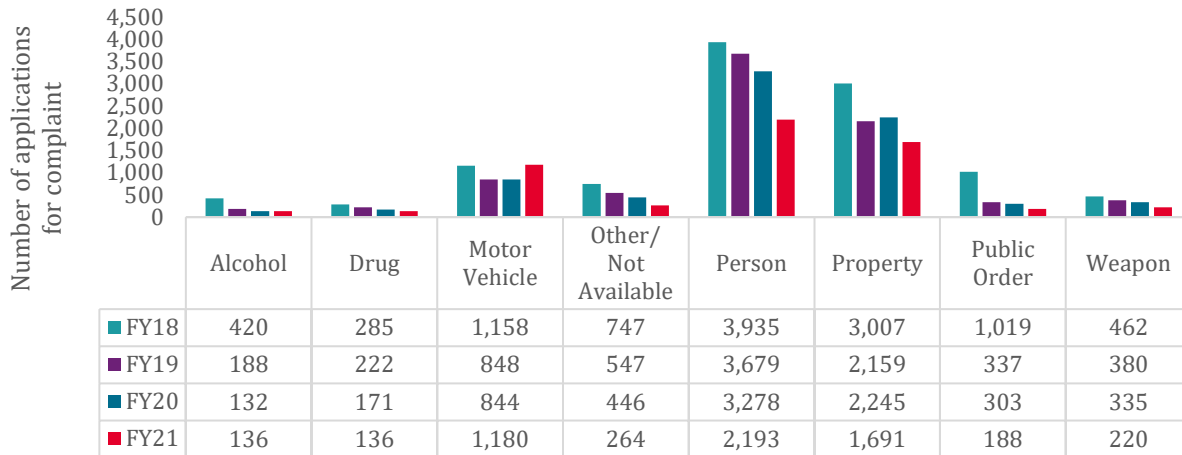
Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY21 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Applications for Complaint by Offense Type & Severity

In FY21, 37% (n=2,193) of all applications for complaint were for alleged *person* offenses. Applications for complaint decreased across most offense types in FY21, except for a very slight increase in *alcohol* offense types and a 40% increase in applications for *motor vehicle* offenses. In fact, 20% of applications for complaint in FY21 were for an alleged *motor vehicle* offense, compared to FY20 when they represented just 11% of applications.

The 51% decrease in applications for complaint since FY18 is driven by a decrease in applications for underlying alleged *public order* offenses (82% decrease), *alcohol* offenses (68% decrease), *other* offenses (65% decrease), and *weapons* and *drug* offenses (52% decrease each).

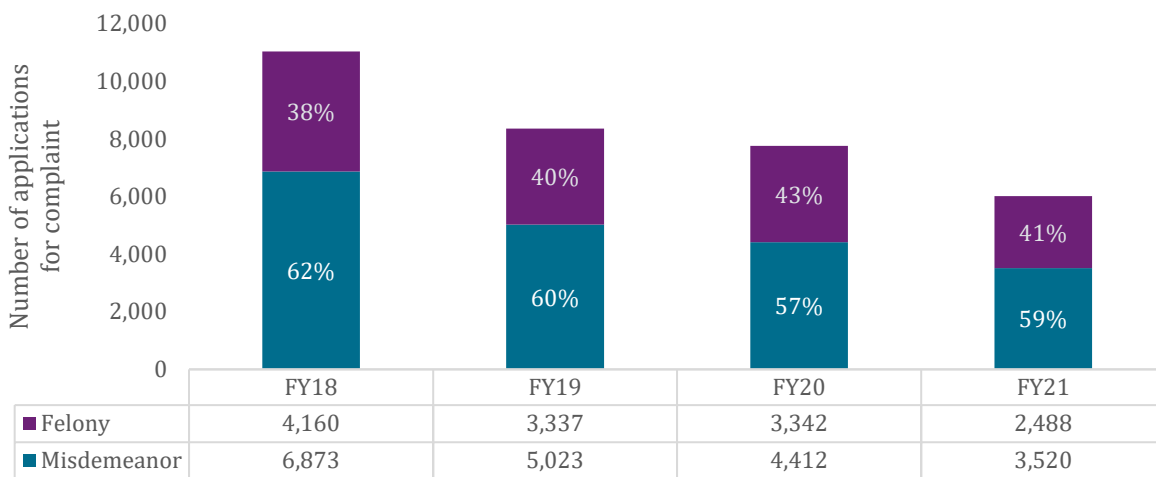
Fig. 18: Applications for Complaint by Offense Type (FY18-FY21)



Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

This year, the Trial Court reported application for complaint data by *offense severity* levels. 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.

Fig. 19: Applications for Complaint by Offense Severity (FY18-FY21)



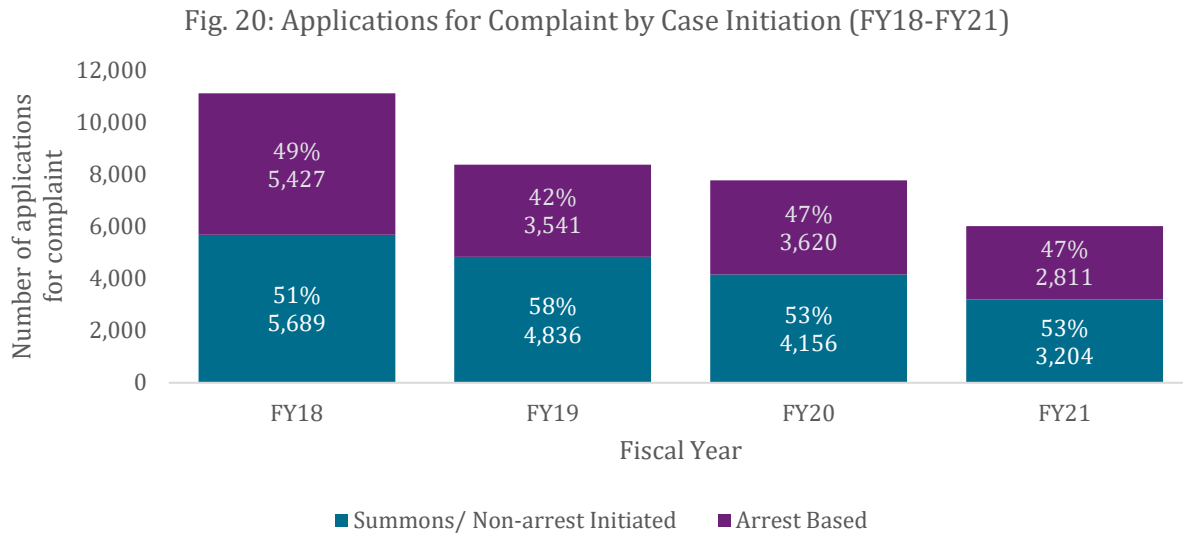
Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Summons

If a youth is suspected of committing a delinquent offense, a police officer may arrest the youth (as detailed in the *custodial arrests* section of this report) or may give them a summons to appear at the Juvenile Court. In either case, the police file an application for complaint with the court. In 2021, the

Trial Court began publishing data on their public dashboards detailing how applications for complaint are initiated in Juvenile Court.

As Figure 20 shows, there is almost an equal number of cases initiated by summons or non-arrests as there are cases initiated by an arrest each year.^{61, 62}



Total number of applications for FY21 cases initiation data may not match overall application totals depending on the date the Trial Court publishes various datasets. *Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard*

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

If a case is initiated by an arrest, the case generally proceeds directly to a delinquency complaint without a formal magistrate hearing.⁶³ If a case is initiated by a summons, a Clerk Magistrate conducts a hearing (called a “magistrate hearing”) to decide whether to issue a delinquency complaint. A delinquency filing may be made 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.⁶⁴

In FY21, 67% (n=2,155) of cases that reached a magistrate’s hearing did not result in a complaint issuing. Clerk magistrates may not issue a complaint for several reasons, including diversion, lack of

⁶¹ 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.

⁶² The number of cases initiated by arrest reported by the Trial Court is different than the total number of custodial arrests reported by EOPSS. See footnotes 60, above, for more details.

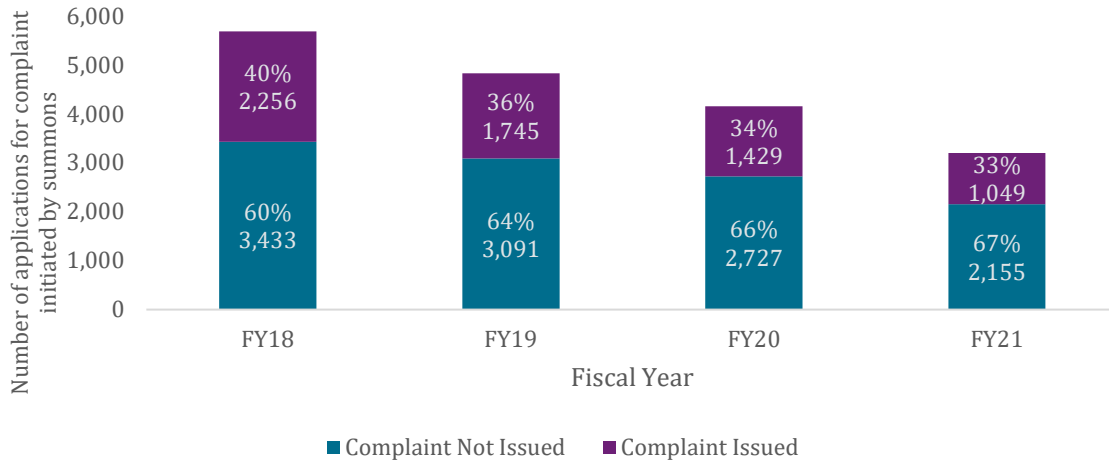
⁶³ See “About Applications for Complaint” [here](#):

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

⁶⁴ Rules of Criminal Procedure, Rule 3 <https://www.mass.gov/rules-of-criminal-procedure/criminal-procedure-rule-3-complaint-and-indictment-waiver-of-indictment>

probable cause, lack of jurisdiction, or failure to prosecute.⁶⁵ Clerk magistrates have been not issuing complaints at higher rates each year for which there is publicly available data.

Fig. 21: Results of Magistrate Hearings by Fiscal Year (FY18-FY21)



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

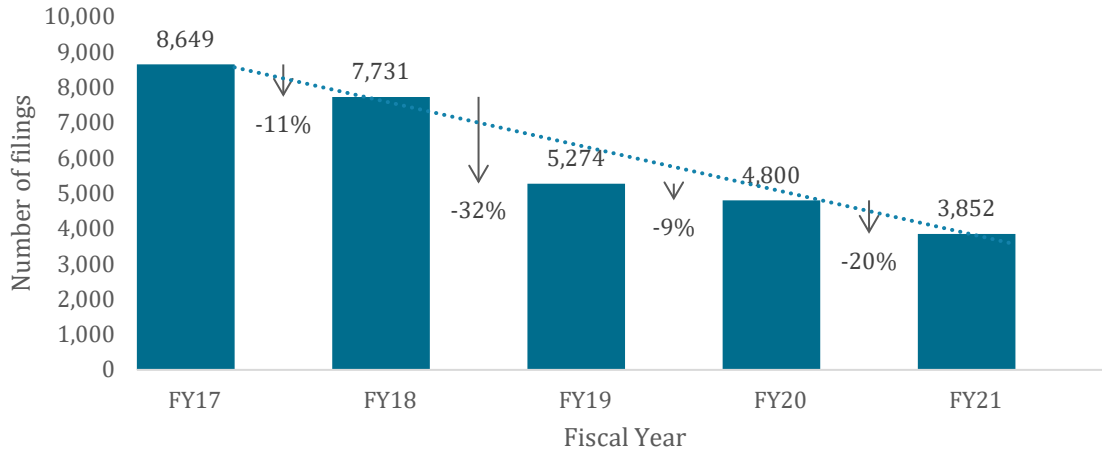
Delinquency Filings

In FY21, there were 3,852 delinquency filings, a 20% decrease from FY20. Filings have decreased 55% since FY17, continuing a longer-term trend.⁶⁶

⁶⁵See “About Applications for Complaint” [here](https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation): <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

⁶⁶ Delinquency filings have decreased from 9,899 in FY14 to 3,864 in FY21. Data retrieved from: <https://www.mass.gov/info-details/trial-court-statistical-reports-and-dashboards>

Fig. 22: Delinquency Filings by Fiscal Year



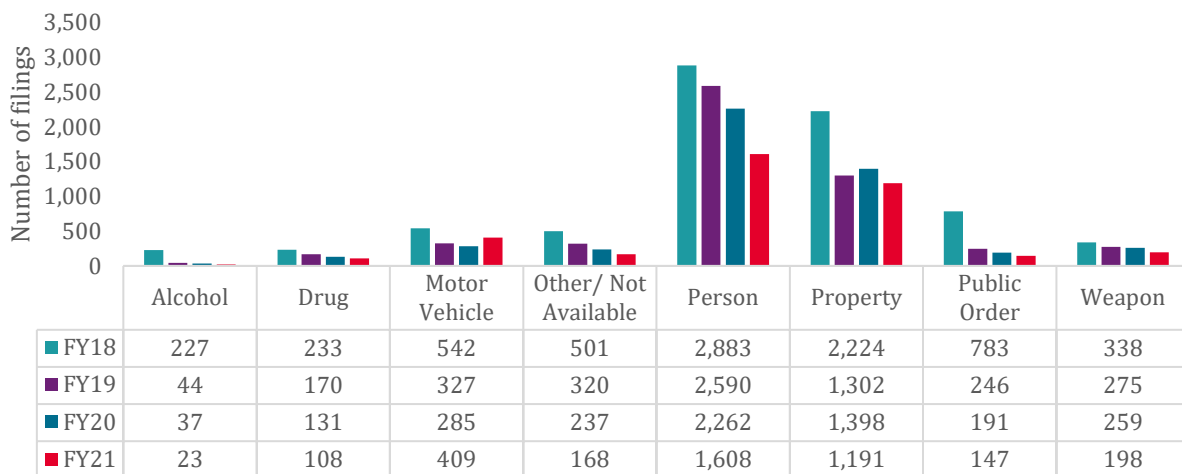
Source: FY17 data obtained from Department of Research and Planning, Massachusetts Trial Court. FY18-FY21 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Delinquency Filings by Offense Type & Severity

Similar to trends in applications for complaint, 42% (n=1,608) of delinquency filings were for alleged *person* offenses. Between FY20 and FY21, filings decreased across all offense types except *motor vehicle* offenses, which increased 44% in FY21, reversing a downward trend from previous years.

The 55% decrease in delinquency filings since FY18 is largely driven by a decrease in delinquency filings for alleged *alcohol* offenses (90% decrease), *public order* offenses (81% decrease), and *other* offenses (66% decrease).

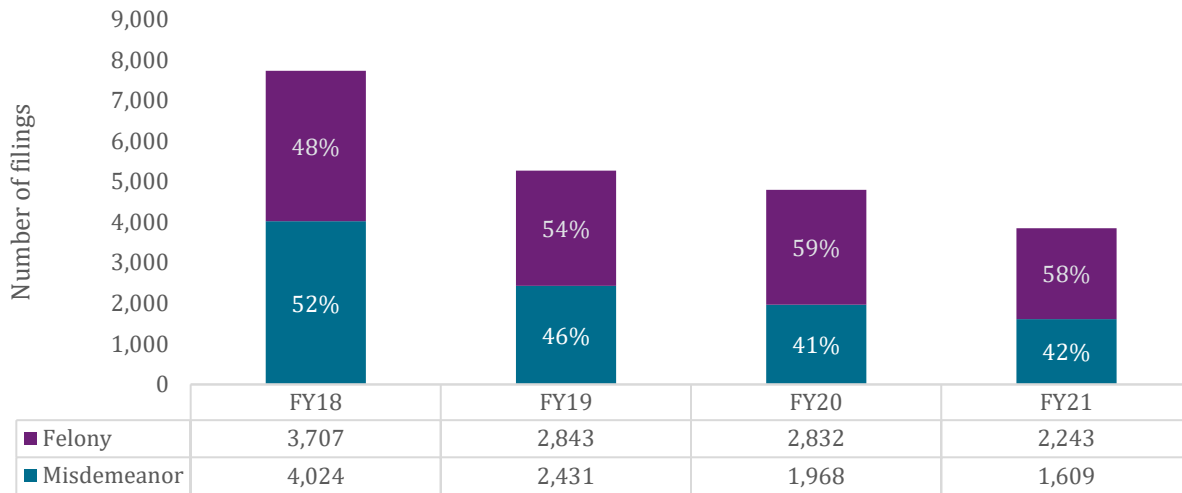
Fig. 23: Delinquency Filings by Offense Type (FY18-FY21)



Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Cases with underlying alleged *misdemeanor* offenses made up 42% (n=1,609) of all delinquency filings in FY21. Considering *misdemeanor* offenses made up 59% (n=3,520) of all applications for complaint this year, this data indicates that clerk magistrates are likely not issuing a complaint more frequently for lower-level offenses and keeping allegations of *felony* offenses in the court.

Fig. 24: Delinquency Filings by Offense Severity (FY18-FY21)



Source: Data retrieved 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 Filings

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 if any of the following situations are true:⁶⁷

- (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 it 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.⁶⁸ If the grand jury determines the youthful offender criteria have not been satisfied, the district attorney may continue to proceed against the youth with a delinquency

⁶⁷ As defined in M.G.L. c119 §52: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

⁶⁸ Pries, R. & Rosensweig, C. (2018). *Kids and the Law: A User’s Guide to the Juvenile Court (4th edition)*. Adolescent Consultation Services. <https://acskids.org/flipbook/?page=152>

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:

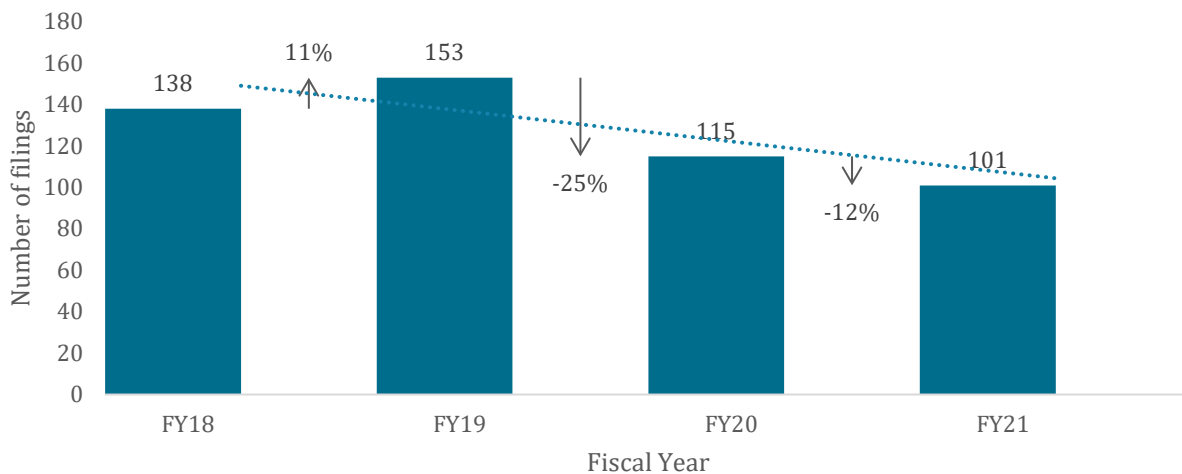
1. Youth in these cases have the right to be tried by a jury of 12 adults (compared to six adults in delinquency proceedings)
2. Youthful offender trials are open to the public (compared to delinquency proceedings, which are closed to the public)

If the youth is adjudicated delinquent as a youthful offender, the court may impose 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.⁶⁹

In FY21, there were 101 youthful offender filings compared to 115 filings the year prior.

Fig. 25: Youthful Offender Filings by Fiscal Year (FY18-FY21)



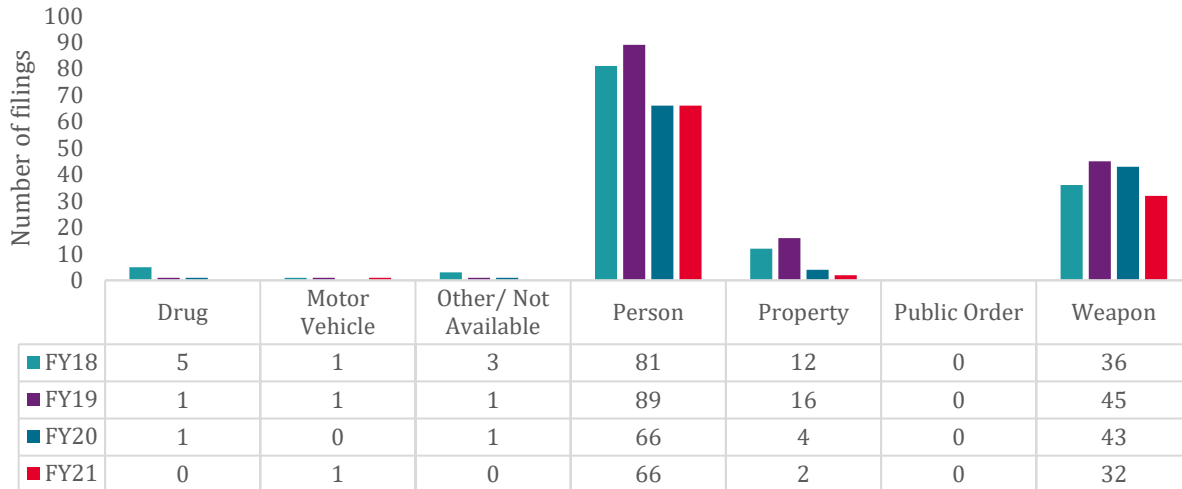
Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

⁶⁹ 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.

Consistent with previous years, in FY21 the majority (65%, n=66) of filings for youthful offender cases were for *person* offenses.

Between FY19 and FY20 there was a substantial decrease in filings for *person* and *property* offenses, which leveled out in FY21.

Fig. 26: Youthful Offender Filings by Offense Type (FY18-FY21)



Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Arraignments

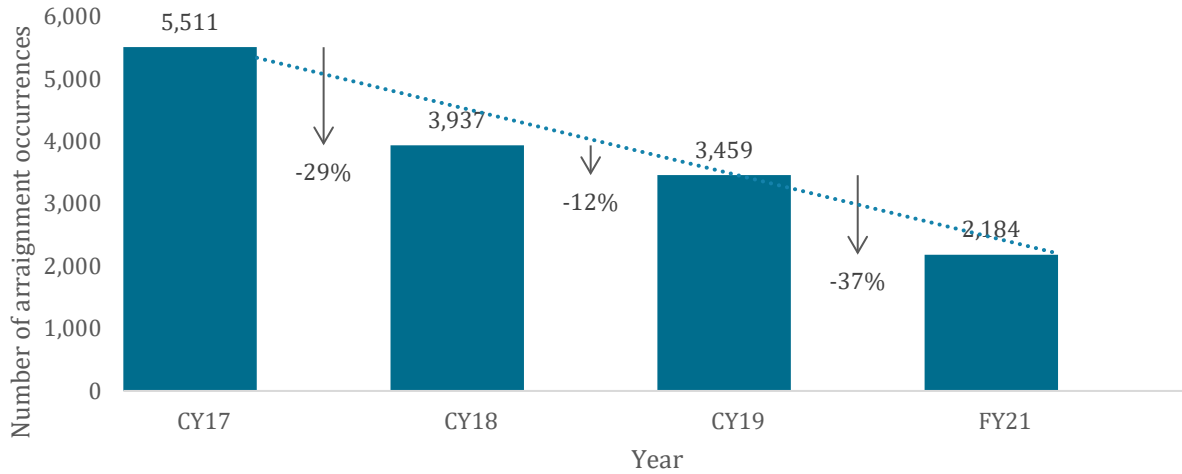
An arraignment occurs when a youth is before the court and officially “charged” by a prosecutor with an offense. Once a youth has been arraigned, the incident will appear on a youth’s court record.

In FY21, there were 2,184 arraignment occurrences, a 37% decrease from Calendar Year (CY) 2019. Juvenile arraignment occurrences have decreased 60% since CY17.^{70,71}

⁷⁰ Arraignment data is 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 reports juvenile arraignment data to Massachusetts’ Probation Services (MPS), which provides the analysis to the OCA for this report.

⁷¹ Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning in FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. To help make reporting more consistent, Massachusetts Probation Service will be providing data updates to report FY17-FY20 arraignment data in the next Annual Report. An occurrence is defined as one arraignment event. A youth can be arraigned on multiple charges at the same time. If a youth was arraigned for delinquencies once in January, then again for other delinquencies in March, that would count as two separate occurrences.

Fig. 27: Arraignment Occurrences by Year



Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. *Source: Massachusetts Probation Service Analysis (Data from Department of Criminal Justice Information Services)*

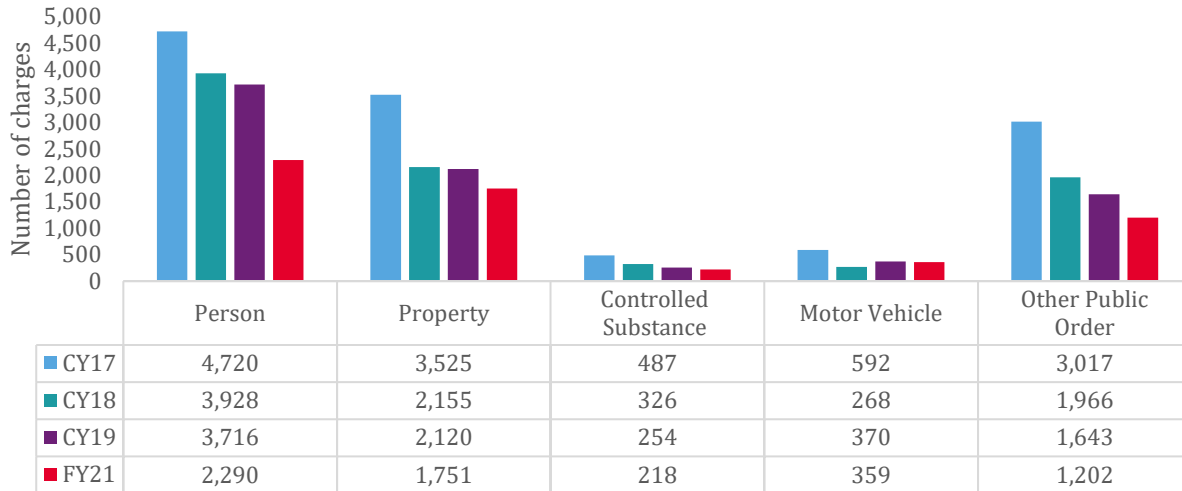
Arraignments by Offense Type & Severity

Youth are officially “charged” with an offense at the arraignment stage. Youth can be charged with more than one offense, and, thus, one arraignment occurrence can have multiple charges associated with it. Data that would connect charges to arraignments – for example, data on the most serious offense associated with each arraignment – is not available. This limits our ability to identify the percentage of arraignments that are for lower or higher severity charges.

