



Juvenile Justice Policy and Data Board

Massachusetts Juvenile Justice System

2023 JJPAD ANNUAL REPORT

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

JANUARY 2024

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

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Members of the JJPAD Board

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

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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

Previous annual reports, as well as reports on special research topics can be found on the JJPAD website: <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 executive branch agency with oversight and ombudsperson responsibilities, established by the Massachusetts Legislature in 2008. The OCA's mission is to ensure that children receive appropriate, timely and quality state services, with a particular focus on ensuring that the Commonwealth's most vulnerable children have the opportunity to thrive. Through collaboration with public and private stakeholders, the OCA identifies gaps in state services and recommends improvements in policy, practice, regulation, and/or law. The OCA also serves as a resource for families who are receiving, or are eligible to receive, services from the Commonwealth.

Guide to Acronyms

Acronym	Definition
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)
CRA	Child Requiring Assistance
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 Admission
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 **summarizes the JJPAD Board's work in (calendar year) 2023**, including:

- The Board's two new research projects: (1) focusing on the pretrial phase of the state's juvenile justice system and (2) focusing on youth with child welfare and juvenile justice system involvement ("dually involved youth").
- The Childhood Trauma Task Force (CTTF)'s 2023 work.
- Monitoring of initiatives launched as a result of JJPAD Board recommendations, including the Massachusetts Youth Diversion Program, as well as the Center on Child Wellbeing and Trauma.
- Current and prior legislation impacting the juvenile justice system.

This report also describes **juvenile justice system (fiscal year) 2023 data trends** and key takeaways from the data, including:

- **There was an increase in use of the juvenile justice system in Massachusetts in FY23 compared to FY22**, and, generally, there has been an increase in system use since pre-pandemic (FY19). This increase begins at the "front door" of the system with an increase in applications for complaint (driven in particular by an increase in arrests) and continues through all major court process points.
- **This increase is driven by increases in cases involving youth alleged of misdemeanor/lower-level offenses.** This is true even at process points that involve taking a youth into custody (e.g., arrests, detention), which generally involve more serious offenses.
- The number of cases of youth entering and moving through the juvenile justice system in FY23 is lower than it was prior to passage of the Criminal Justice Reform Act (CJRA) (FY18). However, **if the recent rates of increase over the past two years continue, system use will revert to pre-CJRA levels in the next one to two years.**
- **Additionally, racial and ethnic disparities worsened at the beginning stages of the system compared to last year, particularly with regards to applications for complaint**

brought by arrest rather than by a court summons. In FY23, compared to white youth in the state:

- Black/African American youth were 3.85 more likely to have charges filed against them via an application for complaint, but 4.89 times more likely to have been arrested and brought to court. They were 2.98 more times likely to be summonsed into court than white youth.
- Latino/Hispanic youth were 2.35 times more likely to have charges filed against them via an application for complaint, but 2.89 times more likely to have been arrested and brought to court. They were 1.93 times more likely to be summonsed into court than white youth.
- **Youth held at DYS have higher rates of behavioral health needs, educational challenges, and – in some cases — trauma than last year, including an increase in the percentage of youth detained who have current child welfare system involvement.**

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

- **Increase opportunities to divert youth away from the system prior to court involvement**
 - Increase investments in community-based programs aimed at reducing system involvement and promoting prosocial activities.^{1,2}
 - Expand the number and functions of Family Resource Centers across the state.³
 - Police departments should provide more guidance to officers on when to use an arrest, when to seek a summons, and when to offer diversion.⁴
 - The state should continue to support and expand the Massachusetts Youth Diversion Program⁵ -- and practitioners who have the legal authority to divert are

¹ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

² [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

³ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁴ Ibid.

⁵ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

strongly encouraged to utilize the MYDP and other programs that can support youth in being successful in diversion.

- **Address the policies and practices in the state contributing to racial and ethnic disparities in the juvenile justice system:**
 - Police departments should review internal data to see if the disparities highlighted in this report and the Board’s 2022 report are replicated at the department and/or individual officer level to guide further practice recommendations.⁶
 - Police departments should require officers to document why they decided to arrest a youth instead of seeking a summons and publish their findings.⁷
 - Police departments should re-examine which department policies and practices may be contributing to racial and ethnic disparities in arrests, including policies and practices regarding how decisions on where (e.g., what neighborhood), when (e.g., during the day, in school, overnight), how (e.g., traffic stops, on foot patrol, in schools) and in what manner (e.g., use of stop & frisk techniques) police enforce public safety.⁸
- **Improve the triaging of and access to supports for youth with unmet needs. Previous Board recommendations include:⁹**
 - Expand availability and access to services that promote youth mental health.¹⁰
 - Support delinquency prevention efforts in schools¹¹ and address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support.¹²
 - Expand substance use services for youth involved in the juvenile justice system and those at risk of involvement.¹³

⁶ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-jvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts’ Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-jvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

⁷ Ibid.

⁸ Ibid.

⁹ The Board adds to the chorus of voices making similar recommendations for youth across the state and recognizes the current challenges the state is facing to meet those recommendations.

¹⁰ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/covid-19-and-the-massachusetts-jvenile-justice-system-jypad-report-october-2021/download). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-jvenile-justice-system-jypad-report-october-2021/download>

¹¹ Ibid.

¹² [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts’ Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

¹³ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/covid-19-and-the-massachusetts-jvenile-justice-system-jypad-report-october-2021/download). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-jvenile-justice-system-jypad-report-october-2021/download>

- Executive branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements.¹⁴
- Prioritize expanding evidence-based treatment services for youth involved in the justice system as part of ongoing behavioral health reforms.¹⁵
- Build skills and capacity on the child-serving “front line” to address pandemic-related traumatic stress and behavioral health needs.¹⁶
- Educate families and child-serving professionals about all options available for support.¹⁷

Each year, the JJPAD Board relies on the data presented in this report to develop its work plan for the year. The Board uses the analysis in this report to help determine what new research projects or initiatives to launch. Last year’s annual report informed the Board’s 2023 work plan,¹⁸ which includes the two new projects (focused on pretrial projects and dually involved youth) further detailed in this report.

The analysis presented in the data section of this report reiterates the need – and urgency—to continue these new projects into 2024. The Board plans to release reports in the coming year with recommendations for improvements regarding each of these topics.

¹⁴ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

¹⁵ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019). Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>; Massachusetts Juvenile Justice Data and Policy (JJPAD) Board. (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

¹⁶ Massachusetts Childhood Trauma Task Force. (2020). From Aspiration to Implementation: A Framework for Becoming a Trauma-Informed and Responsive Commonwealth. <https://www.mass.gov/doc/childhood-trauma-task-force-2020-annual-report/download>

¹⁷ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

¹⁸ See: <https://www.mass.gov/doc/jypad-board-2023-work-objectives-0/download>

Introduction

The Juvenile Justice Policy and Data (JJPAD) Board was created by *An Act Relative to Criminal Justice Reform* (2018).¹⁹ The Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of stakeholders involved in the juvenile justice system.

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

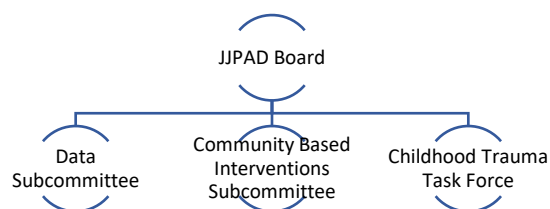


Figure 1: JJPAD and CTF Structure

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.²⁰

This report provides a summary of the JJPAD Board and Childhood Trauma Task Force work in calendar year 2023 and presents and analyzes juvenile justice system and other child-serving entities’ data for FY23.²¹

¹⁹ See: <https://malegislature.gov/Bills/190/S2371>

²⁰ [The Massachusetts Childhood Trauma Task Force](https://www.mass.gov/doc/childhood-trauma-task-force-cttf-2023-annual-report/download). (2023). Childhood Trauma Task Force Annual Report. <https://www.mass.gov/doc/childhood-trauma-task-force-cttf-2023-annual-report/download>

²¹ See: <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section89>

Summary of JJPAD Board & Childhood Trauma Task Force 2023 Work

The JJPAD Board, CTTF, and Subcommittees met virtually throughout the year. This year, the Board launched two new research projects in addition to the Board’s ongoing work of monitoring the implementation of its previous recommendations as well as state legislation.²² This next section summarizes these two initiatives, as well as the work of each Subcommittee and the JJPAD Board in 2023.