From CY19 to FY21, the number of charges decreased across all offense types. Charges related to *person* offenses and *other public order offenses* decreased the most (38% and 27%, respectively). Despite an increase in *motor vehicle* offenses at the application for complaint and delinquency filings stage, arraignments for motor vehicle offenses did not increase in FY21.

While charges related to *other public order offenses* have decreased the most since CY17 (60%), they still make up about one-fifth of all charges that reach the arraignment stage.

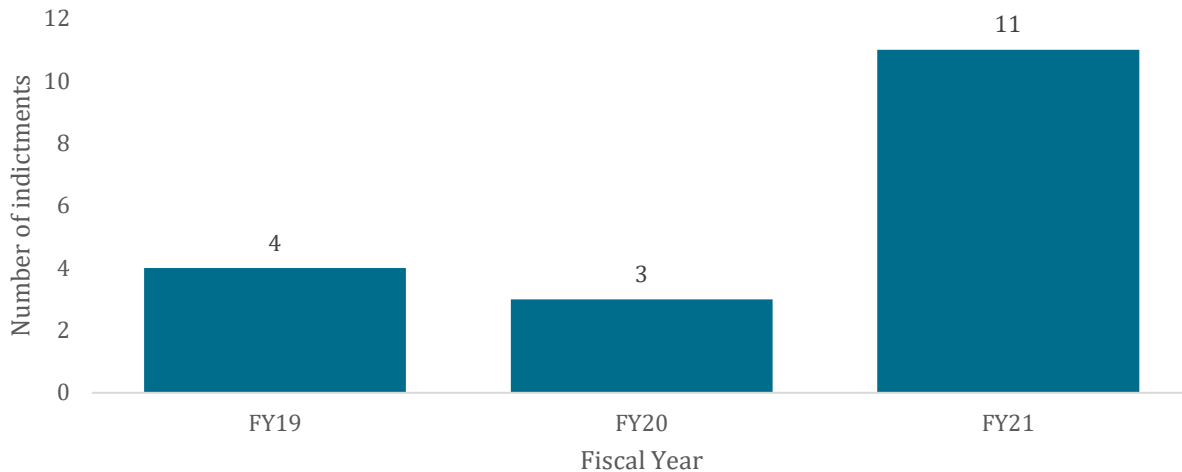
Fig. 28: Arraignment Charges by Offense Type (CY17-FY21)



Weapon and *alcohol* offense types are reported in the public order category. Data on arraignments was provided by calendar for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future *Source: Massachusetts Probation Service Analysis (Data from Department of Criminal Justice Information Services)*

This year the Trial Court provided data on the number of cases indicted in Superior Court for youth accused of murder. There were 11 indictments for youth accused of murder in FY21. An indictment does not mean that a youth was found guilty in adult court for the charge.

Fig. 29: Youth Indicted on Murder by Year



Figures include Superior Court indictment cases with at least one charge of "265/1-0 MURDER." (MGL c265, §1). If the charge offense was later amended as a lesser offense or resulted in a conviction as a lesser offense, the case was included in the sample. For a case to be considered juvenile-based, the defendant must be under age 18 at the time of the offense date. *Source: Massachusetts Trial Court*

Pretrial Proceedings, Supervision, and Detention

Following (and sometimes at the same time as) an arraignment, the court holds a bail hearing. At this hearing, a judge makes a determination as to whether the youth is a flight risk and, if so, may set bail, set other pretrial release conditions, and/or place the youth on pretrial supervision to assure their appearance in court.⁷² Judges must consider the youth’s financial resources if they set bail.⁷³ If the youth is unable to make bail or meet other pretrial release conditions, they are held in detention before their trial (called “pretrial detention”).

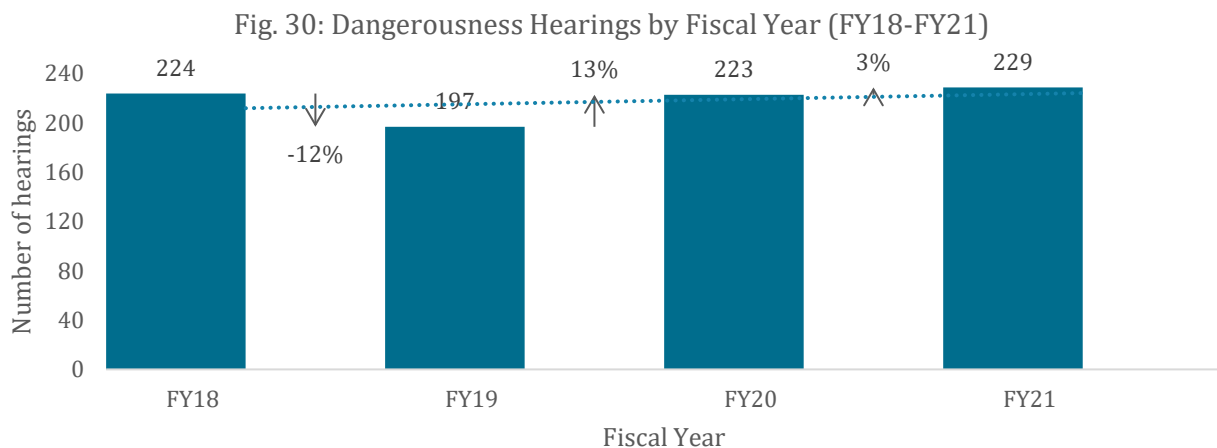
Data on bail *determinations* for all youth is not currently available. Data for bail determinations for youth ultimately admitted to DYS and held on bail is detailed in the *Pretrial Detention* section below.

Dangerousness Hearings

A prosecutor may also move for a “dangerousness hearing”, also called a “58A Hearing”, if they believe the youth is a threat to public safety if released pretrial.⁷⁴ If a judge rules in favor of the prosecution, the youth is held in detention prior to their trial.

In FY21, the Juvenile Court held 229 dangerousness hearings. This was a slight increase (3%) from FY20. The number of hearings has remained relatively stable three out of the past four fiscal years; there was a 12% decrease in number of hearings held in FY19 (driven largely by a decrease in hearings for underlying *person* offenses), but by FY20 that decrease reversed.

Detention admissions data from DYS indicates that in FY21, 41% (n=93) of dangerousness hearings conducted resulted in a detention admission.⁷⁵



Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard>

⁷² *Querubin v. Commonwealth*, 440 Mass. 108, 113 (2003). *Commonwealth v. Pagan*, 445 Mass. 315 (2005). [M.G.L Chapter 276 §58](#).

⁷³ 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).

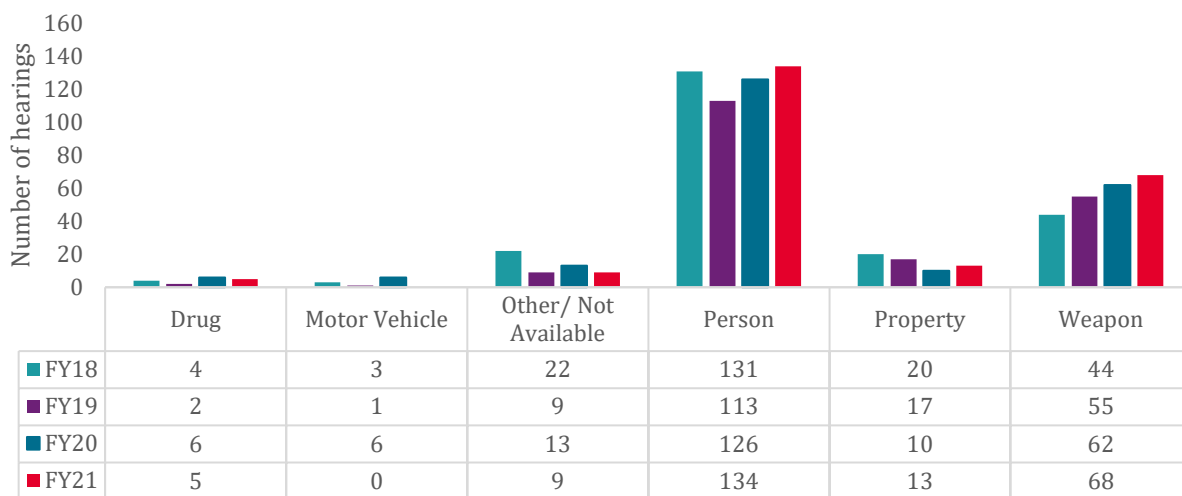
⁷⁴ See: M.G.L Chapter 276 §58A <https://malegislature.gov/laws/generallaws/partiv/titleii/chapter276/section58A>

⁷⁵ 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.

In FY21, 59% (n=134) of hearings conducted were for cases with underlying *person* offenses, a trend consistent with previous years.

Hearings for cases with underlying *weapons* offenses have increased 55% since FY18 and consistently make up a larger share of total hearings held each year. In FY21, cases with underlying alleged *weapons* offenses made up 30% (n=68) of all dangerousness hearings, representing an increase of ten percentage points from FY18 levels (20%, n=44). Given that applications for complaint for *weapons* offenses decreased 52% during the same timeframe, the increase in dangerousness hearings for alleged *weapons* offenses is likely driven by shifts in prosecutorial behavior (e.g., prosecutors deciding to seek a dangerousness hearing for weapons charges more often) rather than overall increases in the number of weapons offenses coming to the court.

Fig. 31: Dangerousness Hearings by Offense Type (FY18-FY21)



Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard>

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. Additionally, youth may be supervised pretrial by probation if they were released from pretrial detention on bail, called “pretrial conditions of release” supervision.

In FY21, there were 734 new pretrial supervision cases, down 25% from 977 cases in FY20. The majority 87% (n=638) were for youth released from pretrial detention who have conditions of release while supervised by probation pretrial.

Fig 32: Pretrial Supervision Case Starts by Fiscal Year (FY20-FY21)

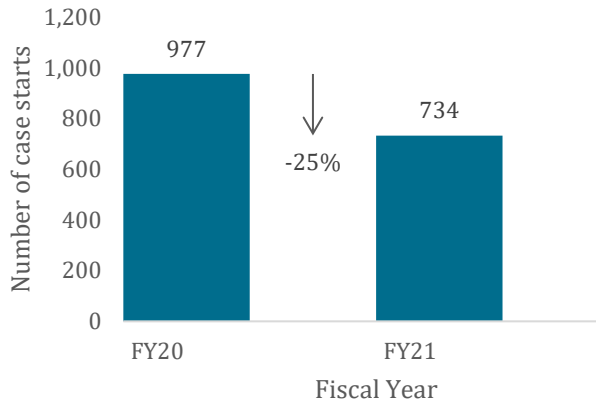
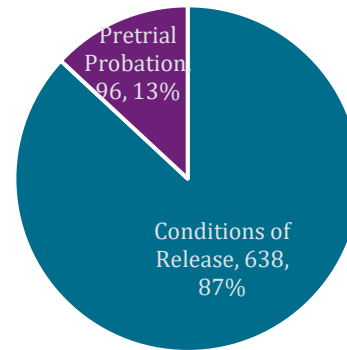


Fig. 33: New Pretrial Supervision by Type FY21 (n=734)



Source: Department of Research, Massachusetts Probation Service

Probation also reports pretrial supervision *levels* in addition to pretrial supervision *type*. There are two different levels of supervision for youth with pretrial supervision:

- **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.
- **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.

Table 8 further breaks down new pretrial probation⁷⁶ and pretrial conditions of release cases started in FY21.

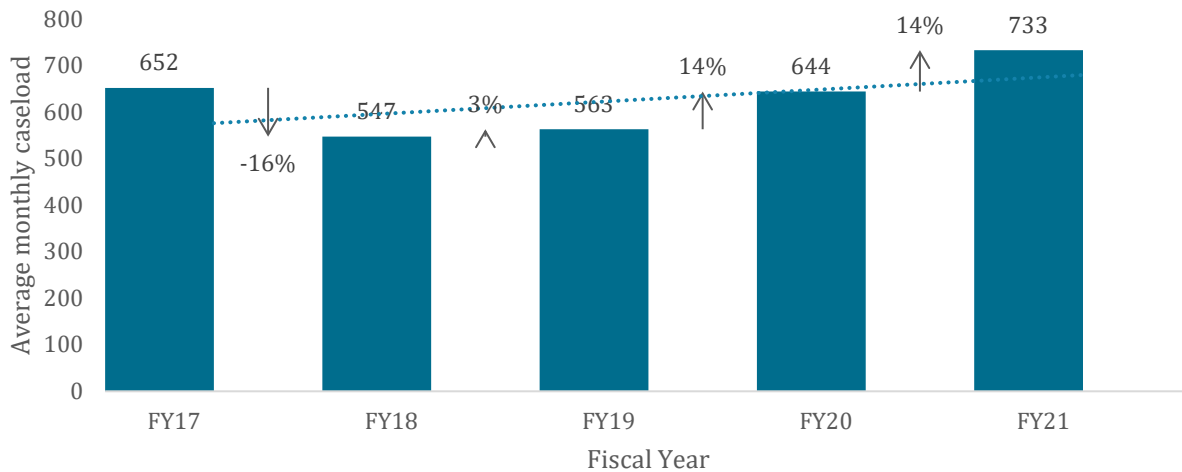
Table 8: New Pretrial Supervision Cases by Type and Supervision Level (FY21)		
Pre-Trial Probation Type	Supervision Level	Count
Pre-Trial Conditions of Release	Category A	329
	Category B	309
	Total	638
Pre-Trial Probation	Category A	74
	Category B	22
	Total	96

Source: Department of Research, Massachusetts Probation Service

⁷⁶ 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*

Despite a decrease in new pretrial supervision cases between FY20 and FY21, average monthly pretrial supervision probation caseloads have increased each year since FY18, suggesting that youth with pretrial supervision are spending more time under pretrial supervision than in previous years.⁷⁷ There has been a 34% increase in average monthly caseloads since FY18.

Fig. 34: Pretrial Supervision Average Monthly Caseload (FY17-FY21)



Source: FY17-FY20 caseload data provided by Source: Department of Research, Massachusetts Probation Service. FY21 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

Data on the underlying alleged offense types and severity for youth on pretrial probation supervision are not available.

Pretrial Detention

A youth can be held in detention in the physical care of DYS:

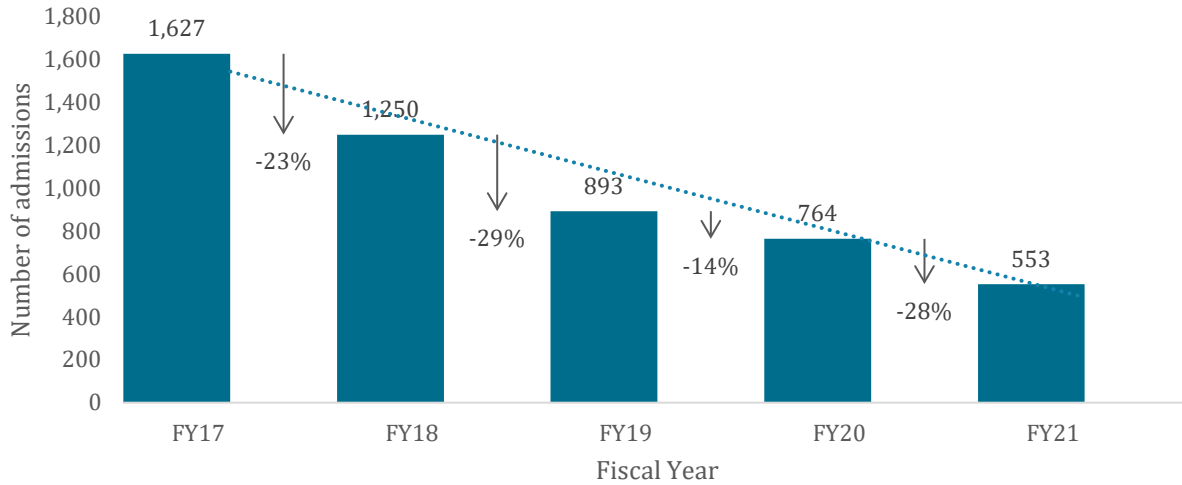
- If a judge finds the youth to be too dangerous to release pretrial as the result of a 58A (“Dangerousness”) Hearing (as described in a prior section of this report)
- If they are unable to make the cash bail or condition(s) of release that has been set for them
- If their bail or personal recognizance was revoked after previously being released from detention
- As a result of a probation violation hearing

There were 553 detention admissions in FY21, a 28% decrease from FY20. Detention admissions have decreased 66% since FY17, continuing a longer-term trend of declines in admissions to detention.⁷⁸

⁷⁷ Data on the length of time a youth is on probation is not available.

⁷⁸ In 2013 (calendar year), there were 2,103 detention admission. In 2021 (fiscal year), there was 553. CY13 data obtained from: <https://www.mass.gov/doc/jdai-data-dashboards-cy2014-q4/download>

Fig. 35 Detention Admissions by Fiscal Year (FY17-FY21)



Source: Research Department, Department of Youth Services

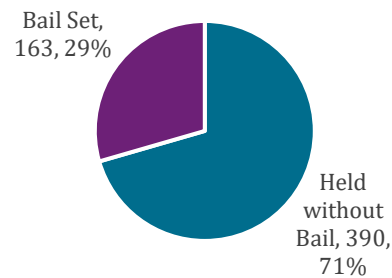
The average length of stay (i.e., the amount of time a youth was held in detention) for youth released from detention during FY21 was 63 days. The median length of stay was 31 days, which suggests that the average is impacted by a smaller number of youth with significantly longer lengths of stay.

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.⁷⁹ Judges must consider the youth’s financial resources if they set bail.⁸⁰ If the youth is unable to make bail or meet other pretrial release conditions, they are held in pretrial detention.

In FY21, 29% (n=163) of detention admissions were for youth who had bail set. Figure 37 shows detention admissions data broken down by the monetary bail amounts set for youth held in pretrial detention on bail.⁸¹ Of the 163 detention admissions for which bail was set, 47% (n=76) had bail set under \$500 and 30% (n=49) had bail set over \$10,000.

Fig. 36: Bail Status at Detention Admission FY21 (n=553)



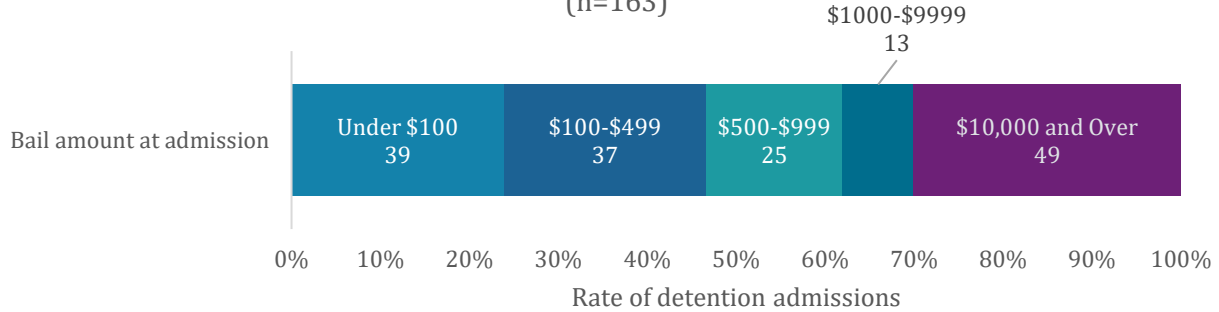
Source: Research Department, Department of Youth Services

⁷⁹ *Querubin v. Commonwealth*, 440 Mass. 108, 113 (2003). *Commonwealth v. Pagan*, 445 Mass. 315 (2005). [M.G.L. Chapter 276 §58](#).

⁸⁰ 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).

⁸¹ Reported bail amounts are based on the amount set for the youth’s most serious alleged offense.

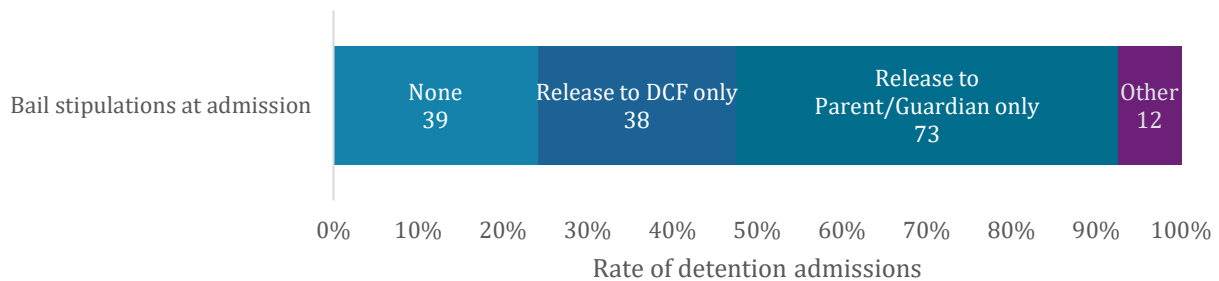
Fig. 37: FY21 Bail Amounts for Detention Admissions for Youth Held on Bail (n=163)



Source: Research Department, Department of Youth Services

Figure 38 highlights other pretrial release stipulations that were set to also assure a youth’s appearance in court.⁸² In FY21, 23% (n=38) of detention admissions for youth with bail set had a condition of release to be released to DCF only.

Fig. 38: FY21 Bail Stipulations for Detention Admissions for Youth Held on Bail (n=163)



“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. Totals do not match due to data suppression to protect youth privacy. There were less than five admissions for youth with a stipulation to “Release to DYS Only.” Source: Research Department, Department of Youth Services

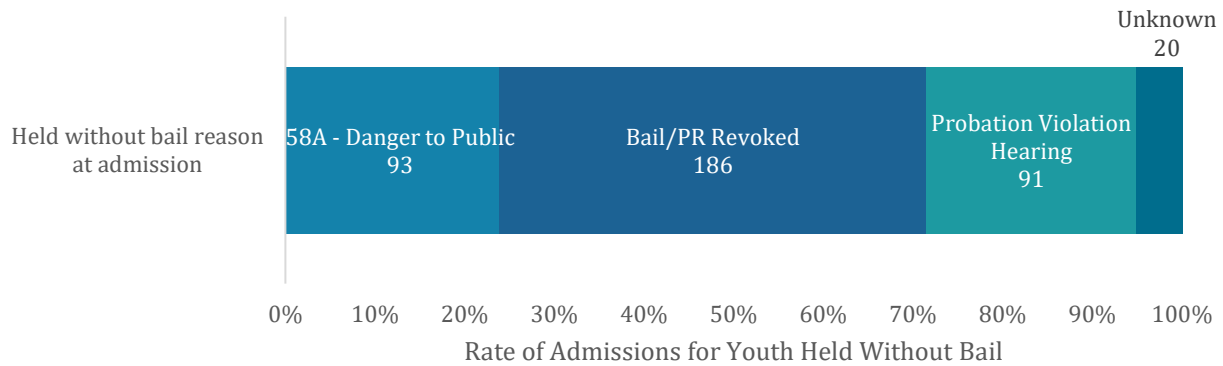
Youth Held in Detention without Bail

In FY21, most detention admissions were for youth held without bail (71%, n=390). Youth can be held without bail for several reasons, including because of a dangerousness hearing (as highlighted above) or probation violation hearing,⁸³ or if bail or personal recognizance was revoked. The highest proportion (48%) of detention admissions for youth held without bail were a result of bail or personal recognizance being revoked.

⁸² 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.

⁸³ 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.

Fig. 39: FY21 Detention Admissions Held without Bail Reason (n=390)



Source: Research Department, Department of Youth Services

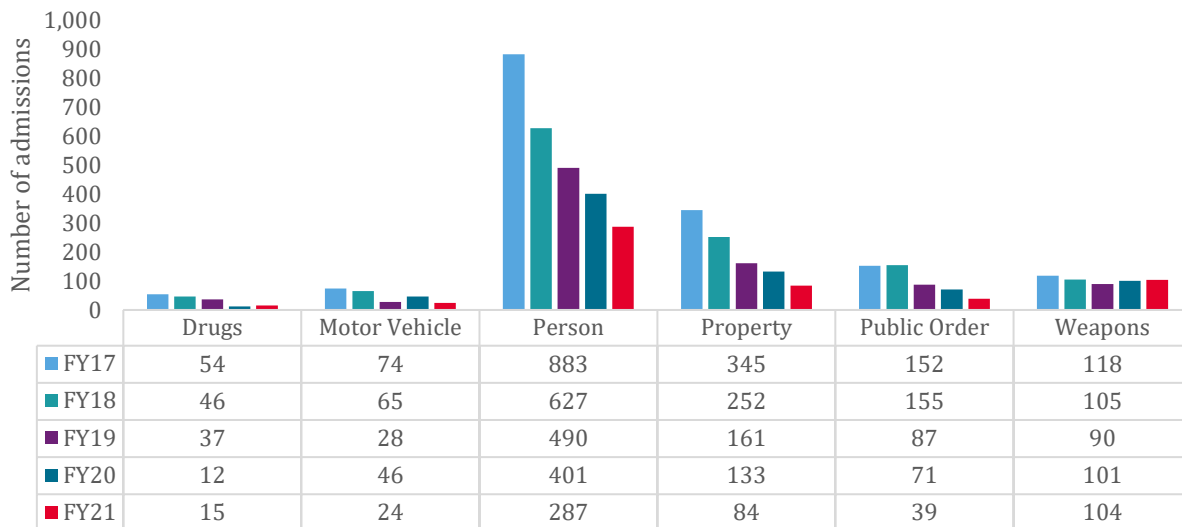
Pretrial Detention by Offense Type & Severity

Detention admissions decreased across offense types in FY21. The highest rates of decline were seen in detention admissions for *motor vehicle* (48% decline), *public order* (45% decline) and *property* (37% decline) offenses.

In FY21, 52% (n=287) of all detention admissions were for cases with underlying *person* offenses, a consistent trend over the past five years. Admissions rates for cases with underlying *property* offenses have made up a smaller share of admissions each year since FY18. Meanwhile, admissions for youth charged with *weapons* offenses have made up a larger portion of admissions each year since FY17.

Since FY17, detention admissions have decreased 76% for *property* offenses, 74% for *public order* offenses, 72% for *drug* offenses, 68% for *motor vehicle* offenses, 67% for *person* offenses, and 12% for *weapons* offenses.

Fig. 40: Detention Admissions by Offense Type (FY17-FY21)

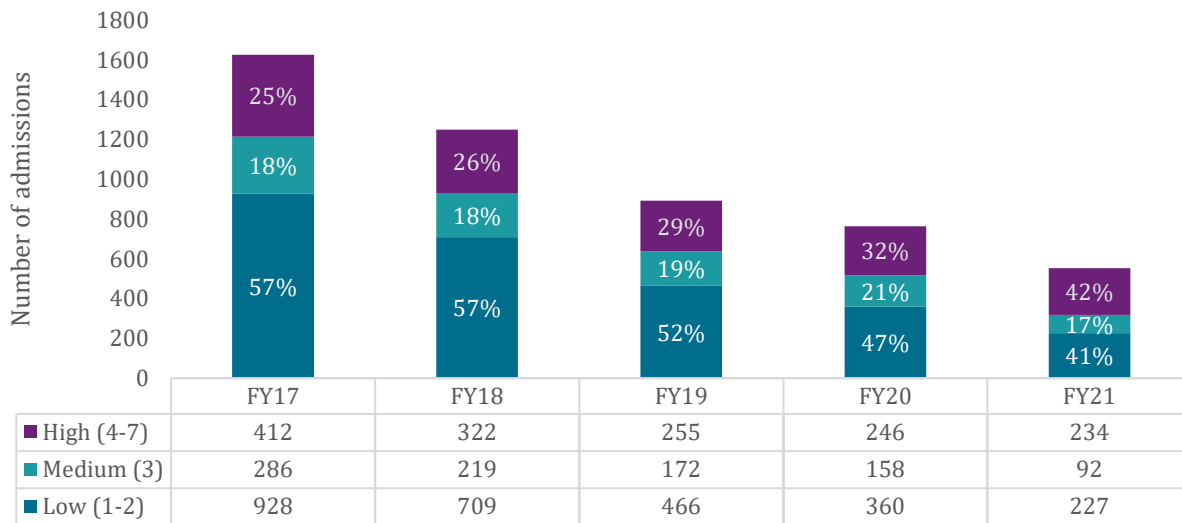


Source: Research Department, Department of Youth Services

Between FY20 and FY21, there was a decrease in detention admissions across all offense severity levels, but the largest decrease (42%) was for admissions with a *medium* severity (grid level 3) offense level.

Over the past five years, the percentage of total detention admissions for *low* severity offense has declined (from 57% of admission in FY17 to 41% in FY21) and the percentage for *high* severity offenses has increased (from 25% in FY17 to 42% in FY21). This data indicates that fewer youth are being held in pretrial detention for low level offenses and detention is increasingly reserved for more serious offense types.⁸⁴

Fig. 41: Detention Admission by Grid Level (FY17-FY21)



Source: Research Department, Department of Youth Services

DYS Detention Population Snapshot Data

Detention *admissions* data reflect youth who may have been admitted to detention more than once throughout the fiscal year. To understand individual youth characteristics, the Board also examines point-in-time or “snapshot” data. The data takeaways presented in the text box below reflect the youth who were in the custody of DYS on June 30, 2021. **On that date, there were 116 youth detained at DYS.**

⁸⁴Data that would provide additional context on youth held on lower-level charges, such as whether youth are being detained on a first offense or if they have a prior record, is not available.

Detention “Snapshot” Data: June 30, 2021 (Total N=116)

- 65% (n=75) were detained for a *person* offense type
- 66% (n=77) were detained for a *high* severity offense (grid level 4-7)
- 78% (n=91) were detained in a hardware secure facility, 20% (n=23) were detained in a staff secure facility. The remaining youth were placed with a foster family in the community.*
- On that day, youth had spent an average of 64 days in detention. The median length of stay was 39 days.

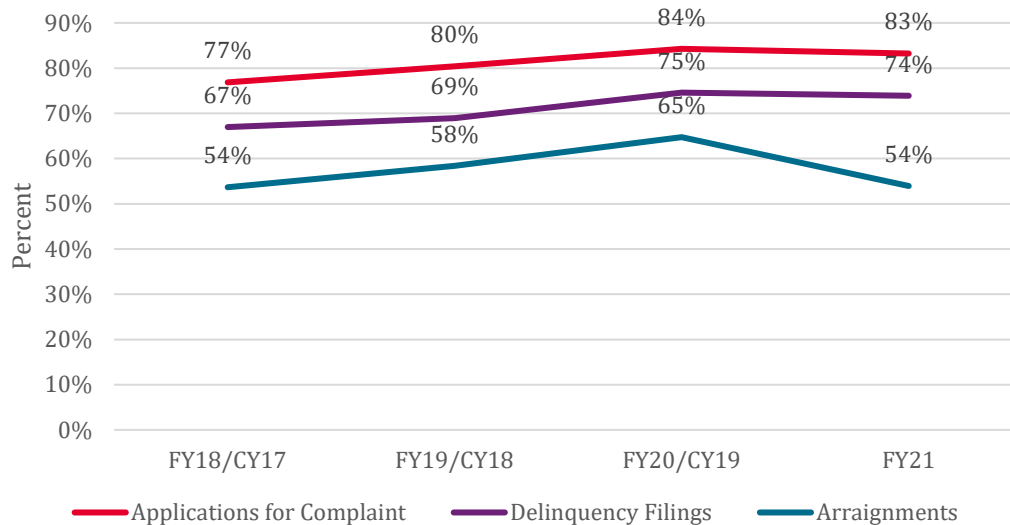
* Placement type is determined by the youth’s risk level and offense type.

Source: Research Department, Department of Youth Services

Dismissed Cases

Most cases that come to the Juvenile Court’s attention are dismissed before they reach an adjudication.⁸⁵ Cases may be dismissed or not prosecuted for a number of reasons, including lack of probable cause or diversion (pre-or post-arraignment). This year, an estimated 54% of arraignment occurrences, 74% of delinquency filings, and 83% of applications for complaint did not reach the point of an adjudication.⁸⁶

Fig. 42: Percentage of Applications for Complaint, Delinquency Filings and Arraignments Not Resulting in an Adjudication



Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

⁸⁵ The court’s formal finding after a jury or bench trial, or after a plea, is called an “adjudication.” A youth may be adjudicated “delinquent” (equivalent to “guilty” in adult court) or “not delinquent” (equivalent to “not guilty” in adult court) in each case, or the case may be “continued without a finding” (CWOF).

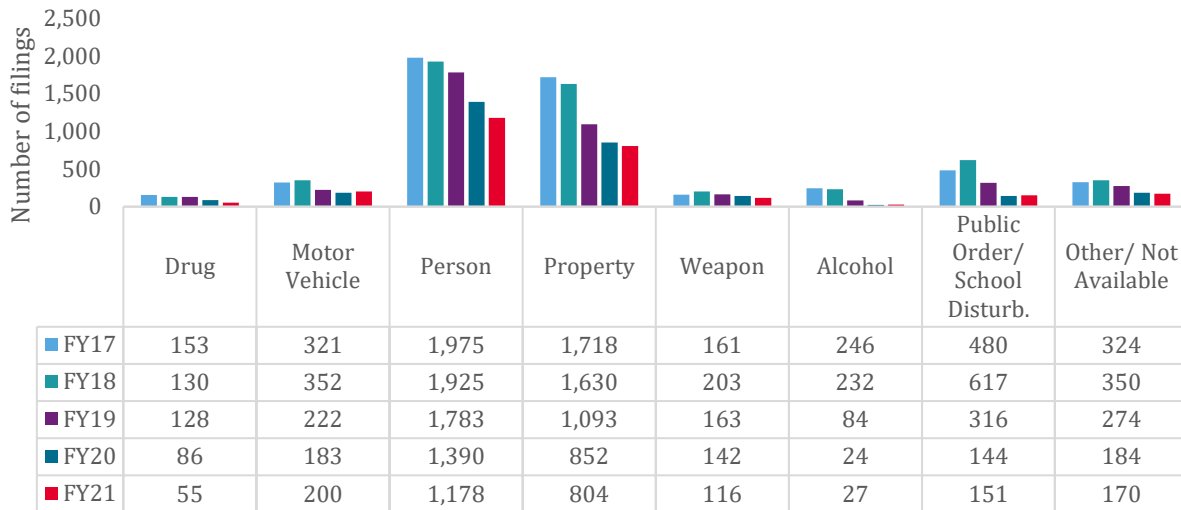
⁸⁶ Since some cases may not start and end within the same fiscal year, percentages of arraignments, filings and applications are estimates based on FY21 data.

In FY21, the Trial Court reported that 2,701 cases were dismissed after the delinquency filing point.⁸⁷

Offense Types and Severity of Dismissed Cases

Cases with underlying *misdemeanor* offenses made up 47% (n=1,265) of all dismissals. *Person* offenses made up 44% (n=1,178) of all dismissals.

Fig. 43: Case Dismissals by Offense Type (FY17-FY21)

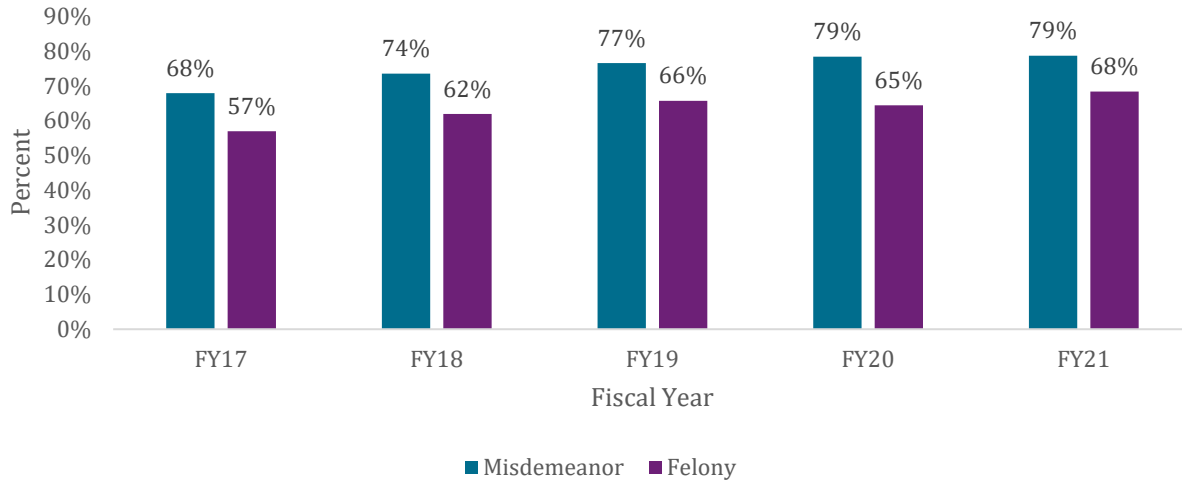


Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

There has been an overall increase in the percentage of cases dismissed since FY17 across case severities. In FY21, 79% (n=1,265) of *misdemeanor* cases were dismissed, an eleven-percentage point increase from the 68% (n=3,021) of *misdemeanor* cases dismissed in FY17. There was also an eleven-percentage point increase in *felony* cases dismissed in FY21 compared to FY17.

⁸⁷ The Trial Court reports the number of cases dismissed/not prosecuted after the point of a delinquency filing disposed each year. Cases may not have started the same fiscal year, and thus, the total number of cases does not equal the number of delinquency filings each year. Cases may be dismissed or not prosecuted for a number of reasons including lack of probable cause or diversion.

Fig. 44: Percentage of Misdemeanor and Felony Cases Dismissed (FY17-FY21)



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

Adjudications

The court's formal finding after a jury or bench trial, or after a plea, is called an "adjudication." A youth may be adjudicated "delinquent" (equivalent to "guilty" in adult court) or "not delinquent" (equivalent to "not guilty" in adult court) in each case, or the case may be "continued without a finding" (CWOFF).⁸⁸ A CWOFF determination comes before an adjudication and 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 admit there are sufficient facts to merit a finding of delinquency, but the court accepts a plea to continue the case without a finding. The case can be dismissed if the youth meets all their conditions of probation. If youth do not meet their conditions of probation, the case may be brought back to court and the youth may be adjudicated delinquent or not delinquent.⁸⁹ The youth will not have a record of a delinquent adjudication if they successfully complete their probation, although the fact that they were arraigned *will* appear on their record.

This was the first year the Trial Court publicly reported data regarding adjudications. In FY21, there were 1,006 cases adjudicated, 18% fewer than the previous year.⁹⁰ In FY21, 46% of arraignment occurrences, 26% of delinquency filings, and 17% of applications for complaint resulted in an adjudication.⁹¹ A higher percentage indicates more cases at that stage are, ultimately, making it to

⁸⁸ Adjudication counts reported in this section include all cases resolved by a CWOFF, cases adjudicated delinquent, and cases adjudicated not delinquent. Subsequent sections of this report disaggregate the data by CWOFF and Adjudicated Delinquent findings. Youthful offender cases are not reported by the Trial Court in the data.

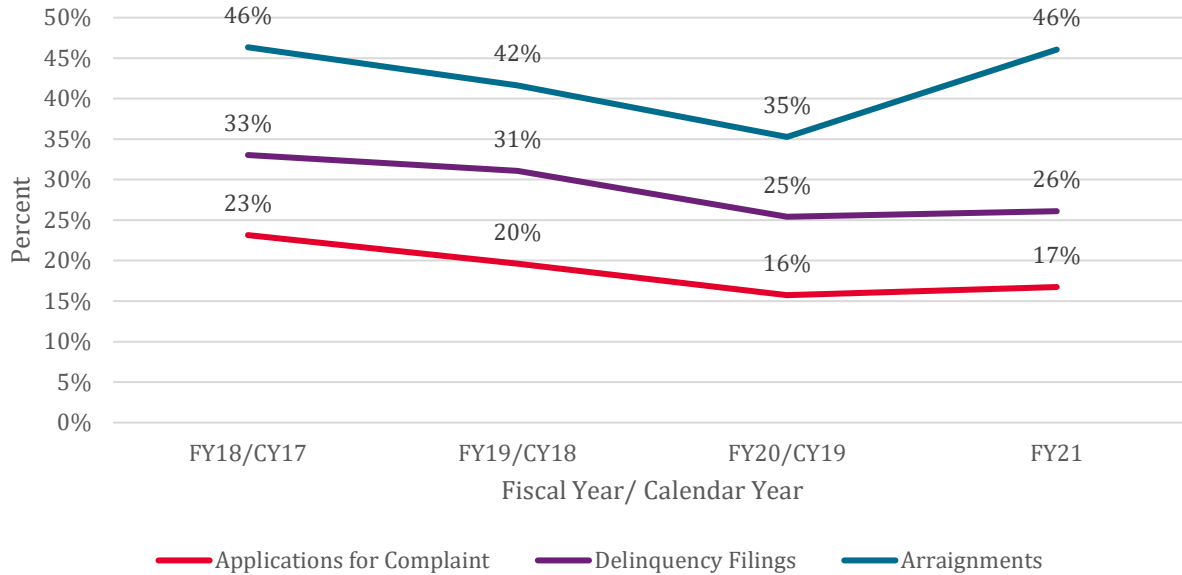
⁸⁹ Cases resolved by a CWOFF that are unsuccessful may result in a future delinquent or not delinquent adjudication, and thus, may be included across both datasets. We do not have data on the outcome of cases resolved by CWOFFs.

⁹⁰ Adjudication counts reported here included all cases resolved by a CWOFF, cases adjudicated delinquent, and cases adjudicated not delinquent. Youthful offender cases are not reported by the Trial Court in the data.

⁹¹ Percentage of arraignments, delinquency filings and applications for complaint resulting in adjudication are estimates based on FY21 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.

an adjudication stage. A lower percentage indicates fewer cases at that stage are, ultimately, making it to an adjudication stage.

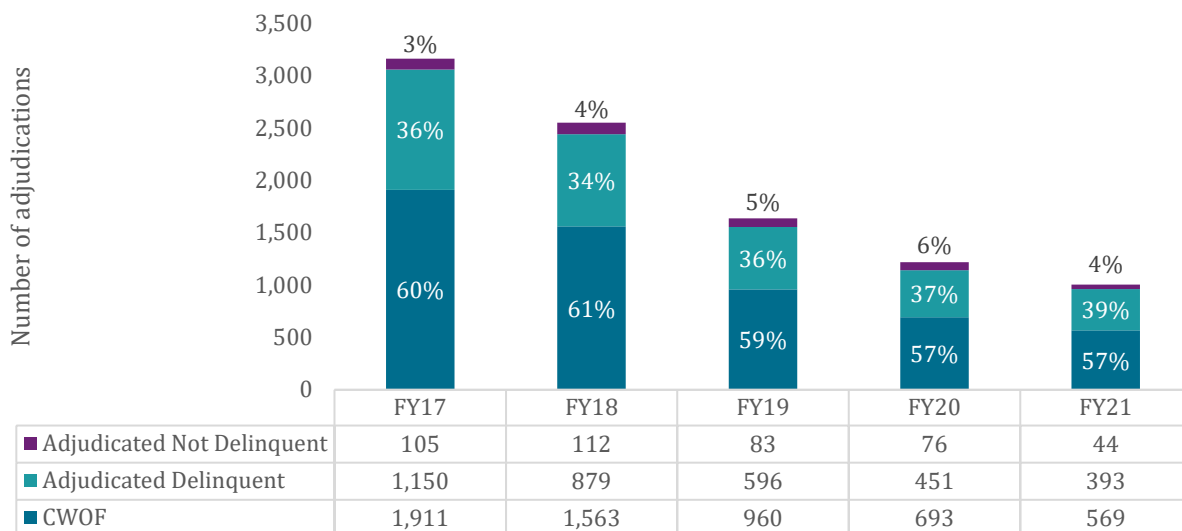
Fig. 45: Percentage of Applications, Filings and Arraignments Resulting in Adjudication by Year



Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

Of the 1,006 cases adjudicated, 39% (n=393) were *adjudicated delinquent*. In FY21, most (57%, n=569) cases at this stage were resolved through a CWOF.

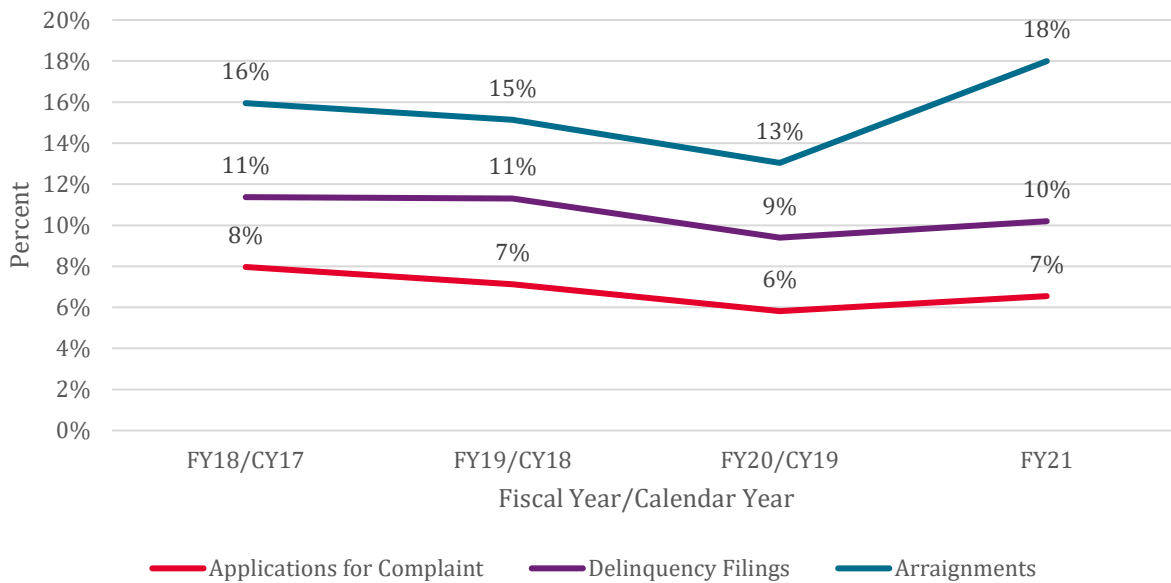
Fig. 46: Adjudications by Type (FY17-FY21)



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

A larger percentage of arraignments resulted in a delinquent adjudication in FY21 compared to previous years.⁹² Potential reasons for this increase are that prosecutors were more likely to divert a youth or decline to prosecute a case pre-arraignment in FY21 compared to other years and/or that youth were more likely to accept a delinquent plea during this time, potentially due to the stressors of the pandemic.

Fig. 47: Percentage of Applications, Filings and Arraignments Resulting in a Delinquent Adjudication by Year



Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

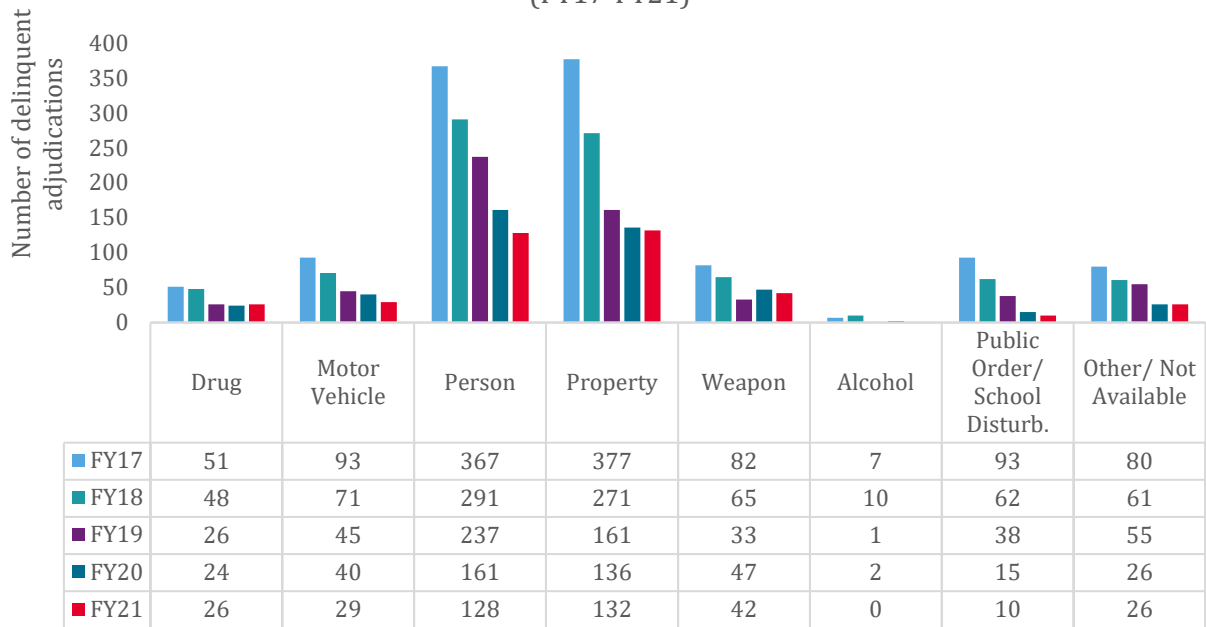
Delinquent Adjudications by Offense Type & Severity

Of the 393 cases adjudicated delinquent in FY21, 34% (n=132) were for *property* offenses and 33% (n=128) were *person* offenses.

Since FY17, delinquent adjudications have decreased at higher rates for *alcohol* (although the total number of *alcohol* cases has been low for the past five years) and *public order* related offenses (100% and 89%, respectively).

⁹² Percentage of arraignments, delinquency filings and applications for complaint resulting in adjudication are estimates based on FY21 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.

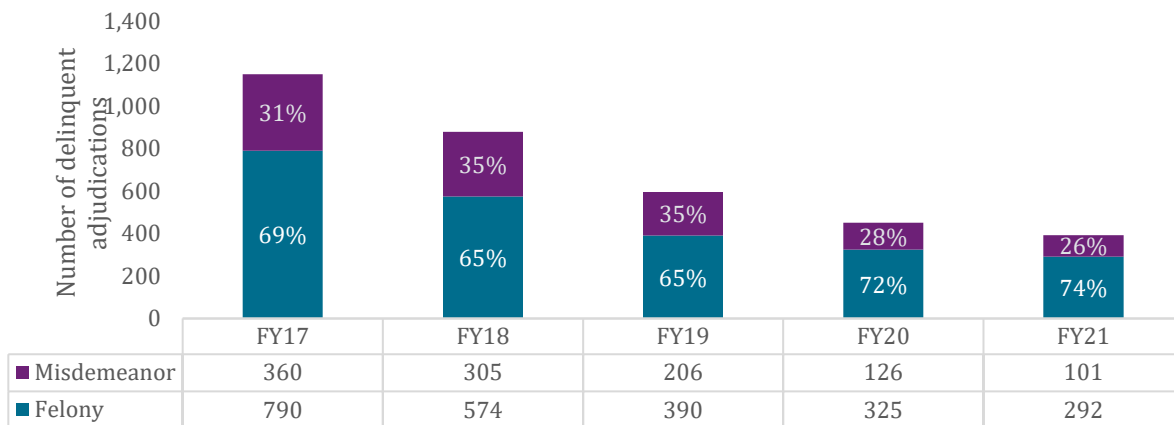
Fig. 48: Delinquent Adjudications by Offense Type (FY17-FY21)



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

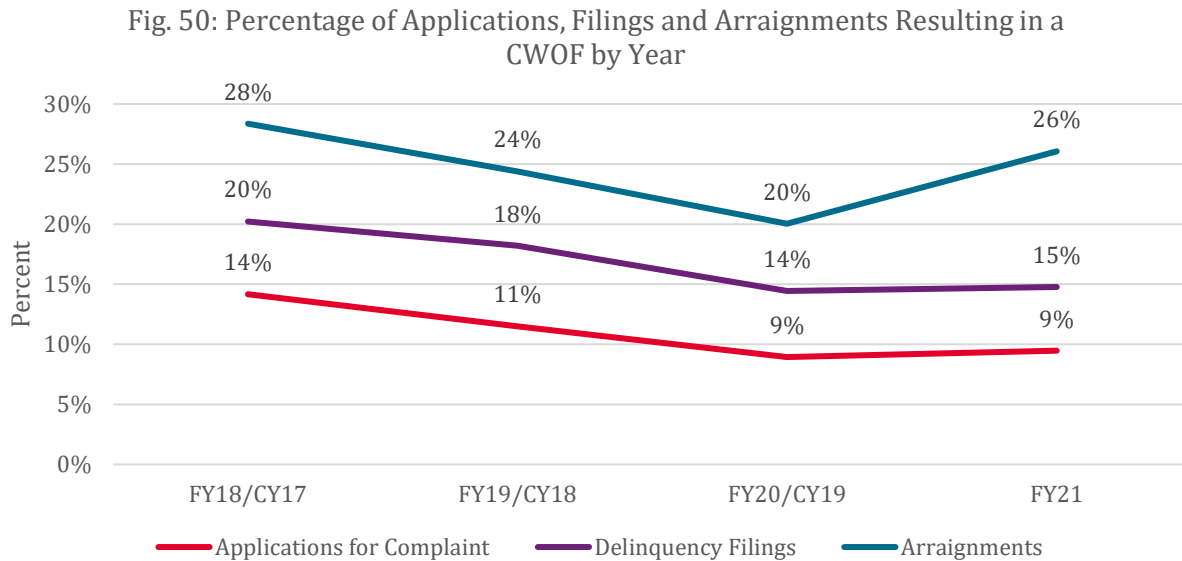
There has been a 66% decrease in cases adjudicated delinquent since FY17, and a growing proportion of these cases are for underlying *felony* cases. In FY21, 74% (n=292) of all cases adjudicated delinquent were for felony offenses, compared to 69% (n=790) of cases adjudicated delinquent in FY17.