New Initiatives

Massachusetts has made a concerted effort to decrease the use of pretrial detention for youth. This effort—a result of initiatives, policy changes, and practice shifts—has been largely successful. From FY2015 to FY2022, pretrial detention admissions for youth dropped by 68%.

This is not the moment to declare “Mission Accomplished,” however. As a wide body of research has made clear, even a short stay in pretrial detention can have a significant negative impact on a youth, making it imperative that this option be used as infrequently as possible.²³ Despite the overall positive trajectory over the past decade, use of detention has increased in recent years, including a 14% increase in detention admissions from FY22 to FY23. Almost half of these admissions (46%, n=353) were for lower-level offenses – most frequently, misdemeanor assault & battery.

Further, the number of youth supervised/monitored pretrial by probation has grown considerably: in FY23, 1,550 new pretrial supervision cases started, a 68% increase from the 924 case starts in FY22. This is a shift in the pretrial landscape in Massachusetts that has not previously been publicly documented, studied, or discussed. Given that a majority of youth who are detained are held as a result of bail or personal recognizance being revoked after an alleged violation of pretrial or probation condition, it is worth further examining the use of pretrial probation for youth in Massachusetts today. What more can we do as a Commonwealth to help youth succeed during the pretrial phase and, ultimately, avoid detention?

Of particular concern, more than half of all pretrial detention admissions in FY23 were for youth who were involved with the Department of Children and Families (DCF) in some way at the time of admission.²⁴ This is a population of youth who have experienced considerable trauma and adversity in their lives, and who are, in many cases, currently in the care and custody of the Commonwealth. It behooves us, as a state, to focus on the unique needs and circumstances of this particular group of youth and identify steps we can take to reduce their disproportionately high detention rates.

²² For more information on the JJPAD work plan, see: <https://www.mass.gov/doc/jpad-board-2023-work-objectives-0/download>

²³ Justice Policy Institute. (2007). The Dangers of Detention. <https://www.aecf.org/resources/the-dangers-of-detention>

²⁴ Further breakdown can be found on page 65 of this report.

These statistics and concerns led the JJPAD Board to focus on two initiatives this year: one focused on the pretrial phase, and one focused on “dually involved” youth who cross over from the child welfare system to detention or commitment with the Department of Youth Services.

Massachusetts Juvenile Pretrial Phase Research

This research project aims to answer the following questions:

1. How can we improve pretrial success rates and reduce the need for detention?
2. What practices can help us improve long-term outcomes for youth and protect public safety?
3. What do victims want during this phase?
4. Can any of the youth who are being placed on pretrial probation and/or detained be diverted and served through community-based services?
5. What community-based interventions or supports need to exist in order to divert more of this population from detention and/or the justice system entirely?

To answer these questions, the Board will employ mixed methods:

Interviews with stakeholders: OCA staff have been conducting interviews with professionals, stakeholders, and people with experience in the juvenile pretrial phase to learn about first-hand experiences and practices within these systems. The goal of these interviews is to identify common gaps, challenges, and areas of strength; gain insight on stakeholder ideas for further system improvement; and assess potential shifts in policy and practice that could potentially divert youth away from the traditional court process. To date, OCA staff have conducted 26 interviews, with plans to continue these interviews into 2024.

Subcommittee presentations: The CBI Subcommittee has dedicated all or part of their quarterly meetings to learn about the pretrial phase from system stakeholders. Meeting topics have included presentations from the Committee for Public Council Services (CPCS), Massachusetts Probation Services (MPS), and the Department of Youth Services (DYS).

In addition to the methods above, the Board will also do a review of any current policies impacting the pretrial phase, conduct a national review of other state’s pretrial policies and practices, and analyze data on the pretrial phase provided by DYS and MPS.

Dually Involved Youth (DIY) Project

Youth with DCF involvement are significantly overrepresented in our state’s juvenile justice system. In FY23, 51% (n=395) of all pretrial detention admissions involved youth with current DCF involvement.²⁵ A youth with current DCF involvement was 38 times more likely to be detained in FY23 than a youth in Massachusetts who was *not* currently involved with DCF.²⁶

²⁵ Further breakdown can be found on page 65 of this report.

²⁶ About 3% (n=395) of youth (12-17 years old) involved with DCF in FY23 were detained pretrial, out of an estimated 13,387 youth (12-17) who were involved with DCF. (These are averages and estimated calculations for FY23. At the time of this report,

Similarly, 41% (n=76) of youth committed to DYS for the first time had DCF involvement at the time of their commitment.

While both local and national data clearly demonstrates that child welfare involvement can increase the likelihood of juvenile justice system involvement, we know very little about the unique circumstances specific to Massachusetts that lead to youth involved with DCF being held in pretrial detention and/or committed to DYS. This project aims to fill that gap by answering the following questions:

1. Who is dually involved and why?
2. Are there policies and practices specific to Massachusetts that are contributing to dual involvement?
3. Are there policies and practices that could help prevent/reduce dual involvement?
4. Can any of these youth be diverted – either from detention or the juvenile justice system entirely?
5. What community-based interventions or supports need to exist for that to happen?

To answer these questions, the Board will employ mixed methods:

Interviews with stakeholders: OCA staff have been conducting interviews with professionals, stakeholders, and people with experience in the juvenile justice and child welfare system to learn about first-hand experiences and practices within these systems. The goal of these interviews is to identify common gaps, challenges, and areas of strength; gain insight on stakeholder ideas for further system improvement; and assess potential shifts in policy and practice that could limit juvenile justice system involvement for DCF-involved youth. To date, OCA staff have conducted 34 interviews, with plans to continue these interviews into 2024.

Data Analysis: In partnership with DYS and DCF, OCA staff will analyze data on youth with both DYS and DCF involvement in FY22 or FY23. The data sample analyzed will include:

1. Youth with a pretrial detention admission in FY22 or FY23 who had DCF involvement within four years of their detention admission.
2. Youth committed to DYS in FY22 or FY23 who had DCF involvement within four years of their first commitment to DYS.
3. Youth participants in DYS Youth Engaged in Services (YES) program in FY22 or FY23 who had DCF involvement within four years of their YES participation.

The dataset will include measures on:

DCF has not published its Annual Report documenting the unduplicated number of youth involved in the agency. The Board took an average across FY23 quarterly reports accessed online: <https://www.mass.gov/info-details/departments-of-children-and-families-reports-data>.) In comparison, approximately 0.08% (n=373) of Massachusetts' youth population who did *not* have DCF involvement were detained. In CY20, there was an estimated 460,350 youth in Massachusetts not involved with DCF (473,738 youth in Massachusetts, minus the 13,387 youth (12-17) involved with DCF).

- DCF contact & case information
- DCF placement information
- Youth needs, supports and interventions
- Family needs, supports and interventions
- Delinquency case information
- DYS placement information

Additionally, OCA staff will conduct a case file review for each youth identified. The goal of this case file review is to collect and analyze detailed qualitative data on:

1. The circumstances surrounding the alleged delinquent offense that initiated contact with the juvenile justice system (e.g., time and place of arrest).
2. The circumstances surrounding the youth's life prior to their arrest (e.g., significant life events, other state agency involvement).

The OCA will report the analysis to the JJPAD Board and Subcommittees to inform the DIY project.

In addition to the methods above, the Board will also conduct a review of any current policies that could be contributing to youth being dually involved and conduct a national review of other state's policies and practices for this population.

Childhood Trauma Taskforce (CTTF) 2023 Work

Building off its work in previous years, this year the CTTF focused on the two remaining parts of its legislative mandate: reviewing our state's current means of providing trauma-focused services and, as part of the JJPAD Board's dually involved youth project, studying the pathways through which children who have experienced maltreatment cross over to our juvenile justice system.

In particular, the CTTF's 2023 Annual Report²⁷ highlights the Task Force's work on expanding the availability of trauma-focused services. While some progress has been made, the state continues to face significant workforce shortages and retention challenges in the field of behavioral health, leading to a dearth of trauma services, long waitlists, and other access challenges. **Without these services, many of the state's efforts to support children who have experienced trauma cannot succeed.** To develop recommendations for next year's annual report, in 2023 the CTTF researched and discussed:

1. The current landscape of trauma supports for very young children, students in K-12, and youth involved with the juvenile justice system.

²⁷ [The Massachusetts Childhood Trauma Task Force](https://www.mass.gov/doc/childhood-trauma-task-force-cttf-2023-annual-report/download). (2023). Childhood Trauma Task Force Annual Report. <https://www.mass.gov/doc/childhood-trauma-task-force-cttf-2023-annual-report/download>

2. Childhood trauma training requirements, if any, for child-serving professionals working with state agencies (either as employees or contracted providers).
3. The ways in which our state tracks the availability and type of trauma-focused services for children and families.

JJPAD Board Continued Oversight of Prior Initiatives and Impact of Legislation

Monitoring the Implementation of the Massachusetts Youth Diversion Program

In its 2019 report on diversion, the JJPAD Board found that there were no statewide standards or guidelines in Massachusetts regarding the use of diversion, and no entity that provided oversight for diversion practices.²⁸ That report recommended the creation of a statewide diversion program to ensure that youth across the Commonwealth had equitable access to high quality, state-funded diversion programming.

As a result of that report, with funding allocated by the Legislature in the state budget, the Office of the Child Advocate (OCA) partnered with the Department of Youth Services (DYS) to launch the Massachusetts Youth Diversion Program (MYDP), a multiphase state-funded youth diversion initiative that provides high-quality, evidence-based programming that can serve as an alternative to arresting youth or prosecuting them through the Juvenile Court. Phase I of the MYDP consisted of a “Learning Lab” that piloted the new model between January 2022 and December 2022 in three counties:

- Essex County (with diversion services provided by [Family Services of the Merrimack Valley](#))
- Middlesex (with diversion services provided by [NFI Massachusetts](#))
- Worcester (with diversion services provided by [Family Continuity](#))

In October of 2023, the OCA released a report analyzing the implementation of the program in that first year.²⁹ Key findings from the report include:

- 134 youth were referred to the program in 2022, with the monthly referral rate steadily increasing over the course of the year as more potential referrers learned about the program.
- One of the goals of the program is to help combat overrepresentation of Black and Latino youth in the juvenile justice system. Early data from the program suggests that the program is helping to reduce disparities for Hispanic/Latino youth – who made up

²⁸ [Massachusetts Juvenile Justice Data and Policy Board](#). (2019). Improving Access to Diversion and Community- Based Interventions for Justice-Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and- community-based- interventions-for-justice-involved-youth-0/download>

²⁹ [Massachusetts Office of the Child Advocate](#). (2023). The Massachusetts Youth Diversion Program: Impact Report. <https://www.mass.gov/doc/oaca-report-on-the-massachusetts-youth-diversion-program/download>

46% of youth who reached intake by the end of 2022 – but that additional work is needed to ensure that Black youth (who made up 8% of referrals) have equitable access to the program.

- 69% of cases were closed successfully, while another 14% were returned to the original referrer for reasons other than lack of success in program.

In addition to tracking program data, the MYDP surveys youth graduates of the program to understand their experiences. In a survey of 2022 youth graduates, 86% of youth agreed that after completing the program, they felt they could stay out of trouble, and 86% noted that the program helped them reflect on any harm they may have caused.

The “Learning Lab” Phase of the MYDP ended in December 2022. In January 2023, the program expanded to Plymouth (with diversion services provided by [Old Colony YMCA](#)) and Hampden (with diversion services provided by [Gándara](#)) counties.³⁰ In 2024, the program will expand to two additional sites, covering Bristol county and the Cape and Islands.

The Center on Child Wellbeing and Trauma (CCWT)

The creation of the [Center on Child Wellbeing & Trauma](#)’s (CCWT) was a 2020 recommendation of the Childhood Trauma Task Force, and the Center launched in October 2021 following an appropriation in the state budget.

In FY23, CCWT provided organizational trauma-responsiveness assessments, training, technical assistance, educational materials, and ongoing support to Family Resource Centers (FRCs), congregate care providers, multi-service organizations, community coalitions, and child-serving state agencies (DCF, DYS, DTA, EOHLC). In FY24, the CCWT is transitioning from ForHealth Consulting at UMass Chan Medical School and becoming a division of the OCA, reflecting the Legislature’s long-term commitment to the Center as demonstrated by the creation of a separate line item for CCWT under the OCA’s budget. This move will promote strategic alignment with the OCA’s mission and mandate as well as with other child-serving state agencies. In FY24, CCWT will continue much of the work of FY23 and plans to engage in several new initiatives with state agencies and providers.



Figure 2: CCWT logo

³⁰ MYDP FY23 data can be found in the “State Diversion: Massachusetts Youth Diversion Program (MYDP)” section on page 37 in this report.

Monitoring and Reporting on the Implementation of Any New Legislation Impacting the Juvenile Justice 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), which established the JJPAD Board:³¹ In the JJPAD Board's 2019 Report, *Early Impacts of "An Act Relative to Criminal Justice Reform"* the Board presented an in-depth analysis of the first year of implementation of this law, including recommendations for additional changes in statute and practice that could help smooth challenges discovered in the implementation process.³²

Since 2020, the JJPAD Board has focused on tracking evidence of the law's ongoing impact on juvenile justice system utilization rates. So far, the law is having its intended effect of decreasing the number of youth coming into contact with the juvenile justice system. However, as the data below indicates, these trends have reversed in recent years, and if they continue will bring the state back to pre-CJRA numbers.³³

- ***An Act relative to justice, equity and accountability in law enforcement in the Commonwealth*** (2020):³⁴ In December 2020, the Legislature passed *An Act relative to justice, equity and accountability in law enforcement in the Commonwealth* (referred to in this report as the "2020 Policing Act"), which included four provisions specific to the juvenile justice system. Three of these provisions related to schools establishing guidance on police/school partnerships and trainings for schools with school resource officers have been implemented.³⁵

In addition to monitoring the implementation and impact of enacted legislation, the Board makes recommendations to the Legislature for changes to statutes impacting the juvenile justice system. In the current legislative session (2023-2024), there are three bills related to prior recommendations made by the JJPAD Board:

1. *An Act regarding families and children in need of assistance (H.134/S.101)* would make changes to the Commonwealth's Child Requiring Assistance (CRA) system by:
 - Expanding the role and functions of the state's Family Resource Centers (FRCs)

³¹ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

³² 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>

³³ Appendix A details the juvenile justice reforms made in the 2018 Criminal Justice Reform Act and FY23 data findings.

³⁴ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2020/Chapter253>

³⁵ Appendix B details each relevant provision and implementation updates available to the JJPAD Board.

- Changing the CRA filing process to require a probation officer to determine that all community-based options have been exhausted prior to the filing of a CRA, and connect the family to the local FRC if not
- Raising the age of Juvenile Court jurisdiction from 6 to 12

These changes come from recommendations made by the Board in its 2022 report.³⁶

2. *An Act updating bail procedures for justice-involved youth (H.1494/S.993)* would eliminate the \$40 bail administrative fee for youth and give the authority to decide to detain a youth overnight to the Bail Magistrate (not the officer in charge) and allow virtual payment options. This was a JJPAD Board recommendation made in 2019.
3. *An Act promoting diversion of juveniles to community supervision and services (H.1495/S.940)* would expand the opportunity for judicial diversion for youth charged with certain offenses. The JJPAD Board recommended increased opportunities for diversion in its 2019 report.

Each of the bills summarized here represent positive steps forward in creating a more equitable juvenile justice system and addressing challenges with the current system as previously documented by this Board.

³⁶ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

Juvenile Justice System Data Trends

This section provides an overview of Massachusetts’ juvenile justice system data for fiscal year (FY) 2023 (July 1, 2022- June 30, 2023) and identifies recent trends in use of the system at various points in the process.

This section is further broken down into three major parts of the juvenile justice system process in Massachusetts:

1. **The “initial stages” of the juvenile justice system**, including data on the use of diversion, overnight arrest admissions, applications for complaint, the manner in which youth come to the Juvenile Court’s attention (i.e., via an arrest or summons), and delinquency filings.
2. **Arraignments and pretrial proceedings**, including data on 58A (“dangerousness”) hearings, pretrial supervision and monitoring, pretrial detention admissions, and the reasons why youth are detained pretrial.
3. **Dispositions, sanctions, and dismissals** as determined at the time of the initial dismissal or disposition, as well as data on probation caseloads and first-time commitments to DYS.