Fig. 49: Delinquent Adjudications by Offense Severity (FY17-FY21)



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

A larger percentage of arraignments resulted in a CWOFF case resolution in FY21 compared to previous years.⁹³ One potential reason for this increase could be that prosecutors and judges may have been more likely to try and resolve a case with a CWOFF during the pandemic as a way of resolving cases more quickly, and/or youth may have been more likely to accept a CWOFF plea during this time, potentially due to the stressors of the pandemic.



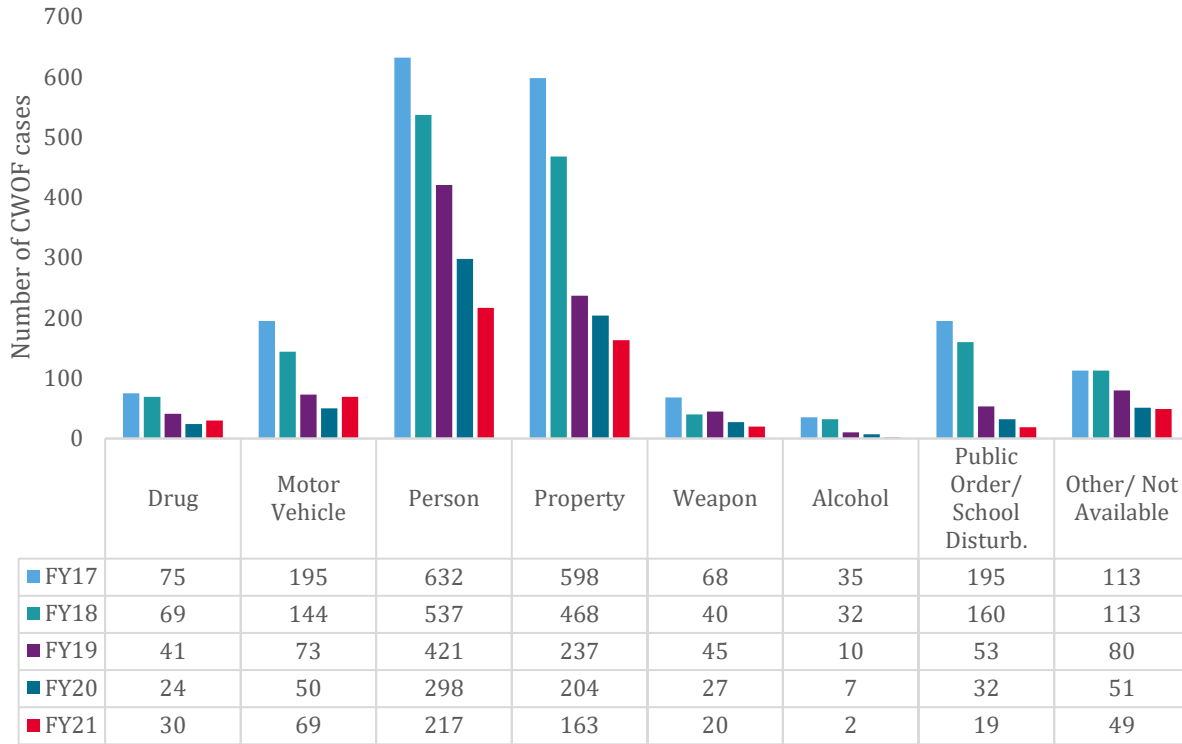
Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

Cases Resolved through a CWOFF by Offense Type & Severity

In FY21, 38% (n=217) of all cases resolved with a CWOFF had an underlying *person* offense type. Since FY17, cases resolved with a CWOFF have decreased 70%. This decrease is largely driven by a reduction in cases resolved by CWOFF with underlying *alcohol* offenses (94% decrease), *public order* offenses (90% decrease), *property* offenses (73% decrease), and *weapon* offenses (71% decrease).

⁹³ Percentage of arraignments, delinquency filings and applications for complaint resulting in CWOFF are estimates based on FY21 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.

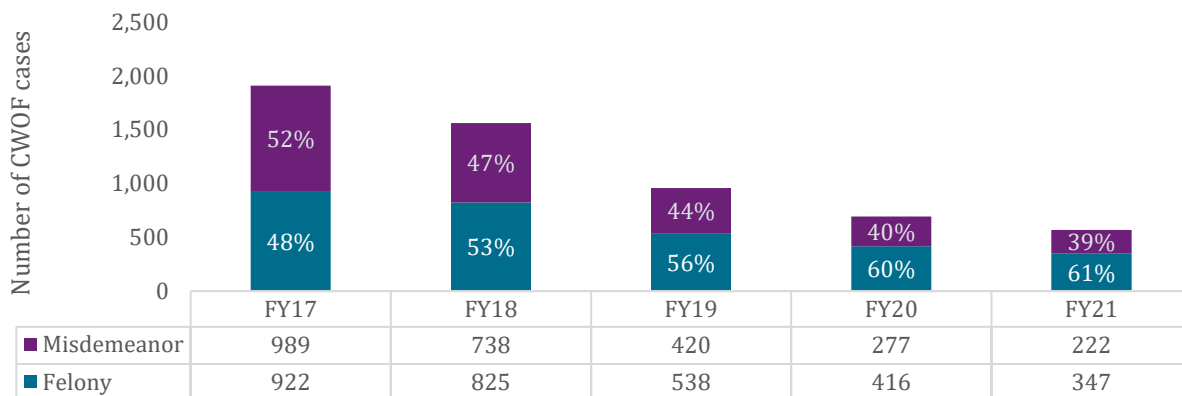
Fig. 51: CWOFF Cases by Offense Type (FY17-FY21)



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

While overall use of a CWOFF as a means to case resolution has declined each year since FY17, an increasingly larger share of the cases that *are* being resolved this way have underlying *felony* offenses. Fewer *misdemeanor* cases are being resolved through a CWOFF, likely due to more *misdemeanor* cases diverted pre-arraignment.

Fig. 52: CWOFF Cases by Offense Severity (FY17-FY21)



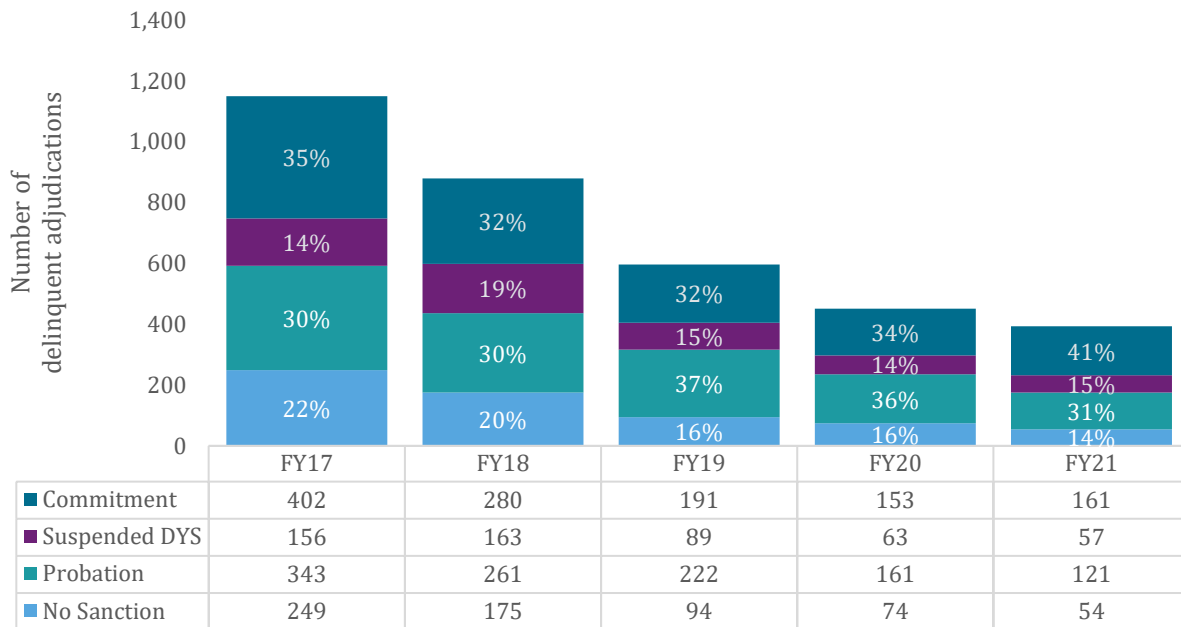
Totals may not match overall CWOFF case counts due to missing/unknown data. Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

Dispositions

Dispositions can be described as the outcome of a case. In adult court, this is referred to as a "sentence." Common options for dispositions 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,⁹⁴ or giving the youth a full or partial adult sentence if the youth was adjudicated as a *youthful offender*.⁹⁵

Of the 393 cases that were adjudicated delinquent in FY21, 41% (n=161) resulted in a *commitment* to DYS⁹⁶, 31% (n=121) resulted in a *probation* sanction, 15% (n=57) resulted in a *suspended DYS* commitment and 14% (n=54) resulted in *no sanctions* for the youth.⁹⁷

Fig. 53: Delinquent Adjudication Sanctions by Fiscal Year (FY17-FY21)



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

Since FY17, cases resulting in *no sanction* for the youth have decreased more (78%) than other dispositional options, including commitments to DYS, which have decreased 60%. Figure 54 highlights that the percentages of applications, filings, arraignments, and adjudications resulting in a *no sanction* disposition have slightly declined since FY18.⁹⁸ This is, potentially, an indication that the types of cases reaching this stage of the juvenile justice system are more serious, and less

⁹⁴ During a suspended DYS 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.

⁹⁵ Youthful offender disposition data is not currently available.

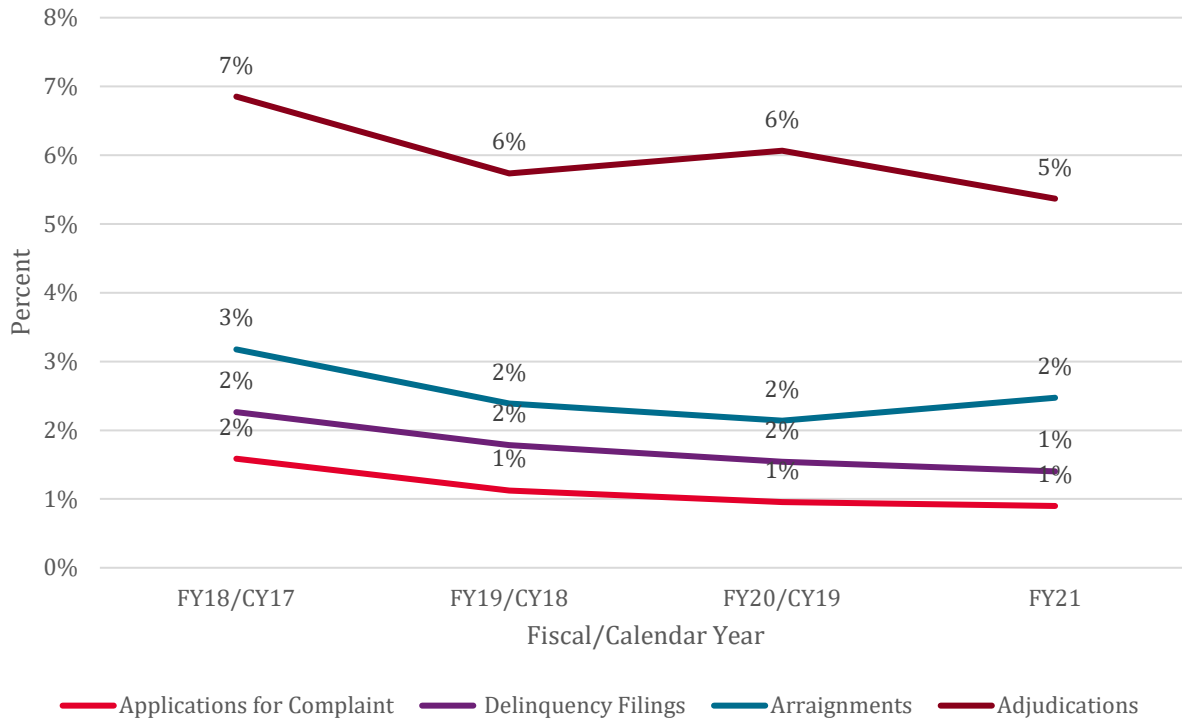
⁹⁶ Commitment data from the Trial Court includes cases where youth are re-committed to DYS after already receiving a DYS commitment.

⁹⁷ Trial court sanctions data is reported by the sanction received for the most serious charge for which the youth was adjudicated delinquent.

⁹⁸ Percentage of arraignments, delinquency filings, applications for complaint and adjudications resulting in no sanctions are estimates based on FY21 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.

serious cases are being diverted more frequently and earlier on (i.e., pre-adjudication) in the process.

Fig. 54: Percentage of Applications, Filings, Arraignments and Adjudications Resulting in No Sanction by Year

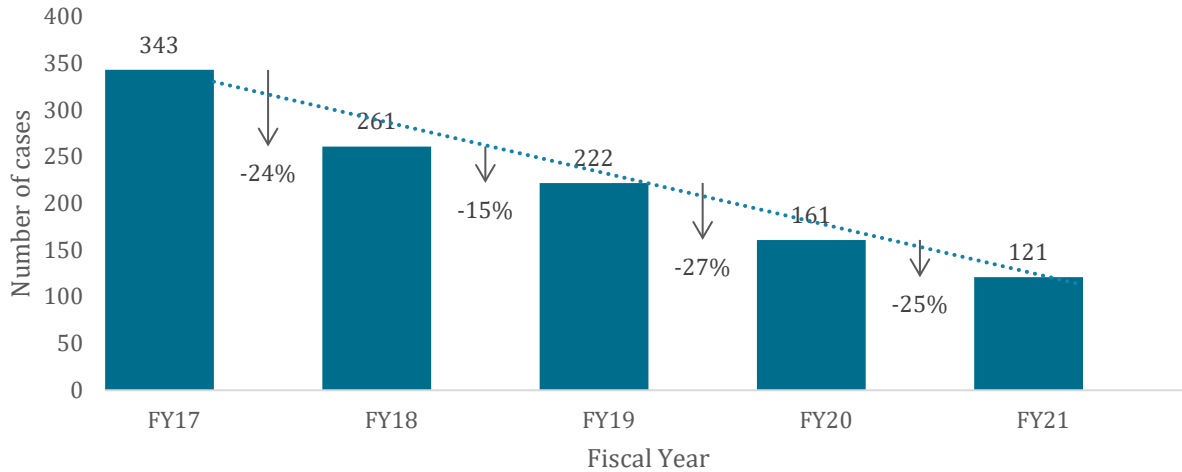


Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

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 FY21, 121 cases that were adjudicated delinquent resulted in a probation disposition, a 25% decrease from FY20. Since FY17, the number of cases with a probation sanction have decreased 65% for youth adjudicated delinquent, but the overall share of delinquent adjudications resulting in a probation has stayed about the same.

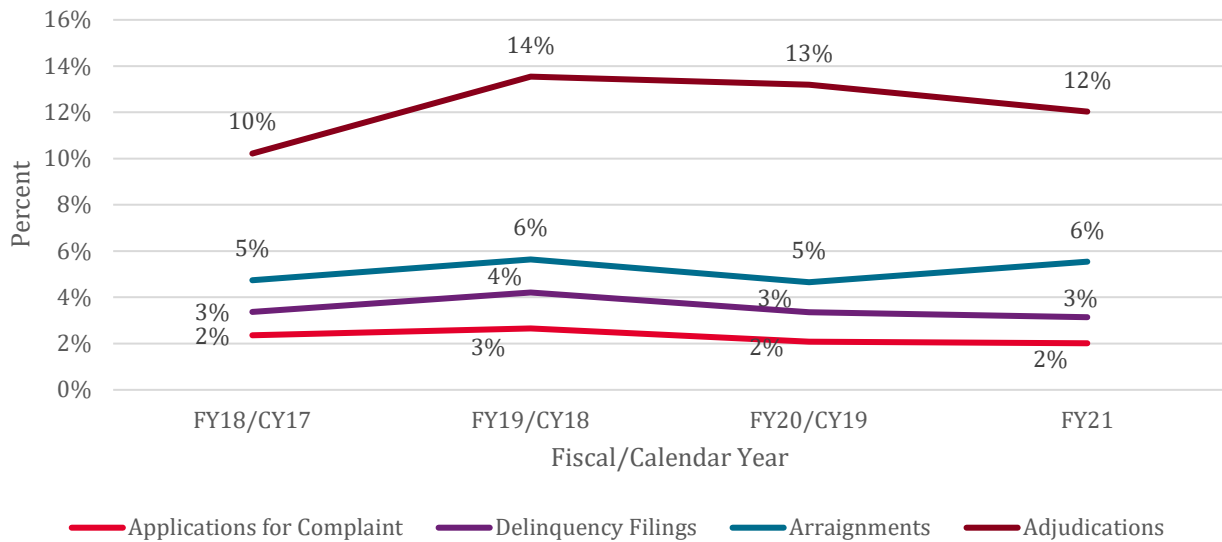
Fig. 55: Adjudicated Delinquent Probation Sanctions by Fiscal Year



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

Figure 56 highlights the percentages of applications, filings, arraignments and adjudications that resulted in a *probation* disposition each year.⁹⁹

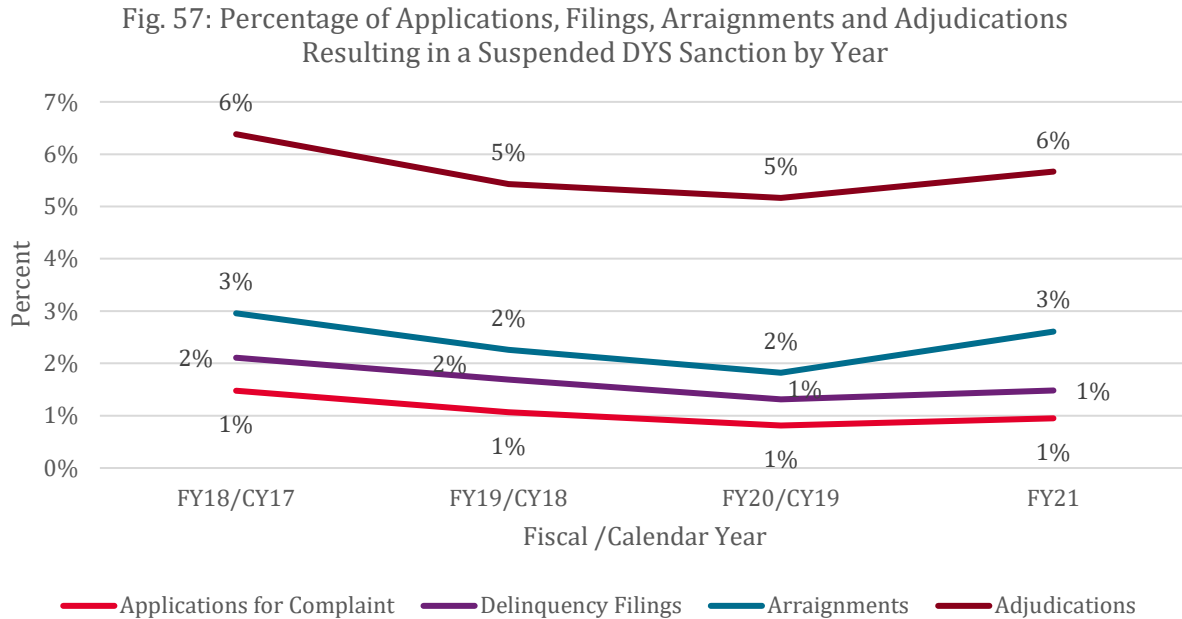
Fig. 56: Percentage of Applications, Filings, Arraignments and Adjudications Resulting in a Probation Sanction by Year



Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

⁹⁹ Percentage of arraignments, delinquency filings, applications for complaint and adjudications resulting in a probation sanction are estimates based on FY21 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.

MPS also supervises youth with *suspended DYS* commitments. Figure 57 highlights the percentage of applications, filings, arraignments and adjudications that resulted in a *suspended DYS* commitment each year. There has been little change in the percentage of applications, filings, arraignments, and adjudications resulting in a *suspended DYS* commitment over time.¹⁰⁰



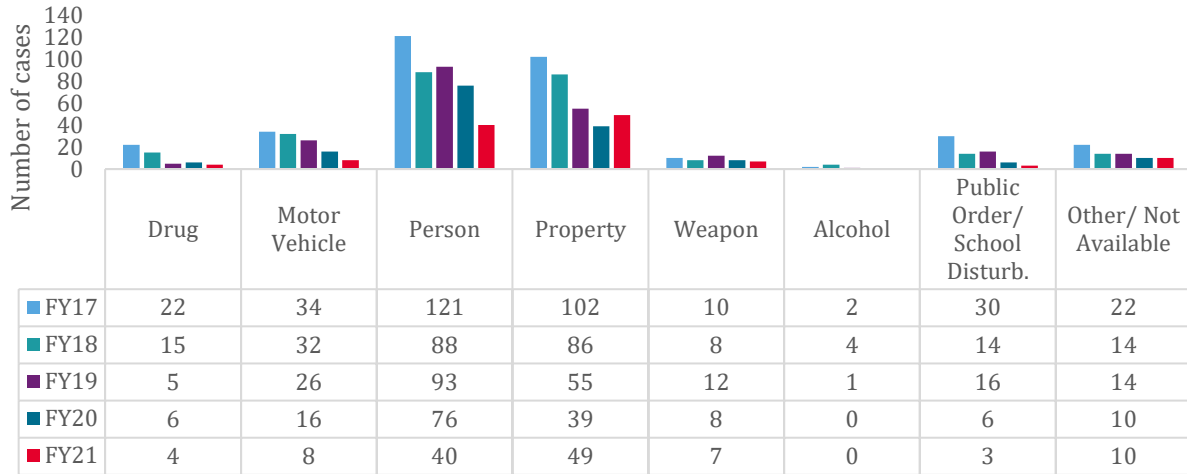
Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

Probation Sanctions by Offense Type & Severity

In FY21, 40% (n=49) of cases adjudicated delinquent that resulted in a probation sanction were for cases with underlying *property* offense types.

¹⁰⁰ Percentage of arraignments, delinquency filings, applications for complaint and adjudications resulting in a suspended DYS sanction are estimates based on FY21 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.

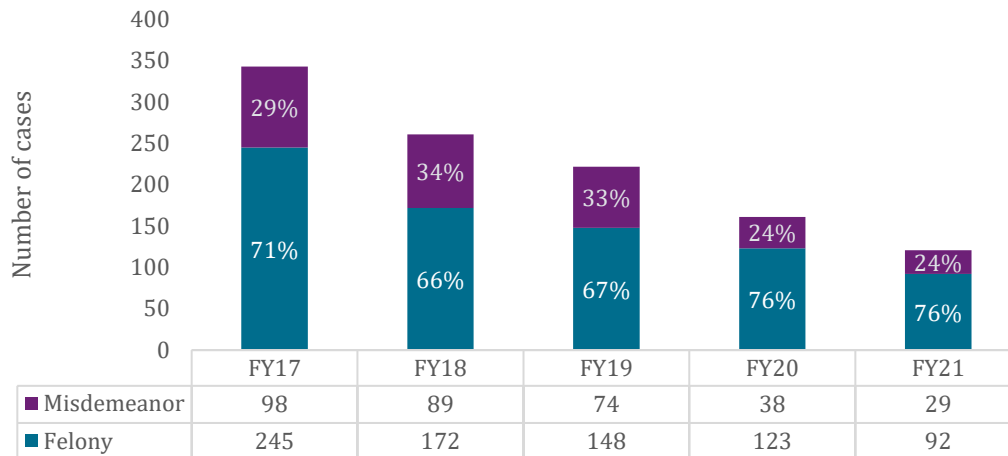
Fig. 58: Adjudicated Delinquent Probation Sanctions by Offense Type (FY17-FY21)



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

In FY21, most (76%, n=92) cases with a probation sanction have an underlying *felony* offense.

Fig. 59: Adjudicated Delinquent Probation Sanctions by Offense Severity (FY17-FY21)



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

There are two forms of probation youth can be placed on as determined by the judge:

- **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 *low*, *moderate*, or *high* supervision. These levels are determined by an

assessment tool and classification process. In FY21, there were 214 new risk/need probation case starts, a decrease of 46% from FY20.¹⁰¹

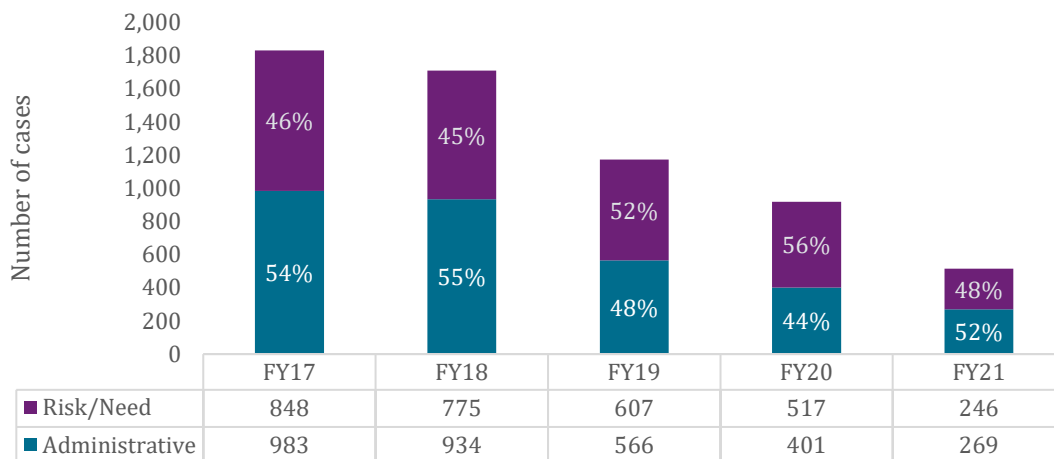
- **Administrative Probation:** A classification of probation that limits the amount of directly supervised conditions an adjudicated youth has while on probation. Unlike Risk/Need Probation, there is no assessment tool used for this classification of probation. In FY21, there were 290 new administrative probation case starts, a decrease of 14% from FY20.¹⁰²

Probation Caseload Data

Massachusetts Probation Service (MPS) provides monthly caseload data on a public Tableau dashboard.¹⁰³ This 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).¹⁰⁴

Both administrative and risk/need average probation monthly caseloads have decreased at relatively similar rates (73% and 71% respectively) since FY17.