To the extent available, the data is broken down by:

- offense severity and type,³⁷
- race/ethnicity, gender, age, sexual orientation, and transgender status of youth at the point of analysis
- county of involvement

³⁷ *Offense types* tell us what kind of offenses youth involved with the justice system are alleged of committing; *offense severity* measures the seriousness of offenses. For data tables detailing offense *types*, and common examples listed, please see Appendix C.



Figure 3: Juvenile justice system data presented in this report

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

1. **FY22:** As always, the Board compares this year's data to the prior fiscal year to see what, if any, changes occurred throughout the system.
2. **FY19:** Due to the fact that the number of youth coming into contact with the juvenile justice system in FY20 and FY21 was heavily influenced by the COVID-19 pandemic, the Board also compares FY23 numbers to FY19—one full year pre-pandemic. As the Board has previously reported, the COVID-19 pandemic limited the number of youth coming into contact with the juvenile justice system for a variety of reasons, and therefore, data from those years is not necessarily representative of any trends in overall system use.³⁸
3. **FY18:** Given the JJPAD Board's charge to measure the impact of statutory changes to the juvenile justice system, this report also compares changes in system use in FY23 to FY18. FY18 is one year prior to the implementation of the Criminal Justice Reform Act (CJRA), which included provisions aimed at keeping youth out of the juvenile justice system, particularly those youth accused of first time, lower-level offenses.

The data presented in this annual report is the most comprehensive to date. This is due to the JJPAD Board and Data Subcommittee identifying critical data elements in the state's juvenile justice system and the **JJPAD member entities fulfilling increasingly detailed and complex data requests each year.** As discussed in the Board's *2022 Data Availability Report*, data gaps exist in

³⁸ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board. \(2021\). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jipad-report-october-2021/download](https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jipad-report-october-2021/download)

some places/process points, but since the JJPAD Board began meeting in FY19, tremendous progress has been made in the amount of publicly reported data.³⁹

This year, new data reported in this report includes:

- GPS data: This year, Probation reported the number of youth on pretrial probation monitored by a GPS during August 2023.
- Youthful offender dispositions and sanctions: This year, the Trial Court reported youthful offender dispositions and sanctions. If a youth is “found to be a youthful offender,” the court may impose a juvenile sentence, an adult sentence, or a combination thereof.
- Primary language spoken at home: This year, DYS reported FY23 admissions data broken down by a youth’s primary language spoken at home. This additional data point gives the state additional insights into the identities and possible needs of youth in the juvenile justice system and their families. This data is reported in Appendix D.
- Attorney representation: This year, the JJPAD Board reported data on youth representation at clerk magistrate hearings.
- Demographic breakdowns of the youth served by DPH violence prevent programs: This year, DPH reported the demographic breakdowns of youth served across three violence prevent programs.
- Geographic breakdowns of the youth served by DMH: This year, DMH reported the geographic breakdowns (DMH region) of youth served.

³⁹ For more information, see the 2022 Data Availability report: <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>

The OCA's Interactive Data Dashboard

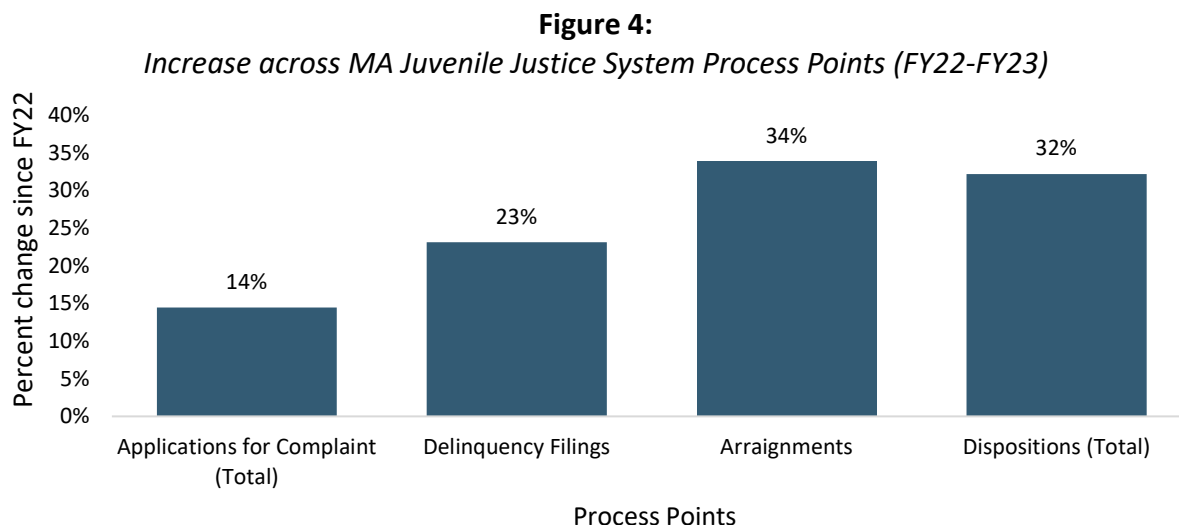
In addition to the state-level trends detailed in this report, the OCA's interactive data website also presents*:

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

*Click here to visit the Juvenile Justice Data Website: <https://www.mass.gov/resource/massachusetts-juvenile-justice-system-data-and-outcomes-for-youth>. Due to continuous data updates, it is recommended that readers do not compare the numbers in this report to previous reports or presentations. Further, data presented in this report and on the OCA's website should not be compared to agency's public data reporting, as individual entities may update their data at different points in time.

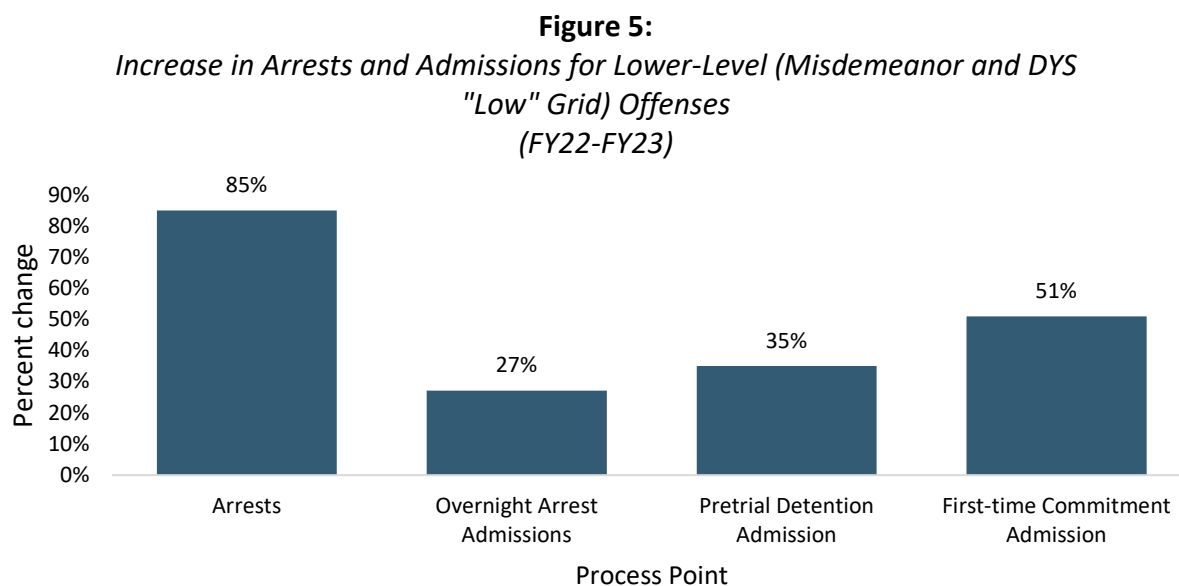
Key Takeaways

There was an increase in use of the juvenile justice system in Massachusetts in FY23 compared to FY22, and, generally, there has been an increase in system use since pre-pandemic (FY19). This increase begins at the initial stages of the system with an increase in applications for complaints (driven in particular by an increase in arrests) and continues through all major court process points: delinquency filings, arraignments, and dispositions.



Source: Trial court data retrieved between 10/23/2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

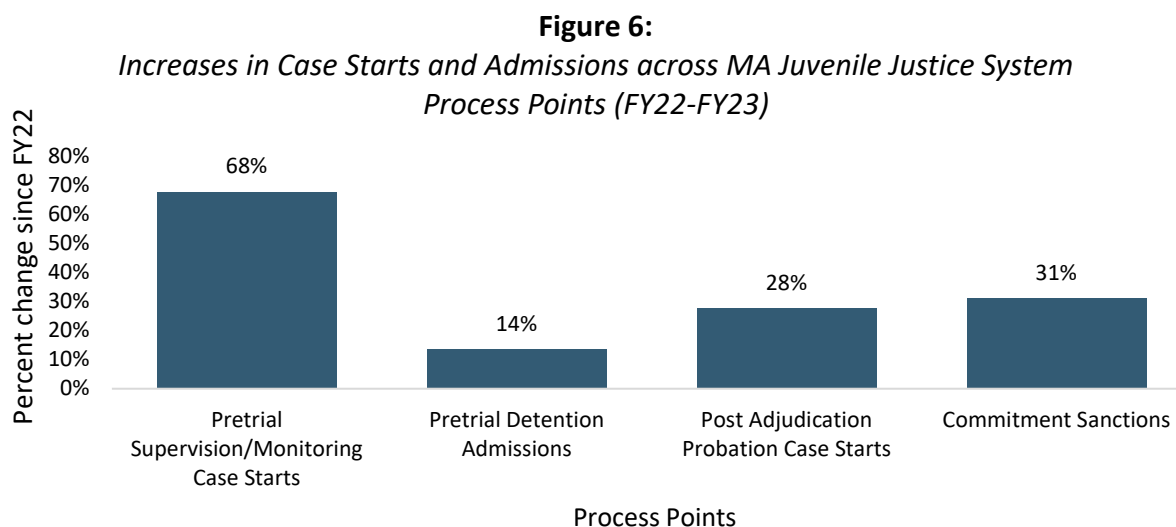
This increase is driven by cases involving youth alleged of misdemeanor/lower-level offenses. This is true even at custodial process points, which generally involve more serious offenses: arrests, overnight arrest admissions, pretrial detention, and first-time commitments to DYS.



Arrest data represents all misdemeanor applications for complaint initiated by an arrest. DYS measures offense severity by a numerical (1-7) "grid level." Grid levels 1-2 are categorized as low and presented in this chart. Source: Applications for complaint initiated by arrest data retrieved on 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here:

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation> ; ONA, pretrial detention and first-time commitments data provided to the OCA by DYS' Department of Research

The increase in overall system utilization and, in particular, increased utilization of the system for misdemeanor/lower-level offenses, has led to across-the-board increases in the number of youth being placed on pretrial supervision/monitoring or probation, and detained or committed to DYS.

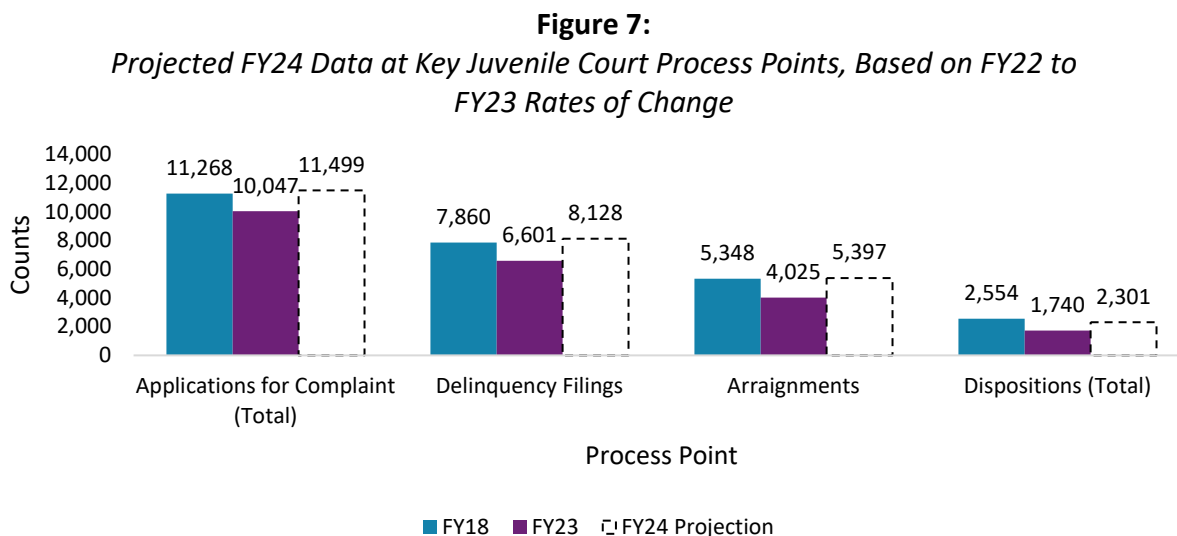


Note: Due to the way MPS collects and reports data, post-adjudication administrative probation counts include some pretrial & prearrestment cases.

Source: Commitment data retrieved between 10/23/2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; Pretrial detention data provided to the OCA by DYS' Department of Research ; Pretrial monitoring and supervision data provided to the OCA by the Massachusetts Probation Service's Research Department

The number of cases of youth entering and moving through the juvenile justice system in FY23 is lower than it was prior to passage of the Criminal Justice Reform Act (CJRA) (FY18). However, **if the rates of increase from the past two years continue, system use will revert to pre-CJRA levels in the next one to two years.**

Massachusetts made significant progress in reducing the number of youth entering the juvenile justice system in the years following the CJRA, but this progress is at high risk of being undone.

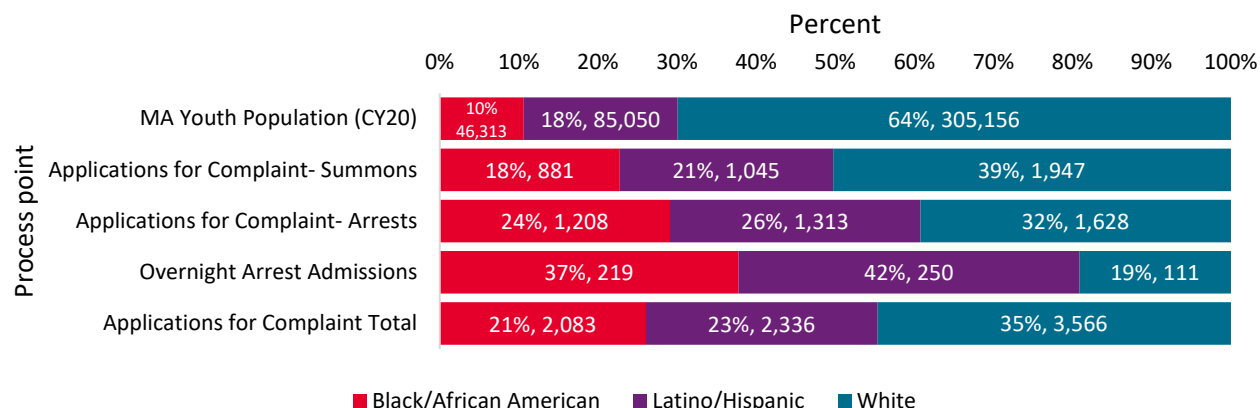


Source: FY23 trial court data retrieved between 10/23/2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> FY18 trial court data retrieved from the JJPAD's FY22 Annual Report; FY24 projections based on the percent change in counts between FY22 and FY23.

Additionally, racial and ethnic disparities worsened at the beginning stages of the system compared to last year, particularly with regards to applications for complaint brought by arrest rather than a court summons. In FY23, compared to white youth in the state:

- Black/African American youth were 3.85 more likely to have charges filed against them via an application for complaint, but 4.89 times more likely to have been arrested and brought to court. They were 2.98 more times likely to be summonsed into court than white youth.
- Latino/Hispanic youth were 2.35 times more likely to have charges filed against them via an application for complaint, but 2.89 times more likely to have been arrested and brought to court. They were 1.93 times more likely to be summonsed into court than white youth.