Fig. 60: Average Monthly Probation Caseload by Probation Type (FY17-FY21)



Source: Data obtained from Massachusetts Probation Service Research Department Public Tableau Dashboards: <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.¹⁰⁵ The caseload data below indicate that, on average, half of the risk/need cases are supervised at the *low* supervision level.

¹⁰¹ Source: Department of Research, Massachusetts Probation Service

¹⁰² Ibid.

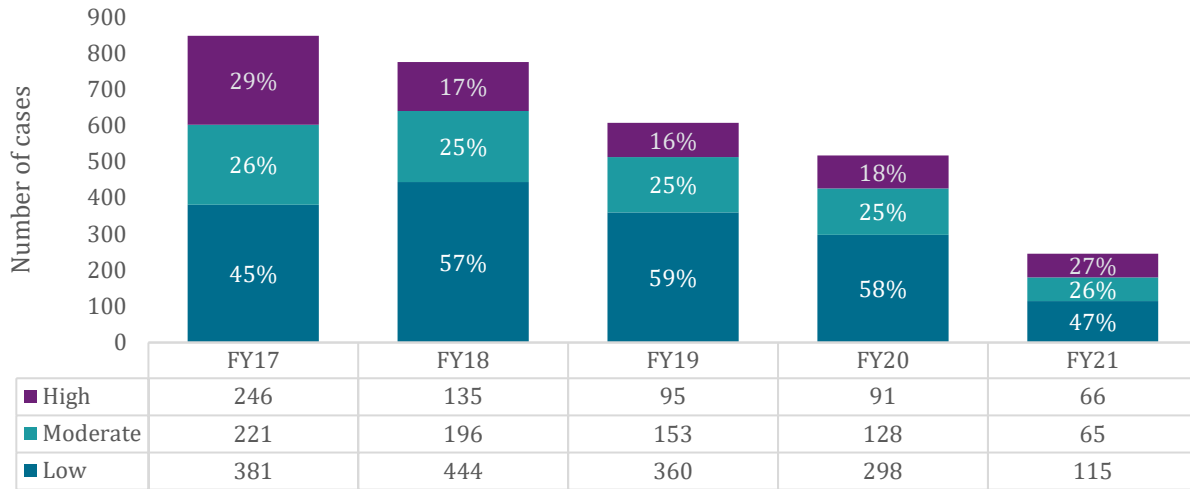
¹⁰³ Click [here](https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard) to visit the MPS juvenile probation dashboards:

<https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

¹⁰⁴ Probation monthly data is point-in-time data capturing the number of cases supervised by probation on a given day each month.

¹⁰⁵ 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.

Fig. 61: Average Monthly Risk/Need Caseload by Supervision Level (FY17-FY21)



Source: Data obtained from Massachusetts Probation Service Research Department Public Tableau Dashboards: <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*,¹⁰⁶ *non-delinquent*,¹⁰⁷ or *both delinquent & non-delinquent*.¹⁰⁸

In FY21, there were 214 violation of probation notices issued, a decrease of 59% from FY20. More than half of these (57%, n=121) were due to a new arrest.

Since FY17, violation of probation notices decreased 84%. 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.¹⁰⁹ It is particularly noteworthy that since FY18, both new arrest violations (including violation notices for both a new arrest and technical violation) and non-delinquency (“technical”) violations have declined (75% and 86%,

¹⁰⁶ 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.

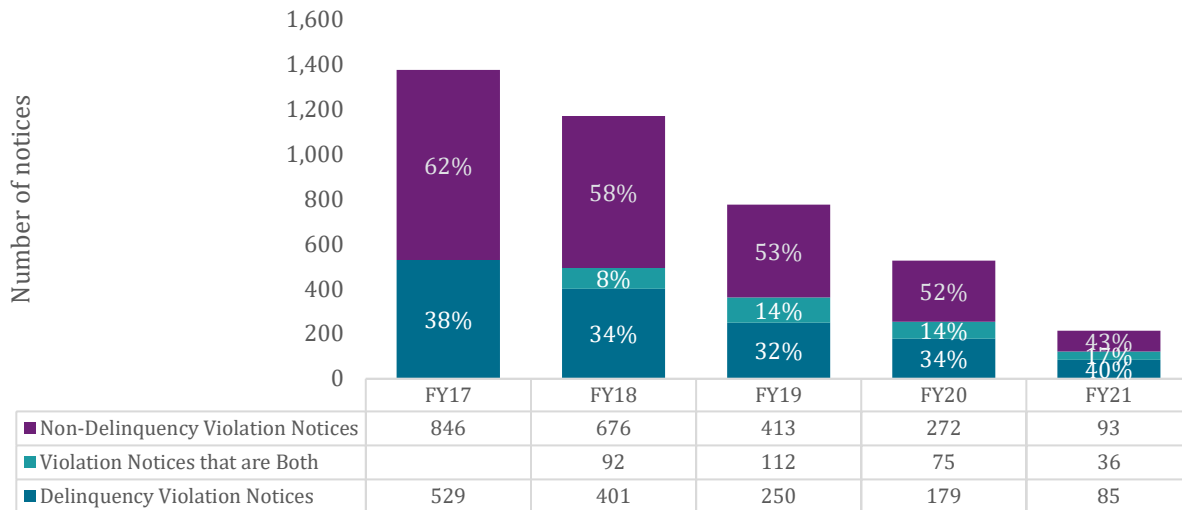
¹⁰⁷ Sometimes called a “technical” violation in the adult system. In this case, the probation officer is alleging that the youth did not comply with one or more conditions of probation. The alleged behavior is not by itself a delinquent offense and would not otherwise result in an arrest. An example 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.

¹⁰⁸ 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).

¹⁰⁹ 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>

respectively), suggesting MPS’s case planning and violation response reforms are driving an overall decline in delinquent behavior for youth on probation.

Fig. 62: Probation Violation Notices by Type (FY17-FY21)



Massachusetts Probation Service began reporting the number of probation violation notices that included both delinquent and non-delinquent violations in November 2017. *Source: Massachusetts Probation Service Research*

Department Public Tableau Dashboards:

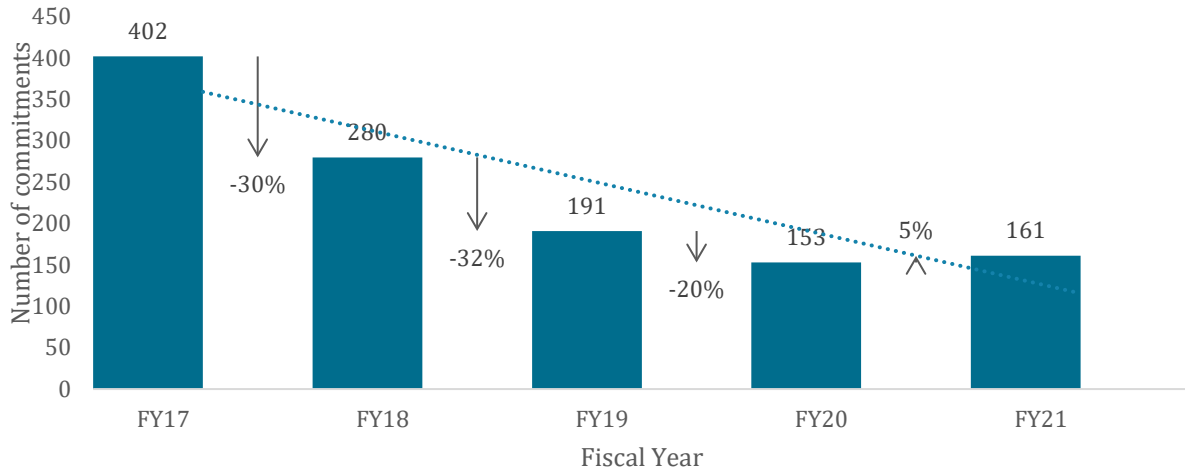
<https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

Commitments to the Department of Youth Services

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 18th birthday (or until their 19th, 20th, or 21st birthday in certain circumstances).¹¹⁰

¹¹⁰ Youth charged as a juvenile but whose cases are disposed after their 18th 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.](#)

Fig. 63: Commitment Sanctions by Fiscal Year



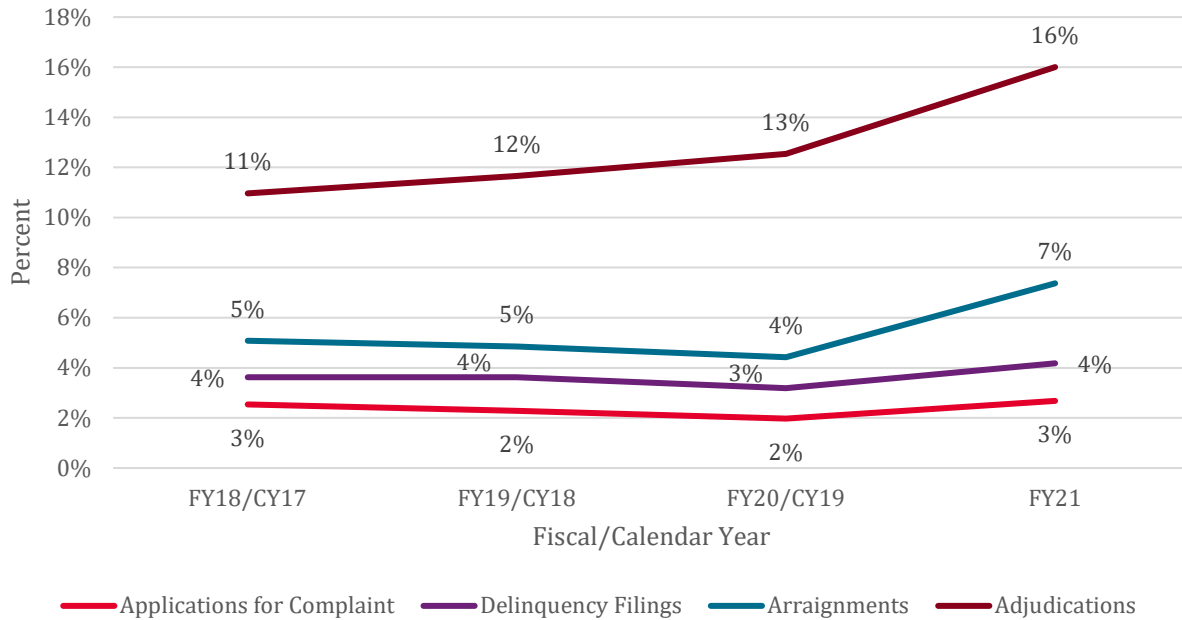
Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

In FY21, there were 161 adjudicated delinquent cases that resulted in a DYS commitment, a 5% increase from FY20.

Figure 64 highlights the percentages of applications, filings, arraignments, and adjudications that resulted in a *commitment* disposition each year. A larger percentage of adjudications and arraignments resulted in a *commitment* disposition in FY21 compared to FY18. A higher percentage of adjudications have resulted in a commitment each year over the past four years.¹¹¹ Given that the overall number of commitments is going down, this is likely due to more lower-level cases being diverted or dismissed earlier in the process.

¹¹¹ Percentage of arraignments, delinquency filings, applications for complaint and adjudications resulting in a DYS commitment are estimates based on FY21 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.

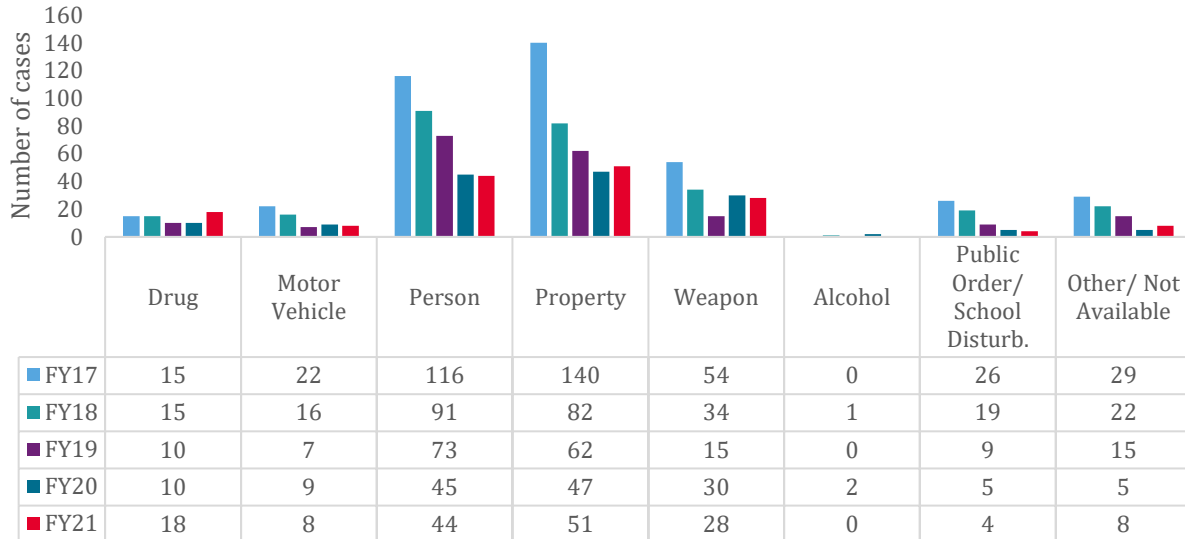
Fig. 64: Percentage of Applications, Filings, Arraignments and Adjudications Resulting in a Commitment Sanction by Year



Data on arraignments was provided by calendar year for CY17 through CY19, and then by fiscal year beginning with FY21. Due to the different types of reporting years, January 2020-June 2020 is missing in this analysis. Massachusetts Probation Service will be providing this data in the future. All other data points in this chart are reported by FY.

The slight increase in cases resulting in a commitment sanction stem from eight more cases with underlying drug offenses and four more cases with underlying property offenses resolved this way in FY21 compared to FY20.

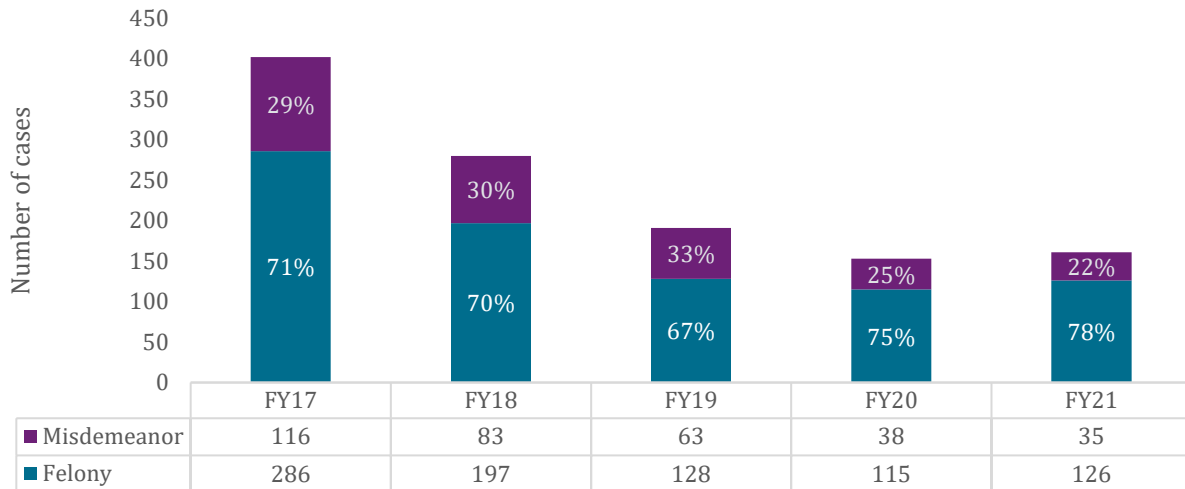
Fig. 65: Commitment Sanctions by Offense Type (FY17-FY21)



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

Since FY17, commitments for *misdemeanor* cases have decreased 70%. Over the past five years, *felony* offenses have made up a larger share of the overall commitments. Taken together, this data indicates judges are imposing commitments for the more serious offense types.

Fig. 66: Commitment Sanctions by Offense Severity (FY17-FY21)



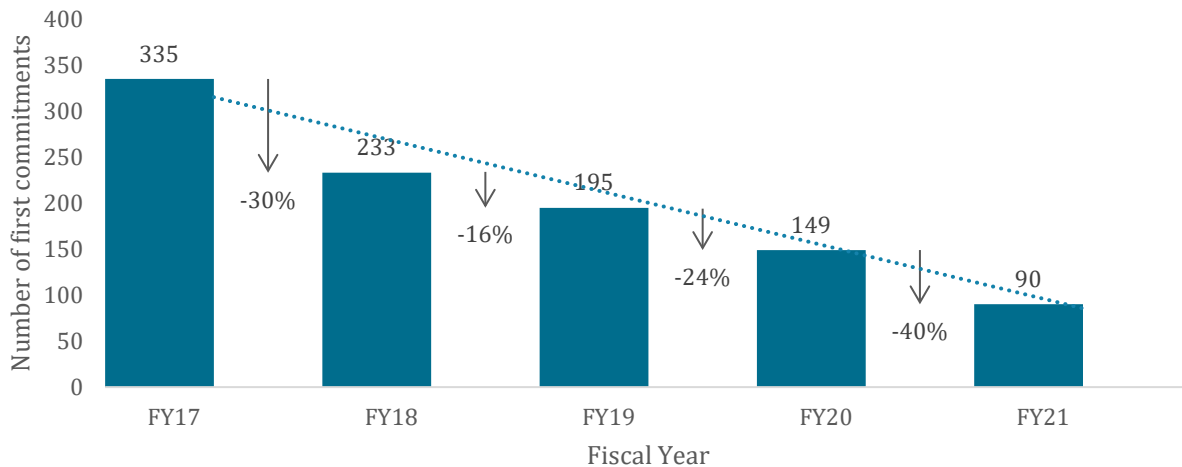
Source: Data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

First-time Commitments to the Department of Youth Services

“First-time commitments” data reflects the number of youth who have never previously been committed to DYS. First-time commitment data does not include youth who have been committed previously and are subsequently “recommitted” to the Department.

In FY21, there were 90 first-time commitments to DYS. First-time commitments decreased 40% between FY20 and FY21. First-time commitments have decreased 73% since FY17, continuing a longer-term trend of declines in commitments.¹¹²

Fig. 67: First-time Commitments by Fiscal Year (FY17-FY21)



Source: Research Department, Department of Youth Services

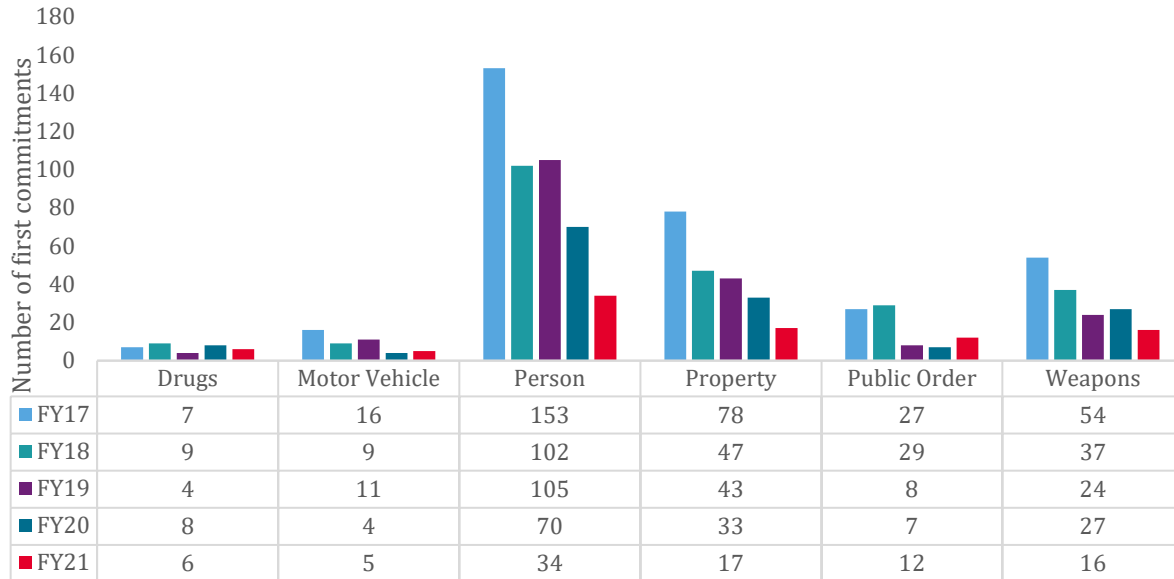
First-Time Commitments by Offense Type & Severity

First-time commitments decreased for youth across offense types, except for youth with underlying *motor vehicle* and *public order* offenses.

Since FY17, first-time commitments decreased 78% for both *person* and *property* offenses, 70% for *weapons* offenses, 69% for *motor vehicle* offenses, 56% for *public order* offenses, and 14% for *drug* offenses.

¹¹² In 2013 (calendar year), there were 344 new commitments to DYS. In 2021 (fiscal year), there was 90. CY13 data obtained from: <https://www.mass.gov/doc/jdai-data-dashboards-cy2014-q4/download>

Fig. 68: First-time Commitments by Offense Type (FY17-FY21)

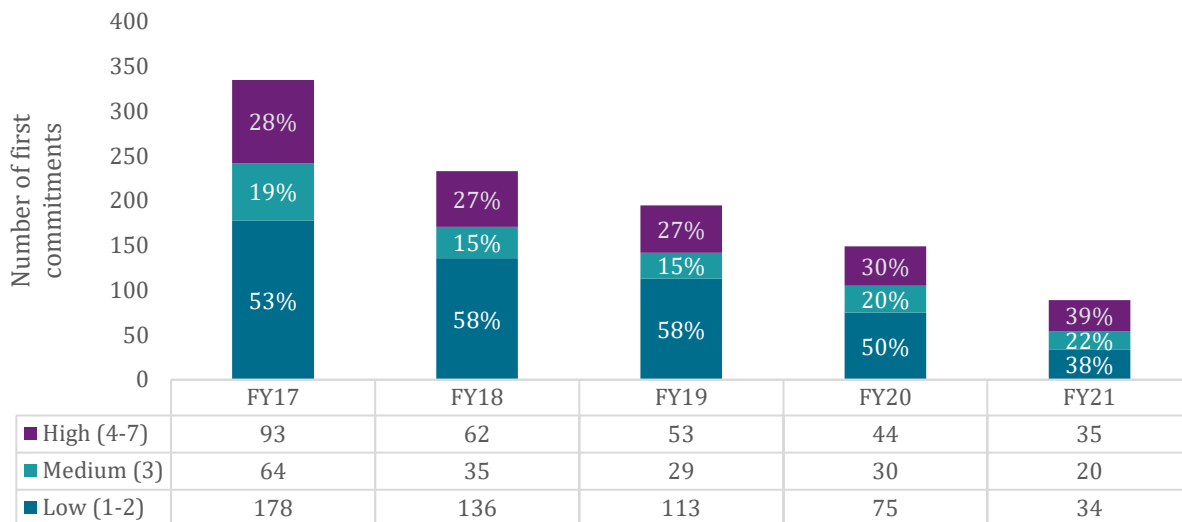


Source: Research Department, Department of Youth Services

The drop in first-time commitments is driven by a 55% decrease in youth with an underlying offense classified as *low* severity (grid levels 1-2). This means fewer youth with underlying lower-level offenses are being committed to DYS for the first time.

Since FY17, first-time commitments decreased 81% for *low* severity offenses, 69% for *medium* severity offenses, and 62% for *high* severity offenses.

Figure 69: First-time Commitments by Grid Level (FY17-FY21)



To maintain confidentiality, FY21 data in measures with counts less than five are suppressed, therefore totals may not match overall commitment data. Source: Research Department, Department of Youth Services

DYS Commitment Population Snapshot Data

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 multiple times and re-committed to DYS.¹¹³ The data takeaways presented in the text box below reflect the youth who were committed to DYS on June 30, 2021. **On that date, there were 240 youth committed to DYS.**

Commitment “Snapshot” Data: June 30, 2021 (Total N=240)

- 50% (n=120) were committed for a *person* offense type
- 42% (n=100) were committed for a *high* severity offense (grid level 4-7), 18% (n=42) were committed for a *medium* severity offense (grid level 3), and 41% (n=98) were committed for a *low* severity offense (grid level 1-2)
- 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, 47% (n=112) of youth committed to DYS were placed in a residential placement setting and 53% (n=127) were supervised in a community setting*
 - Of the 112 youth in a residential placement, 56% (n=63) were placed in a hardware secure residential facility and 44% (n=49) were placed in a staff secure residential facility.
 - 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, 2021, 60% (n=67) of youth placed in a residential program were participating in treatment, 21% (n=24) were found to be in violation of their Grant of Conditional Liberty and returned to residential custody, and 19% (n=21) 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 87 days in their current (as of 6/30/21) residential placement. The median length of stay in their current (as of 6/30/21) placement was 68 days.

*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. One youth on June 30, 2021, was AWOL and thus, missing from the setting data provided.