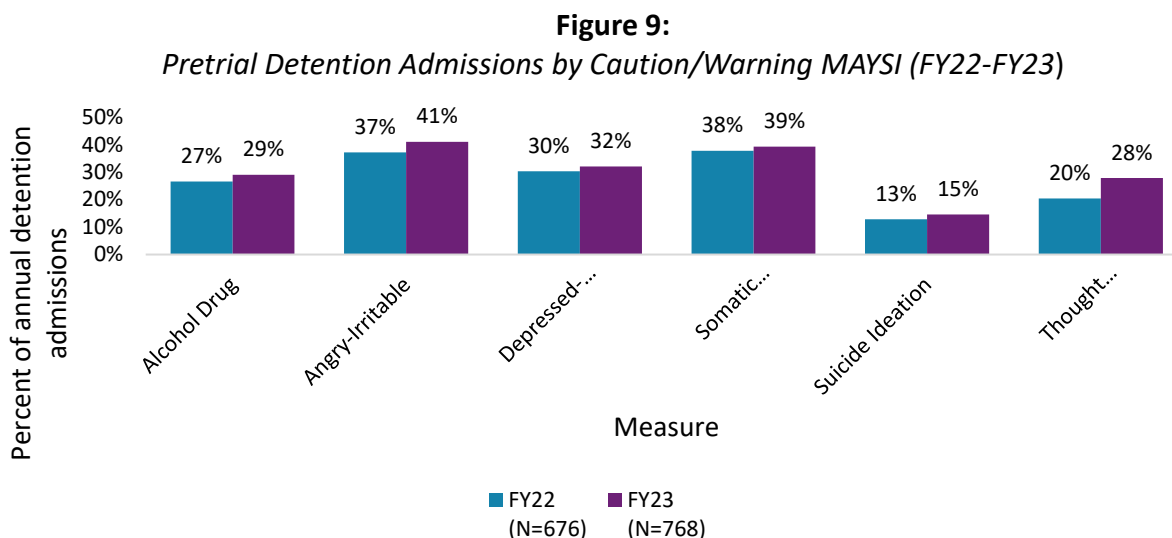
Figure 8:
Initial Stages of the Juvenile Justice System by Race/ethnicity (FY23)



Counts for youth with unknown/not reported race or multi-race/other races is not reported in this chart. For these counts, see the Appendix K. Source: FY23 trial court data retrieved between 10/23/2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; Overnight arrest data provided to the OCA by DYS' Department of Research; MA Youth Population Data obtained from Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

Unfortunately, disparities only lessened (slightly) at other parts of the system as a result of an increase in white youth coming into the system, rather than a decrease in system involvement for Black/African American and/or Latino/Hispanic youth. Black/African American and Latino/Hispanic youth remain overrepresented at every process point in the state's juvenile justice system.

Meanwhile, **youth held at DYS have higher rates of behavioral health needs, educational challenges, and – in some cases — trauma than last year, including an increase in the percentage of youth detained who have current child welfare system involvement.**



Source: Data provided to the OCA by DYS' Department of Research

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

- **Increase opportunities to divert youth away from the system prior to court involvement:**
 - Increase investments in community-based programs aimed at reducing system involvement and promoting prosocial activities.^{40,41}
 - Expand the number and functions of Family Resource Centers across the state.⁴²
 - Police departments should provide more guidance to officers on when to use an arrest, when to seek a summons, and when to offer diversion.⁴³
 - The state should continue to support and expand the Massachusetts Youth Diversion Program⁴⁴ -- and practitioners who have the legal authority to divert

⁴⁰ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

⁴¹ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁴² [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post "CHINS" Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁴³ Ibid.

⁴⁴ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

are strongly encouraged to utilize the MYDP and other programs that can support youth in being successful in diversion.

- **Address the policies and practices in the state contributing to racial and ethnic disparities in the juvenile justice system:**
 - Police departments should review internal data to see if the disparities highlighted in this report and the Board’s 2022 report are replicated at the department and/or individual officer level to guide further practice recommendations.⁴⁵
 - Police departments should require officers to document why they decided to arrest a youth instead of seeking a summons and publish their findings.⁴⁶
 - Police departments should re-examine which department policies and practices may be contributing to racial and ethnic disparities in arrests, including policies and practices regarding how decisions on where (e.g., what neighborhood), when (e.g., during the day, in school, overnight), how (e.g., traffic stops, on foot patrol, in schools) and in what manner (e.g., use of stop & frisk techniques) police enforce public safety.⁴⁷
- **Improve the triaging of and access to supports for youth with unmet needs. Previous Board recommendations include:**
 - Expand availability and access to services that promote youth mental health.⁴⁸
 - Support delinquency prevention efforts in schools⁴⁹ and address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support.⁵⁰
 - Expand substance use services for youth involved in the juvenile justice system and those at risk of involvement.⁵¹

[juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download](#)

⁴⁵ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](#). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts’ Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

⁴⁶ Ibid.

⁴⁷ Ibid.

⁴⁸ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](#). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download>

⁴⁹ Ibid.

⁵⁰ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](#). (2022). Improving Massachusetts’ Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁵¹ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](#). (2021). COVID-19 and the Massachusetts Juvenile Justice System: Recommendations for Supporting Youth and Preventing Future Delinquency. <https://www.mass.gov/doc/covid-19-and-the-massachusetts-juvenile-justice-system-jjpad-report-october-2021/download>

- Executive branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements.⁵²
- Prioritize expanding evidence-based treatment services for youth involved in the justice system as part of ongoing behavioral health reforms.⁵³
- Build skills and capacity on the child-serving “front line” to address pandemic-related traumatic stress and behavioral health needs.⁵⁴
- Educate families and child-serving professionals about all options available for support.⁵⁵

Each year, the JJPAD Board relies on the data presented in this report to develop its work plan for the year. The Board uses the analysis in this report to help determine what new research projects or initiatives to launch. Last year’s annual report informed the Board’s 2023 work plan, which includes two new initiatives focused on the pretrial phase of the juvenile justice system as well as on youth in the child welfare system who “cross over” to the juvenile justice system.⁵⁶ For more information on these initiatives, see the Board’s 2023 work update section in this report.

The analysis presented in the following section reiterates the need – and urgency—to continue these new projects into 2024. The Board plans to release reports in the coming year with recommendations for improvements regarding each of these topics.

⁵² [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁵³ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019). Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>; Massachusetts Juvenile Justice Data and Policy (JJPAD) Board. (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁵⁴ Massachusetts Childhood Trauma Task Force. (2020). From Aspiration to Implementation: A Framework for Becoming a Trauma-Informed and Responsive Commonwealth. <https://www.mass.gov/doc/childhood-trauma-task-force-2020-annual-report/download>

⁵⁵ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

⁵⁶ See: <https://www.mass.gov/doc/jipad-board-2023-work-objectives-0/download>

The Initial Stages of the Juvenile Justice System

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

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

Massachusetts’ general law states that “a summons is the preferred method of bringing a juvenile to court.”⁵⁷ This is reiterated in the state’s Municipal Police Training Committee’s training and resource materials and in guidance recently issued by the Peace Officer Standards and Training (POST) Commission.⁵⁸ Police officers are instructed to reserve arrests for when an alleged offense threatens public safety, or if there is “reason to believe the child will not appear upon a summons.”⁵⁹

If a youth is arrested, they will be taken back to a police station. Youth cannot be held in a police lock-up facility for more than six hours, at which point the officer in charge must determine whether the youth should be detained or released to a parent/guardian.⁶⁰ If this occurs at a time when the Juvenile Court is not in session, a youth may be held overnight or until the next business day if the arrest is on a weekend at a secure placement operated by or contracted by the Department of Youth Services (This is called an “overnight arrest”).

If an officer chooses to proceed by summons, they then file an application for complaint with the Juvenile Court. This is the first step of the Juvenile Court process. After review, or hearing, a Clerk Magistrate may issue a delinquency complaint. A Clerk Magistrate may decline to issue a delinquency complaint for a number of reasons, including if they believe there is not probable cause to find that the youth committed the alleged delinquent act, or if they choose to divert the youth from further court proceedings.

Collectively, we refer to these initial steps taken by law enforcement and Clerk Magistrates as the “initial stages” of the juvenile justice system.

⁵⁷ [MGL c. 119 § 54](#)

⁵⁸ See: <https://www.mass.gov/doc/de-escalation-and-alternatives-to-use-of-force-on-minor-children/download>

⁵⁹ In certain instances, police officers do not have the option to seek a summons and must arrest (e.g., domestic violence offenses). For many offenses, however, police officers have the sole discretionary authority to decide whether to arrest a youth, seek a summons, or give them a warning or offer diversion. MPTC Legal Standards & Procedures for Police Interactions with Youth, September 2021.

⁶⁰ [MGL c. 119 § 54](#)

Diversion

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

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

1. **Informal diversion** can include any measure that turns youth away from the system, such as a police officer letting a youth go with a warning.
2. **Formal diversion** typically takes the form of a specific, structured program with eligibility and completion requirements. This may include an agreement with a youth that they will take a specific action, such as writing an apology letter, participating in a therapeutic program or performing community service.

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

The point in the process at which youth are diverted matters: earlier use of diversion or case dismissal can reduce the length of time a youth is involved with the juvenile justice system, and therefore help minimize some of the documented harmful effects to youth of contact with the justice system.⁶¹

Police Diversion

Police may divert a youth instead of making an arrest or seeking a summons. Although the data system police use to report data to the state and federal government (the National Incident Based Reporting System, or NIBRS) has the ability to capture information on police-offered diversions, and some police departments do report it, there is no statutory requirement that departments report this data – and many do not. Due to the significant inconsistencies in police department reporting of use of diversion/warnings, the Board does not include this data in our report.

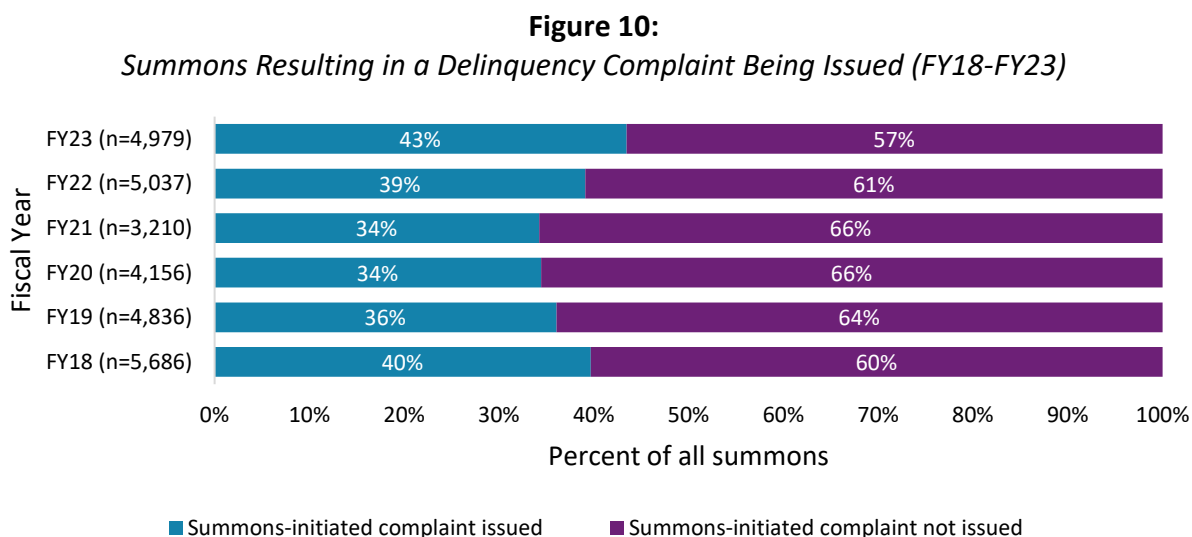
⁶¹ Shah, S. & Strout, J. (2016). Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records. Juvenile Law Center. <https://jlc.org/resources/future-interrupted-collateral-damage-caused-proliferation-juvenile-records> ; Vera Institute. (2022). The Social Costs of Policing. The Vera Institute. <https://www.vera.org/publications/the-social-costs-of-policing> ; National Academies of Sciences, Engineering, and Medicine. (2022). The Impact of Juvenile Justice System Involvement on the Health and Well-Being of Youth, Families, and Communities of Color: Proceedings of a Workshop. Washington, DC: The National Academies Press. <https://doi.org/10.17226/2662>; Del Toro, J., Jackson, D. B., & Wang, M.-T. (2022). The policing paradox: Police stops predict youth's school disengagement via elevated psychological distress. *Developmental Psychology*, 58(7), 1402–1412. <https://doi.org/10.1037/dev0001361>; Holman, B. & Ziedenberg, J. (2022). The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. The Justice Policy Institute. https://justicepolicy.org/wp-content/uploads/2022/02/06-11_rep_dangersofdetention_ji.pdf

Clerk Magistrate Diversion

If police proceed by seeking a summons,⁶² a Clerk Magistrate conducts a hearing (called a “magistrate hearing”) to decide whether to issue a delinquency complaint.⁶³ A delinquency complaint (otherwise known as a “delinquency filing” in subsequent sections of this report) may be issued by a clerk magistrate if probable cause is found on an application for complaint. A clerk magistrate may also choose to divert a youth’s case at this point.⁶⁴

Clerk magistrates may decide not to issue a complaint for several reasons, including diversion, lack of probable cause, lack of jurisdiction, or failure to prosecute.⁶⁵ Data is not available on the various reasons a complaint was not issued, and so the Board cannot report specifically on clerk magistrate use of diversion. Still, it is likely that clerk magistrate diversion is the reason that some portion of these 2,816 cases did not result in a delinquency complaint being issued.

While more than half (57%, n=2,816) of all summons-initiated applications for complaint did not result in a delinquency complaint being issued in FY23, the percentage that do result in a complaint being issued has increased in recent fiscal years.



Source: FY23 data retrieved on 11/14/23 from the Massachusetts Trial Court's Tableau Public page here:

⁶² A notice to a person alleging them of committing the specified delinquent offenses and ordering them to attend a hearing on a date certain.

⁶³ If a case is initiated by an arrest (as opposed to a summons; see the Applications for Complaint section below for this data), the case generally proceeds directly to a delinquency complaint without a formal magistrate hearing. See “About Applications for Complaint” here:

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

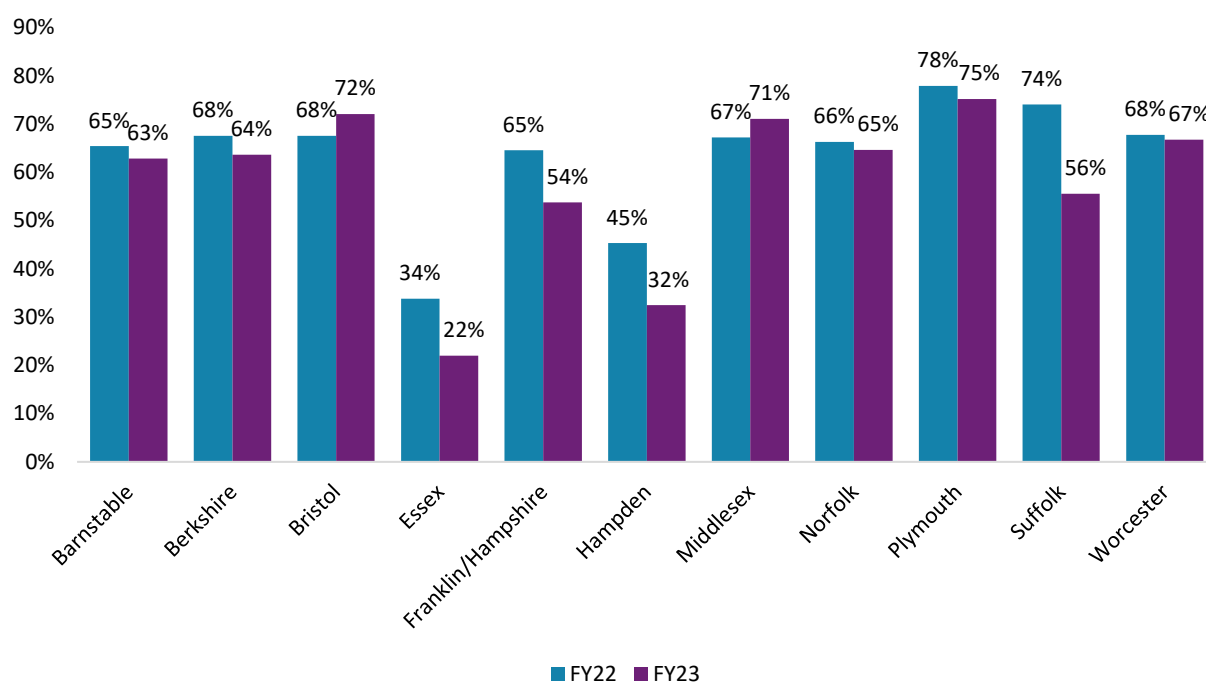
⁶⁴ See “Rules of Criminal Procedure, Rule 3”: here: <https://www.mass.gov/rules-of-criminal-procedure/criminal-procedure-rule-3-complaint-and-indictment-waiver-of-indictment>

⁶⁵ See “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>

There is wide variation in the percent of summons-initiated complaints resulting in a complaint being issued from county to county. For example, 75% (n=240) of Plymouth county's summons-initiated complaints do not result in a complaint being issued. In contrast, only 22% (n=188) of Essex county's summons-initiated complaints do not result in a complaint being issued.