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

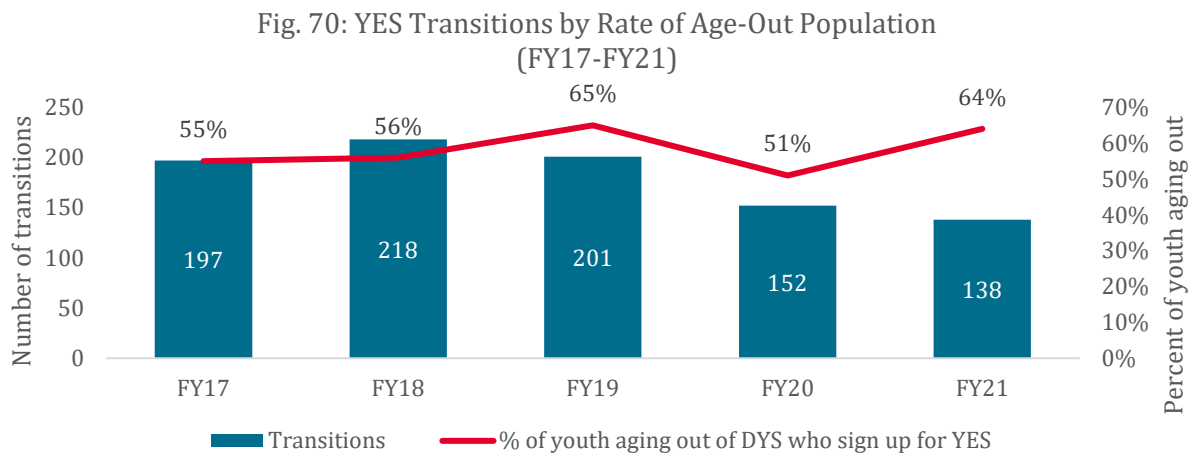
Source: Research Department, Department of Youth Services

¹¹³ Because youth can be committed to the Department more than once, offense type and severity data presented here is for the most serious offense across all commitments a youth may have.

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. Through this program, DYS supports youth transitioning out of typical juvenile services into adulthood. Youth can terminate their YES status when they have completed their goals or earlier, without court repercussions.

Although YES transitions decreased 9% in FY21 and have decreased 30% since FY17, the overall *rate* of transitions as a proportion of the decreasing commitment caseload year to year has increased since FY17. In FY21, 64% of youth aging out of their commitment transitioned to the YES program.

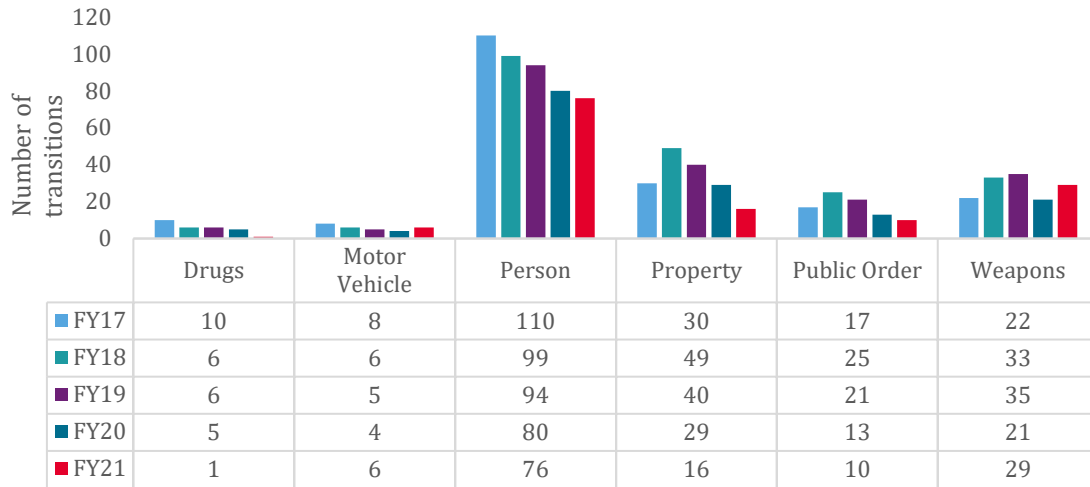


Source: Data retrieved from Massachusetts' Juvenile Justice Data Website: <https://www.mass.gov/info-details/data-about-the-youth-engaged-in-services-yes-voluntary-program>

YES Transitions by Offense Type & Severity

Over half of all FY21 transitions to YES were for youth with underlying *person* offenses. There was a 32% increase in YES transitions for youth with underlying *weapons* offenses in FY21 compared to those in FY17. Additionally, youth with *weapons* offenses account for a growing portion of the overall number of YES transitions each year.

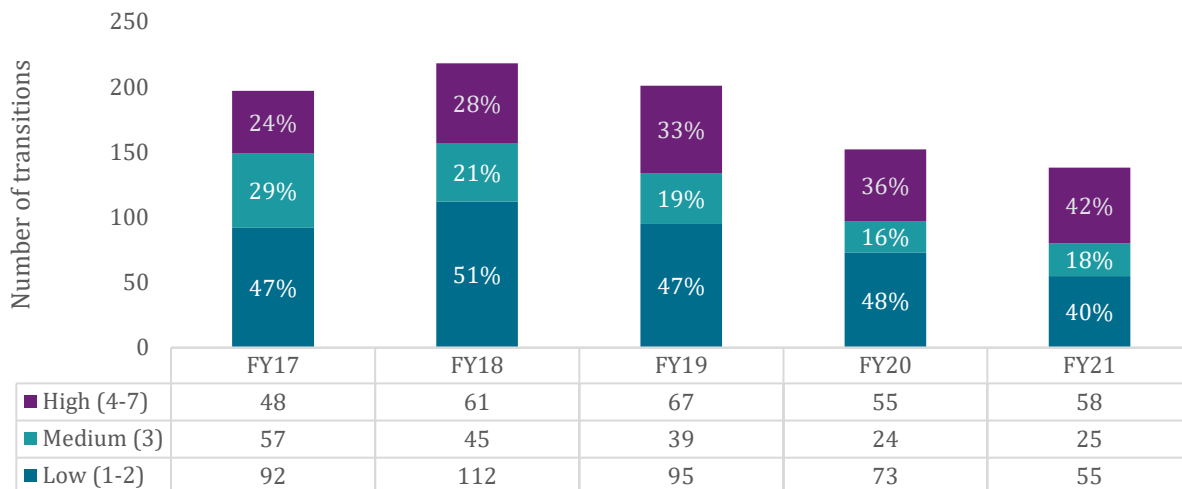
Fig. 71: YES Transitions by Offense Type (FY17-FY21)



Source: Data retrieved from Massachusetts' Juvenile Justice Data Website: <https://www.mass.gov/info-details/data-about-the-youth-engaged-in-services-yes-voluntary-program>

While transitions have decreased since FY17 for youth with *low* grid levels and *medium* grid levels, (40% and 56%, respectively), transitions for youth with *high* grid levels have increased 21% and make up a larger portion of the overall transition rates (from 24% of transitions in FY17 to 42% of transitions in FY21). This is encouraging because while youth with more serious offense types are making up a larger portion of the DYS population, they are also seeking transitional supports into adulthood that can help reduce recidivism.

Fig. 72: YES Transitions by Grid Level (FY17-FY21)



Source: Data retrieved from Massachusetts' Juvenile Justice Data Website: <https://www.mass.gov/info-details/data-about-the-youth-engaged-in-services-yes-voluntary-program>

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.

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.¹¹⁴ 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 concerning behaviors into court for additional assistance. These cases

Types of CRA Petitions

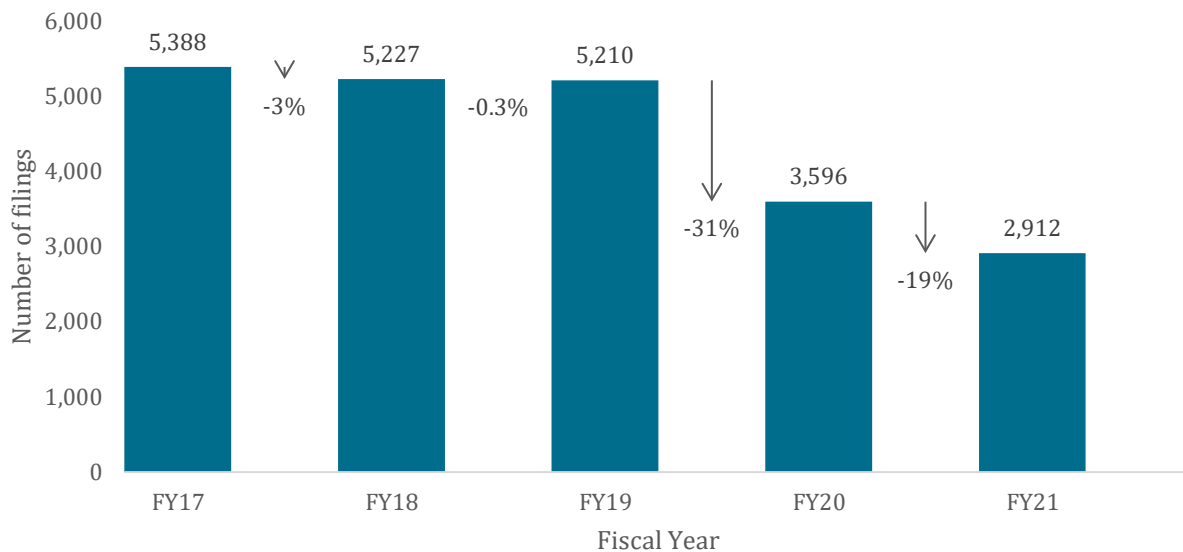
- **Stubborn Petition:** a type of CRA petition that can be filed by a parent/legal guardian for a child who repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child.
- **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.

¹¹⁴ 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/healthyouth/data/yrbs/results.htm>

can include youth who are truant or are considered “habitual school offenders,” youth exhibiting signs of sexual exploitation, “stubborn” youth, and “runaway” youth.

After remaining relatively stable for three years, there was a substantial decrease in the number of CRA petitions in FY20, likely due to the COVID-19 pandemic. That downward trend continued into FY21, when there were 2,912 CRA filings, a 19% decrease from the prior year.

Fig. 73 Child Requiring Assistance Petitions by Fiscal Year



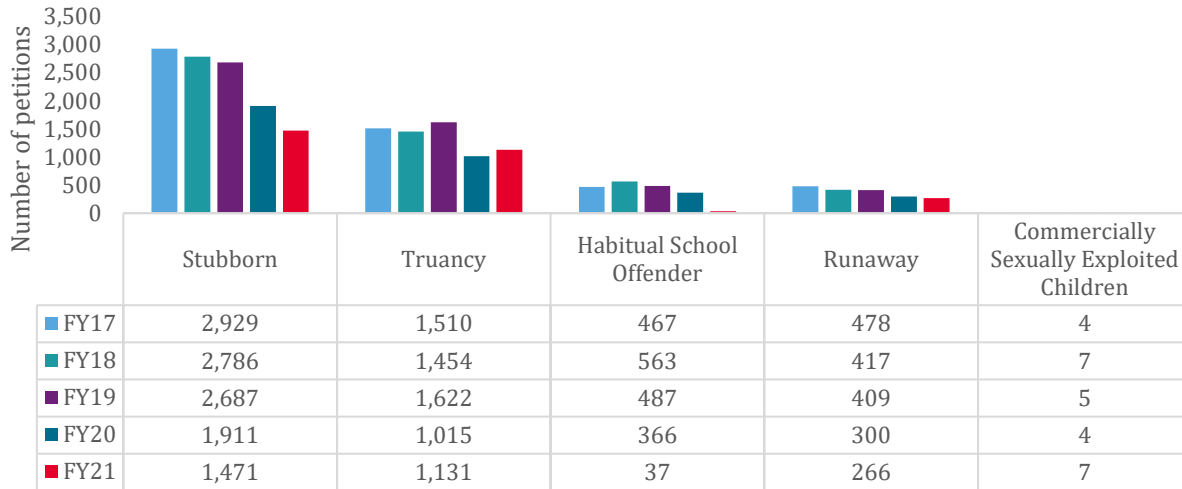
Source: FY17-FY18 data previously received from Massachusetts Trial Court; FY19-FY21 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity>

Petition Types

This significant drop is most likely attributed to the COVID-19 pandemic and is reflected in the CRA petition type data. As students returned to in-person learning, *truancy* petitions increased 11% from FY20, yet remained 30% below their FY19, pre-pandemic numbers. In FY21, CRA petitions for *habitual school offender* cases decreased 90%. In FY21, habitual school offender cases made up just 1% of all CRA petitions compared to 10% in FY20. This drop is likely due, in part, to hybrid learning models and some students staying home for remote learning throughout part of the year. It is also possible that teachers and school administrators provided alternative responses to youth struggling with possible behavioral health concerns when they were in person at schools.

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 each year since FY18.

Fig. 74: CRA Petitions by Type (FY17-FY21)



Source: FY17-FY18 data previously received from Massachusetts Trial Court; FY19-FY21 data retrieved from the Department of Research and Planning, Massachusetts Trial Court Public Tableau Dashboard: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity>

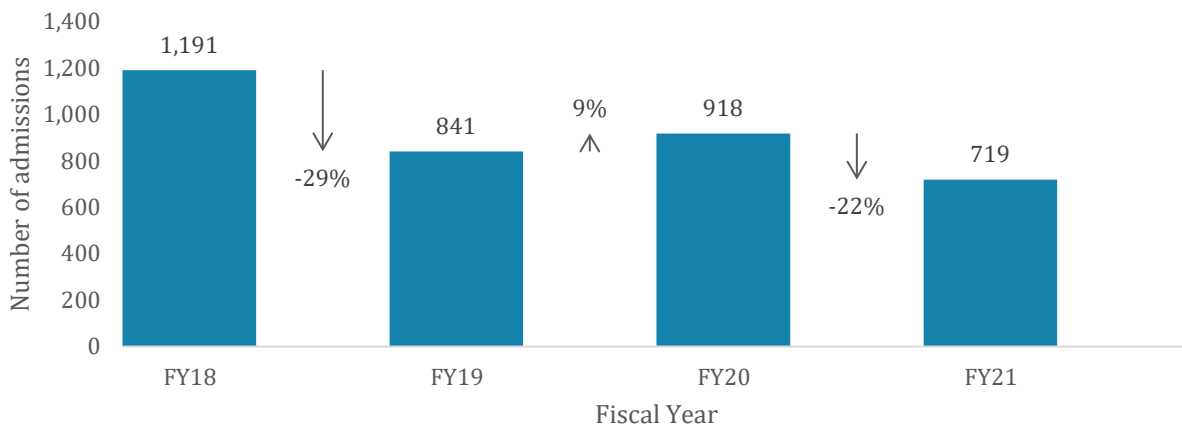
Department of Public Health

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.

Fig. 75: BSAS Admissions by Fiscal Year (FY18-FY21)

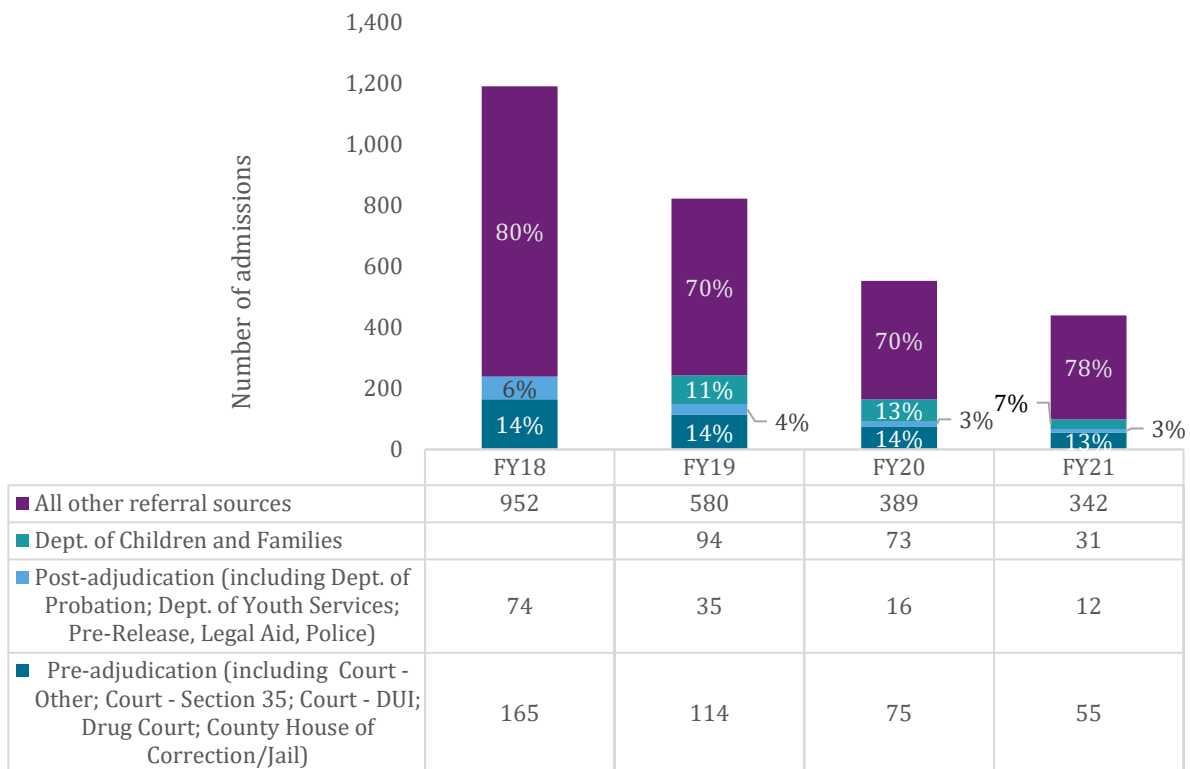


Due to continuous data updates, do not compare the information in this report to any prior statistics. Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

There were 719 admissions for youth aged 12-17 in FY21, a 22% decrease.¹¹⁵ BSAS attributed part of the decrease seen in Q4 of FY20 and Q1 of FY21 to the COVID-19 pandemic. There has been a 40% decrease in BSAS admissions since FY18.

Most referrals to BSAS come from sources outside of the juvenile court process, with 13% of all BSAS admissions coming from the juvenile justice system pre-adjudication and 3% of admissions coming post-adjudication in FY21.

Fig. 76: BSAS Admissions by Referral Source (2018-2021)



Due to continuous data updates, do not compare the information in this report to any prior statistics. FY18 data did not include DCF as a referral source. *Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.*

The percentage of BSAS referrals coming from the juvenile justice system has slowly and slightly declined over the past four fiscal years.¹¹⁶

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 referrals. The data in Table 9 suggests there have been fewer youth referred to BSAS with underlying drug/alcohol applications for complaint each year over the last four years (both as a

¹¹⁵ Admissions includes any youth who enrolled in any BSAS intervention, treatment or recovery support service during the timeframe provided.

¹¹⁶ DCF was added as a specific referral source in FY19. Previously these were included in the category "All other referral sources."

raw number and as a percentage of applications for complaint), and potentially, more youth with these charges should be referred to connect youth with services.¹¹⁷

	FY18	FY19	FY20	FY21
Applications for complaint (Drug & Alcohol offenses only)	705	410	303	272
All Juvenile Justice Referrals to BSAS	239	149	91	67
Referrals as a percentage of drug and alcohol juvenile delinquency cases	34%	36%	30%	25%

Once youth are admitted to BSAS, they may receive different services based on their needs. Table 10, 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 supports.

Service Type	FY19	FY20	FY21
1st Offender Drunk Driver	9	*	**
Clinical Stabilization	428	268	227
Criminal Justice Diversion	16	*	**
Intervention	*	348	**
Outpatient Counseling	251	195	97
Recovery Support	**	*	**
Residential	116	87	92
Other	8	**	*

*To maintain youth confidentiality, categories with counts between one and five are suppressed ("primary suppression").

**Additional suppression applied so values with primary suppression cannot be calculated.

Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020

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. The top referrals made at disenrollment each fiscal year include:¹¹⁸

- Outpatient Substance Abuse Counseling
- Residential Treatment
- Referral Not Made – Client Dropped Out
- Referral Not Needed – Appropriate Mental Health Clinical Services Already in Place

¹¹⁷ 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).

¹¹⁸ For more service referrals at disenrollment data see Appendix D.

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.¹¹⁹ 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 which 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 11: DPH Youth violence prevention programs (FY21)	
Program	Number of youth (under 18) served
Primary Violence Prevention	1,354
Youth at Risk	886
Safe Spaces	279
Total	2,519

Source: Massachusetts Department of Public Health

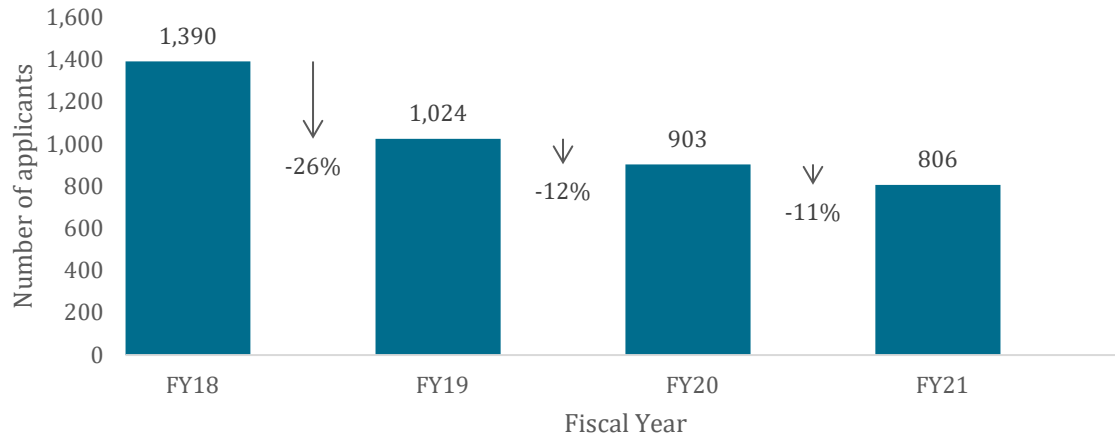
Department of Mental Health Services

In FY21, there were 806 youth applications for Department of Mental Health (DMH) services, an 11% decrease from the prior year.¹²⁰ Youth applications have declined 42% since FY18.

¹¹⁹ Click here for more information on DPH’s violence prevention programs: <https://www.mass.gov/child-and-youth-violence-prevention-services>

¹²⁰ "Youth" is defined as those who were under 18 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.

Figure 77: Department of Mental Health Applicants by Fiscal Year (FY18-FY21)

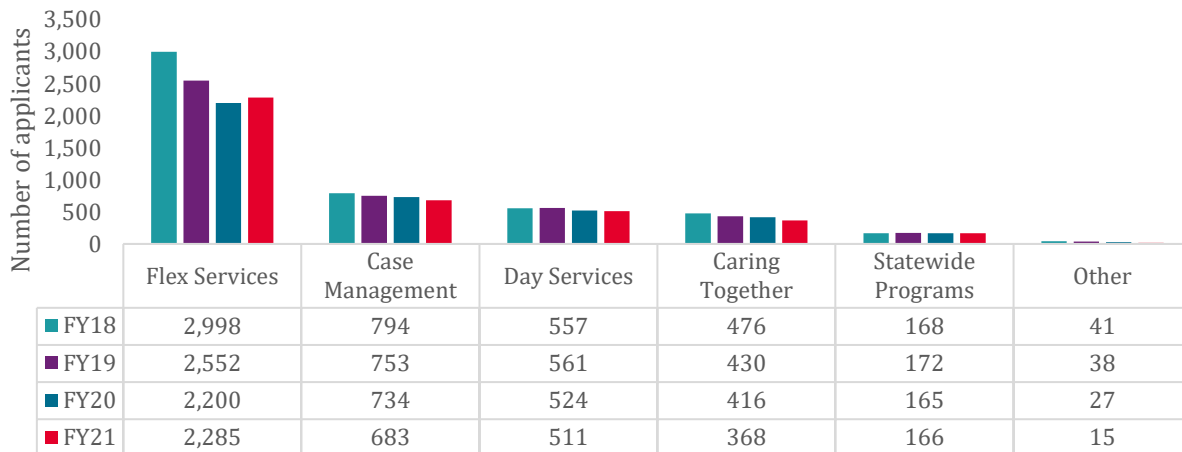


Source: Department of Mental Health

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. Most youth clients (80%) 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 and recovery of their child. These include services such as respite, home-based family support, individual youth support, and youth support groups.”¹²¹

Fig. 78: Youth Applicants to DMH by CYF Service Category (FY18-FY21)



Applicants may receive more than one service category and, thus, totals may not match. Source: Department of Mental Health

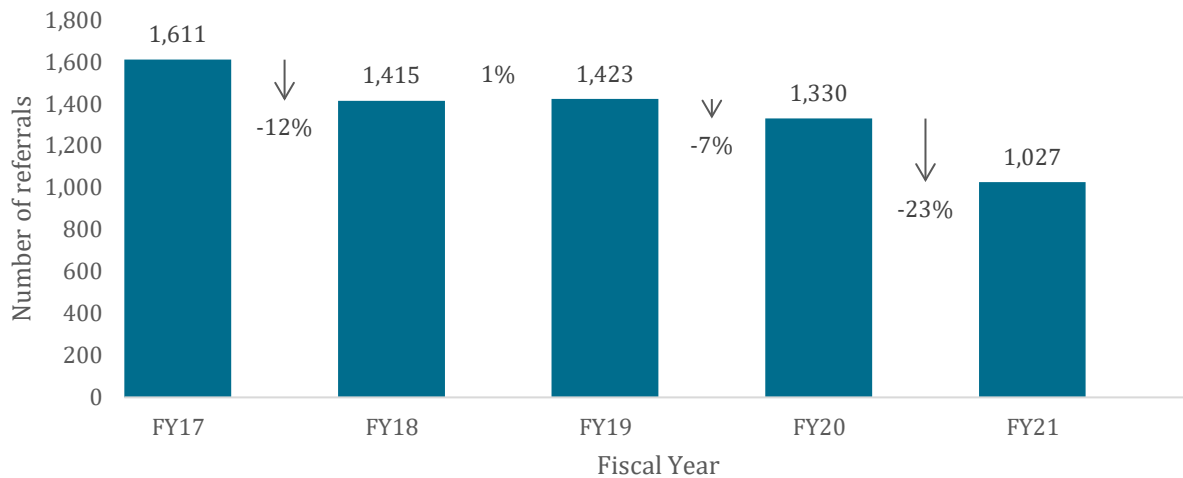
¹²¹ See the CYF services page for more information: <https://www.mass.gov/service-details/dmh-child-youth-and-family-services-overview>

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.

Between FY20 and FY21, there was a 23% decrease in referrals for youth across court clinic service types.¹²² Since FY17, Juvenile Court Clinic referrals have declined 36%. It is likely this decrease is due to the overall decline in the number of juvenile court cases across the board.¹²³

Figure 79: Juvenile Court Clinic Referrals by Fiscal Year (FY17-FY21)



Source: Department of Mental Health

Youth can be referred to the Court Clinic for multiple reasons. In FY21, 40% of all referrals were 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) and the third most frequent referral was for a competency and/or criminal responsibility evaluation (10% of all referrals).¹²⁴

¹²² "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.

¹²³ Delinquency cases and CRA filings are down as described in this report. Care and Protection cases filed in the Juvenile Court have also decreased each year since FY17, from 3,462 cases to 2,702 in FY21.

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtYear-EndCaseFilings/TrialCourt>

¹²⁴ See Appendix E for more detailed referral type breakdowns.

Demographics of Youth Involved in the Juvenile Justice System

In addition to looking at aggregate totals at each juvenile justice process point, it is important to look at data broken down by various demographic characteristics, including race/ethnicity, gender, age, sexual orientation, and transgender status. Analyzing data in this manner allows the Board to:

- Identify any areas of disparity at various process points in treatment and outcome for particular groups of youth
- Better understand the overall characteristics of youth involved with the justice system, which can help ensure programs are designed with the needs of the population in mind.

Race/Ethnicity¹²⁵

As noted in this Annual Report and all previous JJPAD and CTTF reports, there are persistent racial and ethnic disparities in the Commonwealth’s juvenile justice and child welfare systems, stemming from generations of systemic racism at the local, state, and federal level 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 child-serving entities. Using state utilization data is one way the Board can identify particularly troubling trends and begin to make the Commonwealth’s systems equitable.

How Does the JJPAD Data Subcommittee Measures Disparities?

The Data Subcommittee spent early 2021 examining different ways of measuring disparities. There are several methods to studying disparities. This report highlights three:

1. **Rate of Change**—compares year-to-year changes for each race category. For example, there was an 37% drop in the number of overnight arrest admissions for Black/African American youth from FY20 to FY21.
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 1.2 times (i.e., an overrepresentation) the rate of Hispanic/Latino youth at the delinquency filings stage compared to their application for complaint rates.
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, Black youth were 8.8 times more likely to experience and overnight arrest admission than white youth.

*RoD and RRI data tables are provided in Appendix F

¹²⁵ In this section, the JJPAD Board summarizes the race/ethnicity break downs at each process point, to the extent available. A more complete breakdown at each process point is available on the *Massachusetts Juvenile Justice System: Data and Outcomes for Youth* website. Click [here](https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth) to access the juvenile justice data website: <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

The textbox on the previous page details how the Data Subcommittee measures racial and ethnic disparities in state systems. **While each measure tells a slightly different story, all confirm that there are substantial disparities across our system.**^{126,127}

The table below shows the percentage of cases that were for Black/African American, Hispanic/Latino and white youth at each process point in FY21. Black and Latino youth enter the juvenile justice system (the “front end”) at disproportionately high rates and continue to be overrepresented at most process points. The end result is that youth who reach the “deep end” of the system are predominantly Black and Latino, (for example, Black and Latino youth make up a combined 55% of adjudications and 71% of first-time commitments to DYS), despite making up only 28% of the Massachusetts youth population.

In particular, Black and Latino youth are significantly more likely to be held in custodial settings: to be arrested (rather than summonsed), to be held in overnight arrest, to have a dangerousness hearing, to be held in pretrial detention, and to be committed to DYS.¹²⁸

As a point of comparison in the table below, Massachusetts youth (12–17-year-olds only) demographics breakdowns are provided as well. For example, while Hispanic/Latino youth make up 18% of Massachusetts’ youth population, they make up 42% of all overnight arrest admissions.

Table 12: Juvenile Justice System Utilization Data by Race^a (FY21)

<i>Process Point</i>	Black/ African American	Hispanic/ Latino	White	Total Count at Process Point
<i>Massachusetts Youth (12-17) Population**</i>	10%	18%	64%	473,638
<i>Custodial arrests^^</i>	25%	24%	47%	1,629
<i>Overnight arrest admissions</i>	28%	42%	21%	460
<i>Applications for complaint</i>	18%	22%	41%	6,009†
<i>Delinquency filings</i>	21%	26%	38%	3,852
<i>Youthful offender filings</i>	34%	35%	19%	101
<i>Arraignment occurrences</i>	28%	n/a*	52%	2,184
<i>Dangerousness hearings</i>	31%	38%	22%	229
<i>Pretrial supervision conditions of release</i>	23%	34%	36%	638
<i>Pretrial supervision</i>	26%	28%	41%	96
<i>Pretrial detention admissions</i>	31%	42%	23%	553
<i>Adjudications</i>	27%	28%	36%	1,006
<i>Administrative probation</i>	21%	36%	37%	290
<i>Risk/Need probation</i>	18%	30%	44%	214
<i>First-time commitments to DYS</i>	30%	41%	24%	90
<i>YES transitions</i>	34%	46%	16%	138
<i>Dismissed</i>	24%	24%	38%	2,701

¹²⁶ Race data is self-reported by youth across all DYS data. Police report race by officer observation. There are three reporting sources the Trial Court uses to identify race/ethnicity – self report, observation, and third-party informational source (e.g., application for complaint).

¹²⁷ See appendix F, for RoD and RRI data breakdowns.

¹²⁸ Compared to Massachusetts’ youth population.

^Data for other race categories are not reported due to small numbers across most process points, different definitions for each reporting entity, and each entities' data suppression thresholds to protect confidentiality. Thus, percentages may not add up to 100%.

^^Custodial arrest data is preliminary. Final datasets will be reported by the federal NIBRS reporting system in fall 2022.

* Arraignment data for Hispanic/Latino youth was not reported. DCJIS reports that its data system currently only collects data on "race" and does not have a separate category for "ethnicity." As a result, the DCJIS cannot currently report the number of Hispanic/Latino youth arraigned each year for Probation's analysis provided to the OCA for this report.

†Application for complaint totals broken down by demographics may not match overall totals depending on the date the Trial Court publishes various datasets

**Massachusetts youth population data is based on CY20 estimates provided by OJJDP: Puzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

Key Takeaways include:

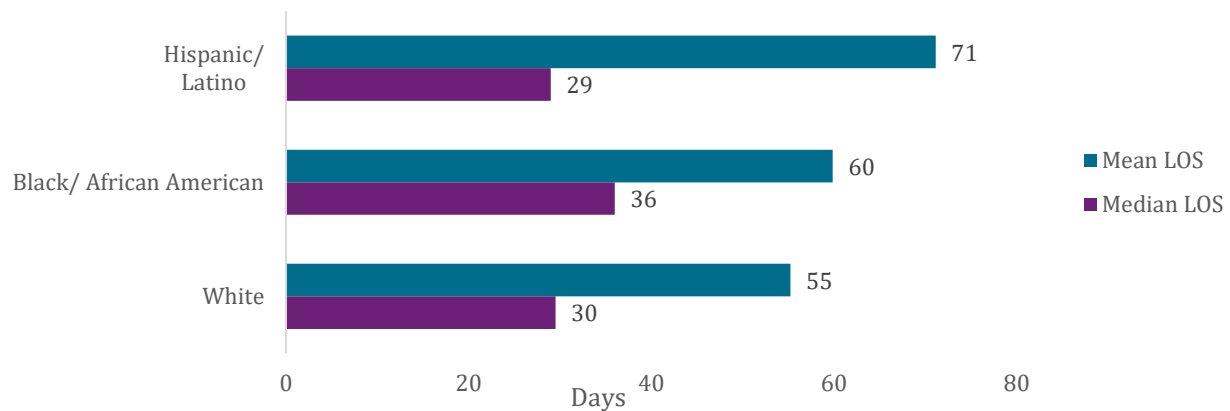
- Black/African American youth and Hispanic/Latino youth are overrepresented at all process points for which there are data.
- On average, Black/African American youth remained in detention 5 days longer than white youth, and Hispanic/Latino youth remained in detention 16 days longer.
- Compared to white youth, Black/African American youth were:¹²⁹
 - over 3 times more likely to be arrested (a custodial arrest)
 - almost 9 times more likely to be admitted for an overnight arrest
 - almost 3 times more likely to be the subject of an application for complaint
- Further, compared to white youth, Black/African American youth were:¹³⁰
 - almost 3 times more likely to be the subject of a dangerousness hearing
 - almost 3 times more likely to be detained pretrial
- Compared to white youth, Hispanic/Latino youth were:¹³¹
 - almost 2 times more likely to experience a custodial arrest
 - over 7 times more likely to be admitted on an overnight arrest

¹²⁹ The rates presented here compare the percent of Black/African American youth and white youth at each process point by the percent of Black/African American (10%) and white (64%) youth in Massachusetts' general youth (12-17) population

¹³⁰ The rates presented here compare the percent of Black/American and white youth at each process point by the percent of Black/African American (28%) and white (52%) youth arraigned.

¹³¹ Measuring disparities for Hispanic/Latino youth is particularly challenging given missing ethnicity data at some process points. These counts are, likely, underestimates. The rates presented here compare the percent of Hispanic/Latino youth and white youth at each process point by the percent of Hispanic/Latino (18%) and white (64%) youth in Massachusetts' general youth (12-17) population.

Fig. 80: Length of Stay (LOS) in Detention by Race (FY21)



Length of stay data is reported for youth exiting detention during FY21. As a result, youth who have not been released in detention, or remained in detention into the next year are not reflected in this data. The “mean” is an average while “median” is the middle number when length of time for each youth is listed in descending order. *Source: Department of Research, Department of Youth Services*

The overall rates of racial and ethnic disparities in Massachusetts’ juvenile justice system are cause for concern. While comparisons across states are difficult to make due to differences in data definitions and state system differences, some reports indicate that Massachusetts’ RED rates are some of the highest in the nation.¹³²

In the initial years following the implementation of the Criminal Justice Reform Act, we saw that while the overall number of youth in the system dropped substantially, white youth benefited from the reforms more than Black and Latino youth, leading to an intensification of disparities. Over the past two years, we have started to see this pattern reverse itself. Even though the overall rates of racial and ethnic disparity in our juvenile justice system are still high, (and to the extent we can measure, they are high compared to other states) we are making some progress, particularly in the “front end” of the system. Table 13, below, shows the rate of increase or decrease from FY20 to FY21 at each juvenile justice process point, broken down by race/ethnicity. **Major takeaways from this table include:**

- There were substantial decreases in the number of Black/African American youth entering the juvenile justice system, including a 35% drop in custodial arrests, a 37% drop in overnight arrest admissions, and a 37% drop in applications for complaint. Decreases at these process points were higher for Black youth than for white or Latino youth.
- There were substantial decreases in admissions to pretrial detention for Black youth (33%) and first-time commitments to DYS (37%). There were also significant declines for white and Latino youth at these process points.
- There was a very large increase – 75% – in the number of cases involving Black youth that had a dangerousness hearing.

¹³² Rovner, J. (2021). (Issue brief). *Racial Disparities in Youth Incarceration Persist*. The Sentencing Project. Retrieved January 2022, from <https://www.sentencingproject.org/wp-content/uploads/2021/02/Racial-Disparities-in-Youth-Incarceration-Persist.pdf>

- There were steeper rates of decline in cases involving Hispanic/Latino youth in youthful offender filings, dangerousness hearings, adjudications and first commitments compared to youth of other races. ¹³³

Table 13: Rate of Change in Juvenile Justice[†] System Utilization by Race[^] (FY20-FY21)

<i>Process Point</i>	Black/ African American	Hispanic/ Latino	White	Total % Change (FY20-FY21)
<i>Custodial arrests^{^^}</i>	-35%	-18%	124%	-15%
<i>Overnight arrest admissions</i>	-37%	-17%	-21%	-28%
<i>Applications for complaint</i>	-37%	-27%	-16%	-23%
<i>Delinquency filings</i>	-33%	-24%	-12%	-20%
<i>Youthful offender filings</i>	0%	-31%	6%	-12%
<i>Arraignment occurrences</i>	-41%	n/a*	-35%	-37%
<i>Dangerousness hearings</i>	75%	-19%	21%	3%
<i>Pretrial detention admissions</i>	-33%	-25%	-26%	-28%
<i>Adjudications</i>	-12%	-26%	-19%	-18%
<i>Risk/Need probation</i>	-51%	49%	-42%	-46%
<i>First-time commitments to DYS</i>	-37%	-42%	-42%	-40%
<i>YES transitions</i>	7%	-20%	-12%	-9%
<i>Dismissed</i>	-17%	-19%	-2%	-10%

[^]Data for other race categories is not reported due to small numbers across most process points, different definitions for each reporting entity, and each entities' data suppression thresholds to protect confidentiality.

^{^^}Custodial arrest data is preliminary. Final datasets will be reported by the federal NIBRS reporting system by fall 2022.

* Arraignment data for Hispanic/Latino youth was not reported. DCJIS reports that its data system currently only collects data on "race" and does not have a separate category for "ethnicity." As a result, the DCJIS cannot currently report the number of Hispanic/Latino youth arraigned each year for Probation's analysis provided to the OCA for this report.

Race/ethnicity breakdowns were not reported for administrative probation in FY20.

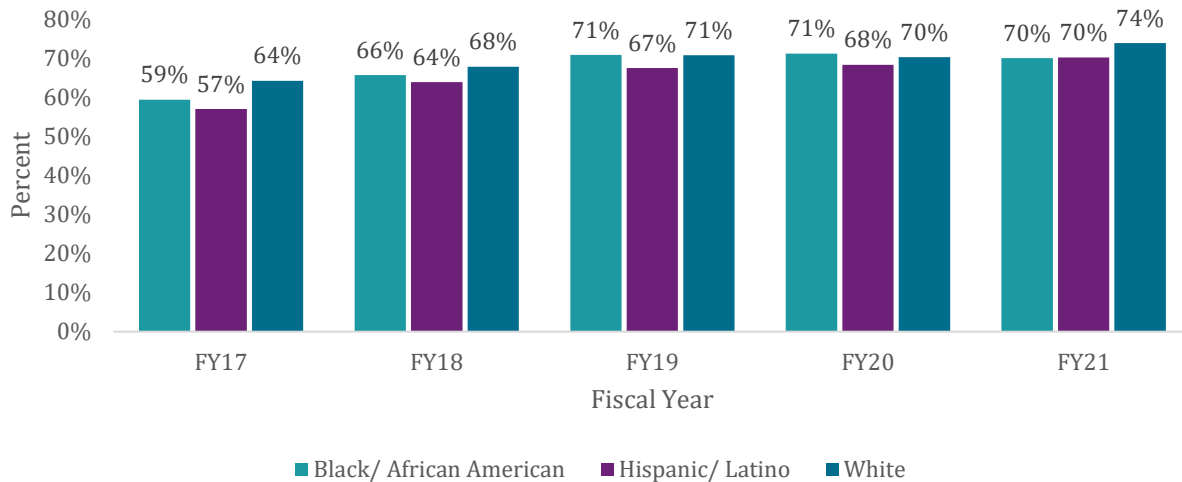
¹³³ Measuring disparities for Hispanic/Latino youth is particularly challenging given missing ethnicity data at some process points. These counts are, likely, underestimates.

Dismissed Cases: Race and Ethnicity Breakdowns

Cases after the point of a filing are dismissed more frequently for white youth than youth of color. There has been some progress in closing the gap between the percentage of cases dismissed for white youth and the percentage of cases for youth of color over the past five years, but cases for youth of color are still not dismissed as frequently as cases for white youth.

In FY21, 74% (n=1,023) of cases for white youth were dismissed, 70% of cases for Hispanic/Latino youth (n=661), and 70% (n=636) for Black/African American youth.

Fig. 81: Percentage of Cases Dismissed Each Year, By Race/Ethnicity



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

Racial and Ethnic Disparities in Context

One theory that is often suggested as an explanation for the racial and ethnic disparities we see in our juvenile justice system is that youth of color may be committing more serious offenses and/or have a more extensive history of prior justice system contact. In other words, the theory is that youth of color may, on average, be more likely to be processed through court, detained, and committed to DYS because they are presenting with more serious charges and/or criminal history. Available research indicates, however, that this theory cannot explain all of the racial and ethnic disparities we see in our system.

Data was not provided to the JJPAD Board in a way that allows us to isolate the impact of charge seriousness or criminal history. However, in 2019 the Trial Court released a study on “Disproportionate Minority Contact,” which included a logistic regression analysis that can help us test this theory. * Logistic regression is a statistical method that allows us to assess the individual effect of specific independent variables, such as race or ethnicity, on each decision point, holding other factors (including offense severity, offense type, and number of prior juvenile charges) constant. Put more simply, this type of analysis can help us understand if the differences are explained by characteristics rather than differential treatment.

The analysis found that, controlling for all other independent variables:

- Black youth were 1.53 times more likely to have a delinquency petition issued than white youth
- Hispanic/Latino defendants were 2.46 times more likely to have a delinquency petition issued than defendants with an unreported ethnicity

This study showed racial and ethnic disparities exist in the court-based stages of the decision to issue a complaint, decision to hold an arraignment event, decision to detain the defendant at arraignment, initial disposition and sanction decision. When controlling for race and ethnicity, racial disparity was found in two of the four stages that were analyzed, and ethnic disparity was found in three of the four stages analyzed.

The JJPAD Board also notes a study on racial disparities in the Massachusetts Criminal Justice system that was released by Harvard Law school in the fall of 2020. ^ Although that study focused on the adult system, it also found evidence of significant racial and ethnic disparities, particularly with regards to initial charging decisions.

Although both of these studies use data from before the 2018 reforms, taken together, these findings suggest further evidence that racial and ethnic disparities exist in our system, that they are particularly evident at early decision points, and **that they cannot be entirely attributed to other factors, such as charge type or criminal history.**

* Commonwealth of Massachusetts Disproportionate Minority Contact Statewide Assessment Report, (2018). Retrieved from <https://www.mass.gov/doc/disproportionate-minority-contact>

^ This study was conducted with the support of the Trial Court and at the request of the late Chief Justice Ralph Gants. Bishop, E., et al. (2020). “Racial Disparities in the Massachusetts Criminal System” Harvard Law School. Retrieved from: <http://web.archive.org/web/20200909134856/http://cjpp.law.harvard.edu/publications/racial-disparities-in-the-massachusetts-criminal-system>

Utilization of Other Systems

As shown in Table 14, below, in FY21, white youth made up most of the other child-serving systems' caseloads. White youth had the highest number of CRA filings, juvenile court clinic referrals, DMH applications and BSAS admissions in FY21.

Adjusting for population demographic rates, Black/African American youth were overrepresented in CRA petitions and underrepresented in court clinic referrals (compared to delinquency filings), DMH applications, and BSAS admissions, while Hispanic/Latino youth were overrepresented in CRA filings and underrepresented in DMH applications.

Both Black/African American and Hispanic/Latino youth were about three times more likely to be the subject of a CRA petition than white youth.

Table 14: Other Systems Utilization Data by Race[^] (FY21)

<i>Process Point</i>	Black/ African American	Hispanic / Latino	White	Total Count at Process Point
<i>Massachusetts Youth Population (12-17 years old) (CY20)</i>	10%	18%	64%	473,638
<i>Massachusetts Youth Population (6-17 years old) (CY20) **</i>	10%	19%	63%	916,941
<i>Child Requiring Assistance Filings</i>	14%	27%	34%	2,913 [†]
<i>Juvenile Court Clinic Referrals</i>	9%	n/a [*]	46%	1,025
<i>DMH Applicants</i>	8%	12%	62%	806
<i>BSAS Admissions</i>	6%	19%	68%	719

[^]Data for other race categories is not reported due to small numbers across most process points, different definitions for each reporting entity, and each entities' data suppression thresholds to protect confidentiality. Thus, percentages may not add up to 100%.

^{*}Juvenile Court Clinic race/ethnicity data breakdowns reported race and ethnicity separately. In FY21, 19% of court clinic referrals were for Hispanic/Latino youth. Hispanic/Latino youth may be counted in other race categories and therefore is not included in this table to avoid double counting.

[†]Child requiring assistance filings totals broken down by demographics may not match overall totals depending on the date the Trial Court publishes various datasets.

^{**} CRA petitions can be filed for youth age 6-17. As such, the Massachusetts youth population demographics for that age group is provided in addition to the population breakdowns for 12-17.

Table 15 below shows the rate of change in use from FY20 to FY21 across other child-serving systems, broken down by race/ethnicity. This data suggests the decline in other child-serving systems' use was driven by declines in cases involving youth of color.

There were somewhat larger decreases in CRA filings for cases involving Black and Latino youth than white youth, and significantly larger decreases in referrals to the Juvenile Court Clinic, applications for DMH services, and admissions to BSAS.

Table 15: Rate of Change in Other System Utilization by Race Categories[^] FY20-FY21

<i>Process Point</i>	Black/ African American	Hispanic/ Latino	White	Total % Change (FY20-FY21)
<i>Child Requiring Assistance Filings</i>	-29%	-26%	-20%	-19%

<i>Juvenile Court Clinic Referrals</i>	-47%	n/a*	-23%	-23%
<i>DMH Applicants</i>	-14%	-25%	-3%	-11%
<i>BSAS Admissions</i>	-44%	-37%	-11%	-21%

^Data for other race categories is not reported due to small numbers across most process points, different definitions for each reporting entity, and each entities' data suppression thresholds to protect confidentiality.

* Juvenile Court Clinic race/ethnicity data breakdowns reported race and ethnicity separately. Between FY20 and FY21, referrals for Hispanic/Latino youth dropped 24%. Hispanic/Latino youth may be counted in other race categories and therefore is not included in this table to avoid *double counting*.

Gender

In this section, the JJPAD Board summarizes the gender break downs at each process point, to the extent available. A more complete breakdown at each process point is available on the *Massachusetts Juvenile Justice System: Data and Outcomes for Youth* website.¹³⁴ The table below shows the percentages of youth at each process point, broken down by gender.¹³⁵

At most process points, the number of girls involved with the juvenile justice system dropped at higher rates across most process points than boys. 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.

Table 16: Juvenile Justice System Utilization Data by Gender (FY21)

Process Point	Male/ Boy	Female/ Girl	Total Count at Process Point
<i>Massachusetts Youth (12-17) Population**</i>	51%	49%	473,738
<i>Overnight Arrest admissions</i>	81%	19%	460
<i>Applications for complaint</i>	75%	22%	6,009†
<i>Delinquency filings</i>	79%	19%	3,852
<i>Youthful offender filings</i>	98%	2%	101
<i>Arraignments</i>	82%	18%	2,184
<i>Dangerousness hearings</i>	93%	7%	229
<i>Pretrial supervision (total starts)</i>	85%	15%	734
<i>Adjudications</i>	85%	15%	1,005
<i>First-commitments</i>	86%	14%	90
<i>YES transitions</i>	87%	13%	138
<i>Dismissed</i>	73%	25%	2,701

Complete data reporting of custodial arrests by gender was unavailable for this analysis.

†Application for complaint totals broken down by demographics may not match overall totals depending on the date the Trial Court publishes various datasets .

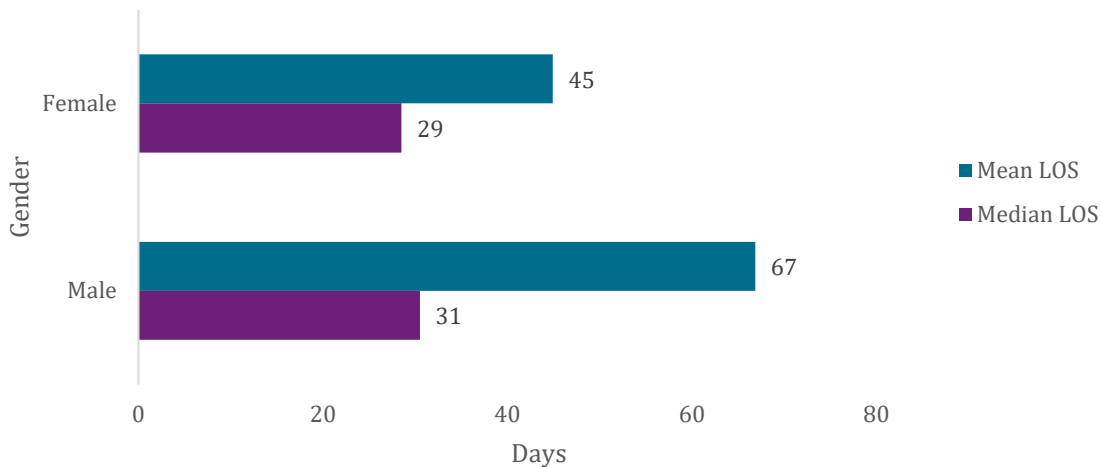
Percentages may not add up to 100% due to missing data. *Massachusetts youth population data is based on CY20 estimates provided by OJJDP: Puzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>*

¹³⁴ Click [here](https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth) to see the Juvenile Justice Date Website: <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

¹³⁵ In FY21, all agencies reported with two gender categories. DYS data is self-reported gender identity. All other data is reported as a youth's identified sex assigned at birth. As described below, DYS provides additional data on the sexual orientation, transgender status and intersex status of youth in its care.

Girls were also less likely than boys to receive a detention or commitment, and more likely to be placed on pretrial supervision and to resolve their case through a CWOV. For girls that were detained, they spent—on average—45 days in detention compared to 67 for boys.

Fig. 82: Length of Stay (LOS) in Detention by Gender (FY21)



*Length of stay data is reported for youth exiting detention during FY21. As a result, youth who have not been released in detention, or remained in detention into the next year are not reflected in this data. Source: *Department of Research, Department of Youth Services*

Table 17: Rate of Change in Juvenile Justice System Utilization by Gender (FY20-FY21)

Process Point	Male/Boy	Female/Girl	Total % Change (FY20-FY21)
Overnight arrest admissions	-28%	-28%	-28%
Applications for complaint	-19%	-35%	-23%
Delinquency filings	-17%	-33%	-20%
Youthful offender filings	-7%	-78%	-12%
Arraignment occurrences (CY19)	-32%	-53%	-37%
Dangerousness hearings	0%	70%	3%
Pretrial detention admissions	-25%	-38%	-28%
Adjudications	-14%	-33%	-18%
First-commitments to DYS	-39%	-41%	-40%
YES transitions	-5%	-31%	-9%
Dismissed	-7%	-18%	-10%

Complete data reporting of custodial arrests by gender was unavailable for this analysis. Gender data shifts were unable to be reported for pretrial supervision (total starts) since this was the first year Probation reported this data to the Board.

Boys made up a larger percentage of other child-serving entities except for DMH applications which girls made up 54% of the applications received. Boys used other systems less at relatively consistent rates between FY20 and FY21. Declines were largest for processes related to the Juvenile Court for girls (i.e., CRA filings and Court Clinic referrals), but for boys, the larger declines were for services out-of-court (i.e., DMH applications and BSAS admissions).

Table 18: Other Systems Utilization Data by Gender (FY21)

<i>Process Point</i>	Male/Boy	Female/Girl	Missing/ Unknown	Total Count at Process Point
<i>Child Requiring Assistance Filing</i>	53%	42%	5%	2,913
<i>Juvenile Court Clinic Referrals</i>	56%	28%	16%	1,027
<i>DMH Applicants</i>	41%	54%	5%	806
<i>BSAS Admissions</i>	61%	37%	1%	719

Table 19: Rate of Change in Other System Utilization by Gender Categories FY20-FY21

<i>Process Point</i>	Male/Boy	Female/Girl	Total % Change (FY20-FY21)
<i>Child Requiring Assistance Filing</i>	-21%	-18%	-19%
<i>Juvenile Court Clinic Referrals</i>	-21%	-30%	-23%
<i>DMH Applicants</i>	-25%	0%	-11%
<i>BSAS Admissions</i>	-28%	-9%	-21%

Sexual Orientation and Gender Identity (Including Transgender Status and Intersex Status)

Currently, only the Department of Youth Services reports on the sexual orientation, transgender status, and intersex status of youth in their care and custody. Sexual orientation and gender identity data is aggregated into one category due to low individual case counts and to protect youth confidentiality.

Table 20 reports the number of youth who identified their sexual orientation as lesbian, gay, bisexual, questioning, “something else,” or preferred not to answer the question, as well as youth who identify as transgender, nonconforming, or nonbinary. On average, youth identifying as LGBTQ+ were detained 80 days in FY21 (median of 47 days).¹³⁶

Additionally, the Bureau of Substance Addiction Services (BSAS) reports the number of referrals for youth who identify as transgender. In FY21, there were nine referrals made for youth who identified as transgender.

Table 20: Number of Admissions to DYS by Sexual Orientation and Gender Identity

<i>DYS Process Point</i>	Count	Total Admissions
<i>Detention Admissions</i>	34	553
<i>First Commitments</i>	*	90

Counts are for an aggregate group of youth who identified their sexual orientation as lesbian, gay, bisexual, questioning, “something else,” or preferred not to answer the question, as well as youth who identify as transgender, nonconforming or nonbinary.

*To maintain confidentiality, data is suppressed when there are less than five admissions in that category.

Source: Research Department, 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

¹³⁶ Length of stay data is reported for youth exiting detention during FY21. As a result, youth who have not been released in detention, or remained in detention into the next year are not reflected in this data. Source: Department of Research, Department of Youth Services.

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. A more complete breakdown at each process point is available on the *Massachusetts Juvenile Justice System: Data and Outcomes for Youth* website.¹³⁷

Some highlights from this data include variations in the use of:

- Pre-arraignment diversion and case dismissals: Although we do not currently have data on the use of diversion, we can make inferences based on the number of cases that are dropped between the initial application for complaint stage and the arraignment stage.¹³⁸ Using this metric, pre-arraignment diversion happens most frequently in Middlesex and Suffolk counties. In FY21, 76% (n=764) of applications for complaint in Middlesex County and 66% (n=501) of applications for complaint in Suffolk County did not make it to an arraignment. Berkshire and Franklin/Hampshire counties also diverted 66% of their applications (n=86 and 114 respectively).

In contrast, Norfolk and Worcester had the lowest rate of pre-arraignment diversion—52% (n=208) of applications in Norfolk and 59% (n=501) of applications in Worcester did not make it to an arraignment. As such, those counties accounted for a larger share of arraignments statewide than their application for complaint rates.

We can also look at total case dismissals, which include any case dismissed for any reason between the delinquency filing and adjudication. Suffolk County dismissed a higher percentage of its cases (post-filing) than any other county—89% (n=391) in FY21. Similarly, Middlesex dismissed 84% (n=481) of its cases. The high rates of pre-arraignment diversion and pre-adjudication dismissal in these counties are likely linked.

Barnstable and Hampden Counties dismissed the lowest percentage of their county filings (52% and 50% respectively). Both counties also had some of the lowest rates of pre-arraignment diversion relative to the other counties. In FY21, 60% (n=235) of applications in Barnstable County and 61% (n=354) of applications in Hampden County did not make it to an arraignment.

- Custodial and overnight arrests: 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. Although cases where youth are taken into custody are more likely to be for more serious alleged offenses¹³⁹, this is not universally true: data on overnight arrest admissions indicates that most overnight arrest admissions are actually for lower-level offenses. (See pg. 35, above, for more details.)

¹³⁷ See: <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>

¹³⁸ There are a variety of reasons a case may be dropped prior to arraignment, including lack of probable cause, insufficient evidence to prosecute, or to divert the youth.

¹³⁹ 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>

In FY21, Hampden County was home to just 7% (n=35,032) of the state's juvenile population but accounted for 22% (n=354) of custodial arrests and 17% (n=76) of all overnight arrest admissions. Likewise, 9% (n=40,955) of Massachusetts' youth live in Suffolk County, but 11% (n=174) of custodial arrests and 22% (n=99) of overnight arrest admissions happen there. Eighteen percent (n=80) of all overnight arrest admissions were for youth who lived in Essex County, even though just 12% (n=58,260) of youth reside there.

In comparison, Franklin/Hampshire, Middlesex, Norfolk, and Plymouth Counties all account for a smaller share of custodial arrests and overnight arrest admissions relative to their county youth population levels.

- Pretrial hearings, supervision and detention: Despite representing 14% (n=315) of all the FY21 arraignments statewide, 33% (n=75) of dangerousness hearings and 16% (n=85) of pretrial detention admissions were for cases in Essex County. Worcester County accounted for a larger share of dangerousness hearings, pretrial supervision and pretrial detention than their overall arraignment rate, and Hampden had higher rates of pretrial supervision and pretrial detention (although had relatively lower rates of dangerousness hearings held).

Bristol, Middlesex, and Norfolk all had lower rates of dangerousness hearings, pretrial supervision and pretrial detention admissions as a percentage of arraignments in those counties in FY21.

Relative to arraignment rates and other counties, Suffolk County also had high rates of dangerousness hearings and pretrial detention admissions. This may be at least partially explained by the fact that Suffolk diverts a larger share of youth prior to arraignment, which may mean that the youth who *are* arraigned are more likely to have been charged with serious/violent offense.

First-time Commitments: Middlesex County accounted for 9% (n=36) of all delinquent adjudications in FY21 but was home for 15% of all the first-time commitments to DYS. In fact, Middlesex County had the highest percentage (36%) of delinquent adjudications resulting in first-time commitments. Similarly, Suffolk County also had a relatively high percentage (28% each) of first-time commitments compared to delinquent adjudications and represented a higher percentage (9%) of the first commitments across the state. This is likely a result of significant diversion and case dismissals across all decision-makers (i.e., police, clerks, district attorney and judge) for youth with first time or lower-level offenses, making the youth that remain in the system in both counties more likely to have serious offenses compared to rates seen in other counties.

Worcester and Plymouth County also had a relatively high percentage of delinquent adjudications resulting in a first-time commitments (28% and 27%, respectively). However, unlike in Middlesex and Suffolk County, there is not any indication of higher-than-average pre-arraignment diversion or case dismissals that raise the "average seriousness level" of cases reaching the adjudication stage.

Table 21: Massachusetts Juvenile Justice System Utilization by County* FY21

Process Point	Bar.	Ber.	Bris.	Ess.	Ham.	FH.	Mid.	Nor.	Ply.	Suf.	Wor.	Total
<i>Massachusetts Youth Population (12-17 years old) (CY20)</i>	13,529	7,834	41,564	58,260	35,032	13,360	108,218	52,551	40,679	40,955	61,746	473,728
<i>Massachusetts Youth Population (6-17 years old) (CY20)</i>	15,287	14,427	80,269	112,973	67,714	25,149	213,133	100,547	76,574	81,920	118,895	916,941
<i>Custodial arrests</i>	34	38	164	192	354	26	224	87	104	174	232	1,629
<i>Overnight Arrest admissions (home county)</i>	3	6	30	80	76	0	42	22	21	99	69	448
<i>Applications for complaint</i>	394	131	655	818	580	170	1,000	403	409	601	847	6,008
<i>Delinquency filings</i>	225	88	378	672	411	125	570	251	221	405	506	3,852
<i>Youthful offender filings</i>	2	1	4	31	5		9	8	9	22	10	101
<i>Arraignments</i>	159	45	245	315	226	57	236	195	157	203	346	2,184
<i>Dangerousness hearings</i>	2	4	20	75	9	2	12	12	15	30	48	229
<i>Pretrial supervision (total starts)</i>	12	7	23	67	93	21	46	30	57	40	81	477
<i>Pretrial detention admissions (home county)</i>	9	10	31	85	78	7	42	25	51	103	106	547
<i>Adjudications</i>	92	22	129	126	160	32	91	66	85	46	157	1,006
<i>Adjudicated delinquent</i>	30	7	64	49	59	19	36	17	44	29	39	393
<i>First-commitments (home county)</i>	4	1	5	13	14	4	13	4	12	8	11	89^
<i>YES transitions (home county)</i>	7	1	9	17	24	5	9	5	16	16	29	138
<i>Dismissed</i>	101	68	268	582	159	84	481	110	145	391	312	2,701
<i>Child Requiring Assistance</i>	109	116	391	380	178	155	432	192	163	420	376	2,912
<i>BSAS Admissions</i>	16	39	98	132	28	19	92	50	78	35	113	700

This table presents the numbers of cases in each county by process point.

*The Massachusetts Juvenile Court consists of 11 divisions across the state: combining Franklin and Hampshire counties, and Barnstable, Dukes and Nantucket counties along with the town of Plymouth. Other entities' data has been combined to match the Juvenile Court divisions.

Bar= Barnstable, Ber=Berkshire, Bris=Bristol, Ess=Essex, Ham=Hampden, FH=Franklin/Hampshire, Mid=Middlesex, Nor=Norfolk, Ply=Plymouth, Suf=Suffolk, Wor=Worcester

^DYS reports "home county" to EOTSS for the OCA's juvenile justice data website. Due to the timing of the data pull, one youth first-commitment is missing from the county analysis.

Table 22: Massachusetts Juvenile Justice System Utilization- County* Percentage of State Involvement FY21

<i>Process Point</i>	Bar.	Ber.	Bris	Ess.	Ham	FH	Mid.	Nor.	Ply.	Suf.	Wor	Total
<i>Massachusetts Youth Population (12-17 years old) (CY20)</i>	3%	2%	9%	12%	7%	3%	23%	11%	9%	9%	13%	473,728
<i>Massachusetts Youth Population (6-17 years old) (CY20)</i>	2%	2%	9%	12%	7%	3%	23%	11%	8%	9%	13%	916,941
<i>Custodial arrests</i>	2%	2%	10%	12%	22%	2%	14%	5%	6%	11%	14%	1,629
<i>Overnight Arrest admissions (home county)</i>	1%	1%	7%	18%	17%	0%	9%	5%	5%	22%	15%	448
<i>Applications for complaint</i>	7%	2%	11%	14%	10%	3%	17%	7%	7%	10%	14%	6,008
<i>Delinquency filings</i>	6%	2%	10%	17%	11%	3%	15%	7%	6%	11%	13%	3,852
<i>Youthful offender filings</i>	2%	1%	4%	31%	5%	0%	9%	8%	9%	22%	10%	101
<i>Arraignments</i>	7%	2%	11%	14%	10%	3%	11%	9%	7%	9%	16%	2,184
<i>Dangerousness hearings</i>	1%	2%	9%	33%	4%	1%	5%	5%	7%	13%	21%	229
<i>Pretrial supervision (total starts)</i>	3%	1%	5%	14%	19%	4%	10%	6%	12%	8%	17%	477
<i>Pretrial detention admissions (home county)</i>	2%	2%	6%	16%	14%	1%	8%	5%	9%	19%	19%	547
<i>Adjudications</i>	9%	2%	13%	13%	16%	3%	9%	7%	8%	5%	16%	1,006
<i>Adjudicated delinquent</i>	8%	2%	16%	12%	15%	5%	9%	4%	11%	7%	10%	393
<i>First-commitments (home county)</i>	4%	1%	6%	15%	16%	4%	15%	4%	13%	9%	12%	89
<i>YES Transitions (home county)</i>	5%	1%	7%	12%	17%	4%	7%	4%	12%	12%	21%	138
<i>Dismissed</i>	4%	3%	10%	22%	6%	3%	18%	4%	5%	14%	12%	2,701
<i>Child Requiring Assistance</i>	4%	4%	13%	13%	6%	5%	15%	7%	6%	14%	13%	2,912
<i>BSAS Admissions</i>	2%	6%	14%	19%	4%	3%	13%	7%	11%	5%	16%	700

This table presents the percentage of county-level involvement at each process point. For example, 16% of all Massachusetts' arraignments came from Worcester County.

*The Massachusetts Juvenile Court consists of 11 divisions across the state: combining Franklin and Hampshire counties, and Barnstable, Dukes and Nantucket counties along with the town of Plymouth. Other entities' data has been combined to match the Juvenile Court divisions.

Bar= Barnstable, Ber=Berkshire, Bris=Bristol, Ess=Essex, Ham=Hampden, FH=Franklin/Hampshire, Mid=Middlesex, Nor=Norfolk, Ply=Plymouth, Suf=Suffolk, Wor=Worcester

Appendices

Appendix A: Summary of Statutory Changes in the 2018 Criminal Justice Reform Bill

An Act Relative to Criminal Justice Reform made numerous changes impacting the juvenile justice system, including:

- **Raising the Lower Age:**
 - Raising the lower age of criminal responsibility from age 7 to age 12
- **Removal of Juvenile Court Jurisdiction for Certain Offenses:**
 - Youth can no longer be found delinquent for certain offenses:
 - Violations of local ordinances
 - First offenses for lower-level misdemeanors (maximum punishment is fine and/or incarceration for no more than six months) including disorderly conduct
- **New Requirements for School Resource Officers (SROs) and Schools Districts:**
 - Decriminalizing “disturbing lawful assembly” and “disorderly conduct” offenses for students under 18 when in school or at school events
 - New requirements regarding how SROs are assigned and trained
 - Requirements that school districts and police departments sign Memorandum of Understanding and develop Standard Operating Procedures governing SRO conduct and involvement in school discipline
- **Increased Opportunities for Judicial Diversion**
 - Authorizes Juvenile Court judges to divert some youth pre-arraignment
 - Specifically authorizes diversion to Restorative Justice programs
 - Juvenile Court judges can convert delinquency charges to civil infractions
- **Revising Juvenile Lock-Up Procedures**
 - Removes requirement that the police department contact Probation when there is a written request to detain a child overnight
 - Requires police department to notify DCF when a child in the care and custody of DCF has been arrested and will otherwise be at risk of overnight lock-up

Appendix B: FY21 Data Indicating Impact of *An Act Relative to Criminal Justice Reform*

An Act Relative to Criminal Justice Reform Data	
Law Change	FY21 Data
<p>Raised the lower age of criminal responsibility from age 7 to age 12</p>	<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"> • 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. • There is no evidence available to the Board indicating youth under 12 are using other state systems. For example, there has been a 41% decrease in the number of Child Requiring Assistance (CRA) petitions filed for youth under 12 between FY17 and FY21. (Data breakdowns provided starting on pg. 81 of the Annual Report.) • 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.
<p>Removed Juvenile Court jurisdiction for violations of local ordinances and first, low-level misdemeanor offenses including disorderly conduct</p>	<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</p>

	<p>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"> • Applications for complaint for <i>public order</i> offense types (including “violations of local ordinances” pre-2018 reforms) have decreased 82% since FY18. Pre-Criminal Justice Reform Act, <i>public order</i> offenses made up 9% of the applications for complaint, but by FY21, they made up just 3% of the applications. (Data breakdowns provided starting on pg. 38 of the Annual Report.) • Applications for complaints with underlying <i>misdemeanor</i> offenses have declined 49% since FY18. (Data breakdowns provided starting on pg. 38 of the Annual Report.) • Adjudications of all types (i.e., CWOFs, delinquent and not delinquent) with underlying <i>misdemeanor</i> offenses have declined 76% since FY17. (Data breakdowns provided starting on pg. 59 of the Annual Report.)
<p>Decriminalized “disturbing lawful assembly” and “disorderly conduct” offenses for students under 18 when in school or at school events</p>	<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"> • Applications for complaint for <i>public order</i> offense types (including “disturbing lawful assembly” and “disorderly conduct” pre-2018 reforms) have decreased 82% since FY18. (Data breakdowns provided starting on pg. 38 of the Annual Report.) • There is no evidence suggesting youth committing these offenses have received Habitual School Offender

	<p>petitions in the Child Requiring Assistance (CRA) system instead of being processed through the delinquency system. Habitual School Offender filings have decreased 92% since FY17. While much of this decrease is likely a result of the pandemic, there was still a 22% decrease in filings from FY17 to FY20. (Data breakdowns provided starting on pg. 81 of the Annual Report.)</p>
<p>Authorized Juvenile Court judges to divert some youth pre-arraignment</p>	<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"> • In FY21, about 83% of applications, 74% of filings and 54% of arraignments were dismissed before the point of adjudication. In FY18, 77% of applications, 67% of filings and 54% of arraignments resulted in an adjudication. Together, this data suggests diversion has increased pre-arraignment. (Data breakdowns provided starting on pg. 38-46 of the Annual Report.)
<p>Removed the requirement that police departments contact Probation when there is a written request to detain a child overnight</p>	<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"> • Overnight arrest admissions have decreased 71% since FY17. (Data breakdowns provided starting on pg. 35 of the Annual Report.)

Appendix C: Total Charge Distribution Table (Arrest Occurrences CY17-FY21)

Charge	CY17	CY18	CY19	FY21	% Change from CY19	% Change from CY17
Murder/Manslaughter	6	2	4	3	-25%	-50%
Assaults	3,336	2,599	2,479	1,566	-37%	-53%
Rape/Sex Assault	389	419	410	316	-23%	-19%
Robbery	228	169	300	159	-47%	-30%
Threat/Intimidation	645	594	386	172	-55%	-73%
Abuse Prevention Act	55	42	44	23	-48%	-58%
Other Violent Offense	61	103	93	51	-45%	-16%
Larceny/Fraud	1,025	643	587	373	-36%	-64%
Burglary/B&E	709	407	483	436	-10%	-39%
Destruction of Property	969	668	496	445	-10%	-54%
Rec/Poss. Stolen Property	452	227	307	240	-22%	-47%
Forgery/Uttering	31	27	33	9	-73%	-71%
Arson/Burn	36	12	18	28	56%	-22%
Trespass	235	120	99	81	-18%	-66%
Other Property Offense	68	51	97	139	43%	104%
CSA Class A	72	37	45	33	-27%	-54%
CSA Class B	92	69	56	66	18%	-28%
CSA Class C	27	19	18	18	0%	-33%
CSA Class D	125	89	58	46	-21%	-63%
CSA Class E	44	25	26	14	-46%	-68%
Conspiracy Viol CS Law	39	36	14	17	21%	-56%
CSA School/Park/Plygd.	38	15	20	3	-85%	-92%
Other CS Offense	50	36	17	21	24%	-58%
Motor Vehicle Homicide	2	1	2	3	50%	50%
Driving Under Influence	37	18	32	39	22%	5%
Other Major Motor Vehicle	553	249	336	317	-6%	-43%
Disturbing/Disorderly	1,203	662	273	142	-48%	-88%
Firearm Offense	493	428	545	568	4%	15%
Prostitution	5	1	1	0	-100%	-100%
Liquor Law Violation	156	76	54	25	-54%	-84%
Other Public Order Offense	1,160	799	770	467	-39%	-60%
Total	12,341	8,643	8,103	5,820	-28%	-53%

Source: Massachusetts Trial Court Analysis (Data from Department of Criminal Justice Information Services)

Appendix D: Youth BSAS Admissions, Primary Referral Made at Disenrollment (FY18-FY21)

Referral To	FY18	FY19	FY20	FY21
Acupuncture	*	*	0	0
ATS - Level A	11	11	*	*
BMC Central Intake	*	n/a	n/a	n/a
Clinical Stabilization Services	11	9	*	*
Community and Religious Organizations	**	*	0	*
Community Behavioral Health	*	*	0	0
Court - Section 35	n/a	0	*	0
Dept. of Children and Families	37	22	20	9
Dept. of Developmental Services	n/a	*	0	0
Dept. of Mental Health	*	n/a	n/a	n/a
Dept. of Probation	**	*	*	0
Dept. of Youth Services	**	*	*	*
Drug Court	n/a	0	*	0
Drunk Driving Program	0	*	0	0
Emergency Room	**	7	*	*
Family Intervention Programs	14	6	12	11
Healthcare Professional, Hospital	*	6	**	*
Mental Health Care Professional	32	21	37	10
Opioid Treatment	*	*	0	0
Other SA Treatment	31	7	9	11
Other State Agency	*	*	*	0
Outpatient SA Counseling	245	187	57	45
Recovery High School	20	*	9	**
Recovery Support Center	**	*	*	*
Referral Attempted - Not Wanted by Client	47	42	27	12
Referral Not Made - Client Dropped Out	147	109	57	59
Referral Not Needed - Appropriate Mental Health Clinical Services Already in Place	87	67	67	54
Referral Not Needed - Appropriate Substance Abuse Clinical Services Already in Place	37	19	26	17
Referral Not Needed - Assessment Indicates that Client Does Not Require to Enter Formal Treatment	29	27	14	15
Residential Treatment	162	111	55	41

School Personnel, School Systems	**	*	*	0
Second Offender Aftercare	n/a	0	0	*
Self, Family, Non-Medical Professionals	66	35	28	17
Shelter	0	*	0	0
Sober House	*	*	0	*
Transitional Support Services	*	*	0	0
Total	924	714	452	327

Youth is defined as a person between the ages of 12 and 17.
 To maintain client confidentiality, the data in cells with $1 < \text{counts} \leq 5$ are suppressed (primary cell suppression*).
 Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated.
 Source: Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/09/2020 with data as of 07/31/2020.

Appendix E: Juvenile Court Clinic Referrals by Reason (FY17-FY21)

Referred to Juvenile Court Clinic For	FY17	FY18	FY19	FY20	FY21
Youthful Offender Eval (c119 §58)	0	*	0	0	0
Aid In Sentencing Eval	*	0	*	0	0
Behavioral Health Screening	178	234	325	186	81
Brief Psychotherapy	39	75	75	106	27
Care & Protection Eval	101	64	85	46	53
Case Management	0	0	*	*	*
Child Requiring Assistance Eval	466	417	462	250	197
Competence to Proceed Eval	19	*	13	*	*
Competency and/or Criminal Responsibility Eval	240	209	157	109	98
Diagnostic Study (c119 §68A)	226	195	174	128	70
Emergency Mental Health Commitment Eval	*	*	*	*	*
Medication Consultation	*	*	0	0	0
Other [^]	236	118	32	429	410
Parental Rights Eval	0	0	0	0	0
Psychological Testing	*	*	12	*	*
Substance Abuse Commitment Eval	94	84	80	47	56
Total	1,611	1,415	1,423	1,330	1,027
<p>* Indicates a non-zero number under eleven (11) [^] For 'Referred to Juvenile Court Clinic For' categories, "Other" is inclusive of multidisciplinary meetings, consultations, specialized evaluations <i>Source: Department of Mental Health</i></p>					

Appendix F: Additional Measures of Disparities Data Tables

Measure of Disparities for Juvenile Justice Utilization Data- RoD and RRI (FY21)							
Process point	Base Population	Black/ African American		Hispanic/ Latino		White	
		RoD	RRI	RoD	RRI	RoD	RRI
Custodial arrests	Massachusetts Youth Population (12-17 years old) (CY20)	2.6	3.6	1.3	1.9	0.7	1.0
Overnight Arrest admissions	Massachusetts Youth Population (12-17 years old) (CY20)	2.8	8.8	2.3	7.3	0.3	1.0
Applications for complaint	Massachusetts Youth Population (12-17 years old) (CY20)	1.9	2.9	1.2	1.9	0.6	1.0
Delinquency filings	Applications for complaint	1.2	1.3	1.2	1.3	0.9	1.0
Youthful offender filings	Delinquency filings	1.6	3.2	1.3	2.7	0.5	1.0
Arraignments	Delinquency filings	1.3	1.0	n/a	n/a	1.4	1.0
Dangerousness hearings	Arraignments	1.1	2.6	n/a	n/a	0.4	1.0
Pretrial detention admissions	Arraignments	1.1	2.6	n/a	n/a	0.4	1.0
Adjudications	Arraignments	1.0	1.4	n/a	n/a	0.7	1.0
First-commitments	Adjudications	1.1	1.6	1.5	2.2	0.7	1.0
Dismissed	Delinquency filings	1.1	1.1	0.9	0.9	1.0	1.0

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 by the percentage of youth in that same racial/ethnic group in a base population. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation.

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.

^Data for other race categories is not reported due to small numbers across most process points, different definitions for each reporting entity, and each entities’ data suppression thresholds to protect confidentiality.

^^Custodial arrest data is preliminary. Final datasets will be reported by the federal NIBRS reporting system by fall 2022.

* Arraignment data for Hispanic/Latino youth was not reported. DCJIS reports that its data system currently only collects data on “race” and does not have a separate category for “ethnicity.” As a result, the DCJIS cannot currently report the number of Hispanic/Latino youth arraigned each year for Probation’s analysis provided to the OCA for this report.

Measure of Disparities for Other Systems Utilization Data-RoD and RRI (FY21)							
Process point	Comparison Point (denominator)	Black/ African American		Hispanic/ Latino		White	
		RoD	RRI	RoD	RRI	RoD	RRI
Child Requiring Assistance Filing	Massachusetts Youth Population (6-17 years old) (CY20)	1.4	2.7	1.5	2.7	0.5	1.0
Juvenile Court Clinic Referrals	Delinquency Filings (FY21)	0.4	0.4	n/a	n/a	1.2	1.0
DMH Applicants	Massachusetts Youth Population (12-17 years old) (CY20)	0.8	0.8	0.7	0.7	1.0	1.0
BSAS Admissions	Massachusetts Youth Population (12-17 years old) (CY20)	0.6	0.6	1.0	1.0	1.0	1.0

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 by the percentage of youth in that same racial/ethnic group in a base population. RoDs greater than 1.0 indicate overrepresentation. RoDs less than 1.0 indicate underrepresentation.
 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.
 ^Data for other race categories is not reported due to small numbers across most process points, different definitions for each reporting entity, and each entities’ data suppression thresholds to protect confidentiality.
 *Juvenile Court Clinic race/ethnicity data breakdowns were not reported in a way in which we could report Hispanic/Latino youth with other race categories.

Commonwealth of Massachusetts

Office of the Child Advocate



Address

One Ashburton Place, 5th Floor
Boston, MA 02108

Website

<https://www.mass.gov/orgs/office-of-the-child-advocate>
<https://www.mass.gov/juvenile-justice-policy-and-data-board>

Contact

Melissa Threadgill, Director of Strategic Innovation
Email: melissa.threadgill@mass.gov