Figure 11:
Summons Initiated Complaint Not Issued by Court County (FY22-FY23)



Source: FY23 data retrieved on 11/14/23 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

In FY23, youth were represented by an attorney in 11% (n=562) of magistrate hearings. Youth with an attorney were more likely to have their complaint diverted/dismissed (62%, n=349) when compared to youth who did not have legal representation (56%, n=2,467).

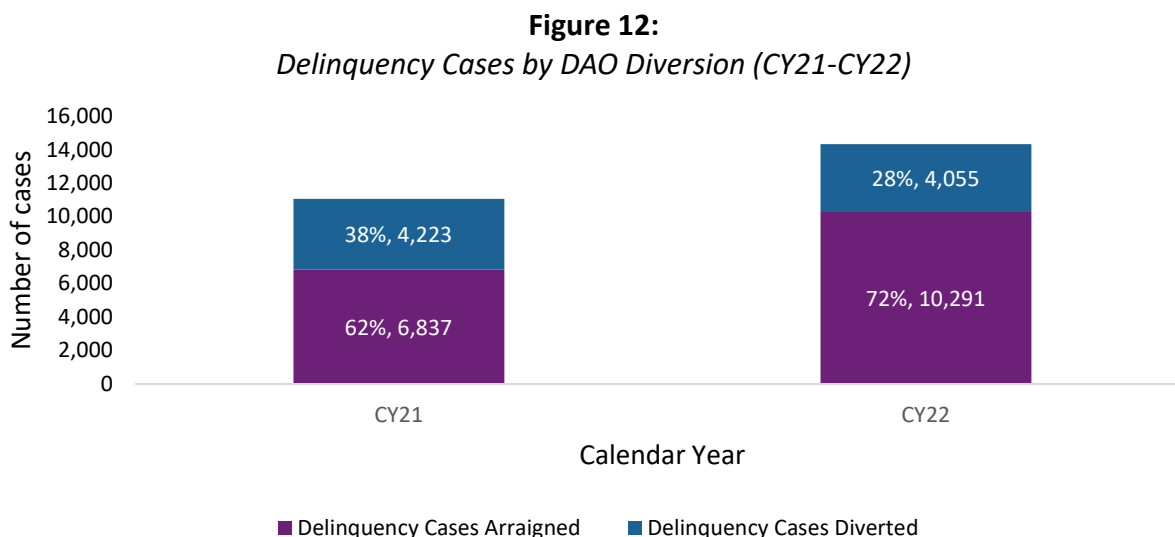
District Attorney Diversion

District attorneys may divert a youth pre-arraignment. In CY2022, District Attorneys' Offices (DAOs) report⁶⁶ that DAOs diverted 4,055 delinquency cases across the state, a 4% decline from

⁶⁶ In 2021 (CY), the Legislature began publishing online annual reports submitted by District Attorneys across all eleven District Attorney Offices (DAOs), compiled by the MDAA. These reports detail the number of cases diverted/not charged each year by the underlying case type. Pursuant to item 0340-2100 of Chapter 24 of the Acts of 2021, the legislative language requesting this data directs DAOs, through the MDAA, to report the "number of cases reviewed but not charged." The DAO reports specifically

CY21 (n=4,223).⁶⁷ In the same annual submission, the DAOs report the number of cases that were arraigned, which in CY2022 DAOs report as 10,291, a 51% increase from CY21.⁶⁸

The Board uses these two data points (number of cases arraigned and number of cases diverted) to derive an estimate of the percentage of delinquency cases each DAO diverted out of total delinquency cases in CY2022.⁶⁹ (See Figure 12 below). Statewide, DAOs diverted an estimated 28% of cases in CY2022, down ten percentage points from CY21.



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

There was significant variation from county to county and between the two years of data available to the Board.⁷⁰

list the cases as “diverted,” but there is not a definition of what is meant by that term. As a result, the Board is unsure if the number reported is only cases diverted, or if it also includes cases that were reviewed but did not move forward for other reasons (e.g., lack of evidence or prosecutor decision to *nolle prosequi* a case). For all MDAA’s reports submitted to the Legislature, see: <https://malegislature.gov/Reports/Search?searchTerms=mdaa>

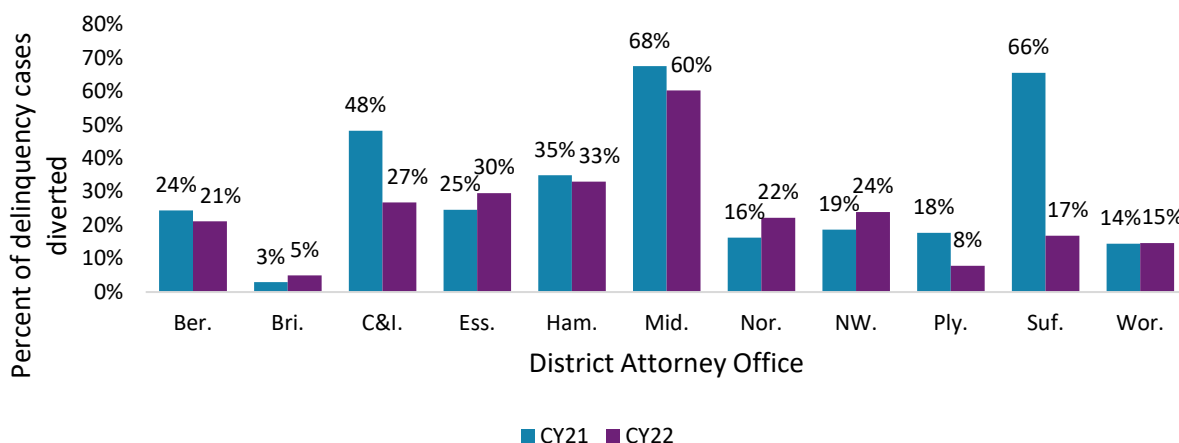
⁶⁷ See Appendix C for breakdowns across all offense types as reported by DAOs.

⁶⁸ The number of arraignments reported by the DAO offices is significantly more than the number reported by the Trial Court (10,291 compared to 4,148). The arraignment data reported by DAO is reported by calendar year, while the arraignment data reported by the Trial Court is based on the fiscal year. This may account for some of the difference, but it is unlikely to account for an arraignment count that is nearly double what is reported by the Trial Court. Other possibilities may be that the DAO offices are defining an arraignment differently than the Trial Court, or, in situations where youth have multiple charges, counting each as a separate arraignment. The DAO report does not include a definition for arraignments.

⁶⁹ As noted above, we are unclear what definition of arraignment is being used in the DAO report. In particular, we are unclear if or how this data accounts for any cases diverted pre-arraignment by the judiciary. As a result, we list this as an *estimate* of the percentage of cases that were diverted.

⁷⁰ This estimate is derived by adding together the total number of arraignments with the total number of cases diverted to get the total number of cases per DAO in each calendar year. The percent of cases listed in the graph is the percent of total cases that resulted in a diversion. For data tables with the reported number of arraignments and diverted cases by each DAO, see Appendix C.

Figure 13:
District Attorney Diverted Cases (CY21-CY22)



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

County Key: Ber. = Berkshire, Bri. = Bristol, C&I. = Cape and Islands (including Barnstable, Dukes and Nantucket), Ess. = Essex, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, NW. = Northwestern (including Franklin & Hampshire), Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

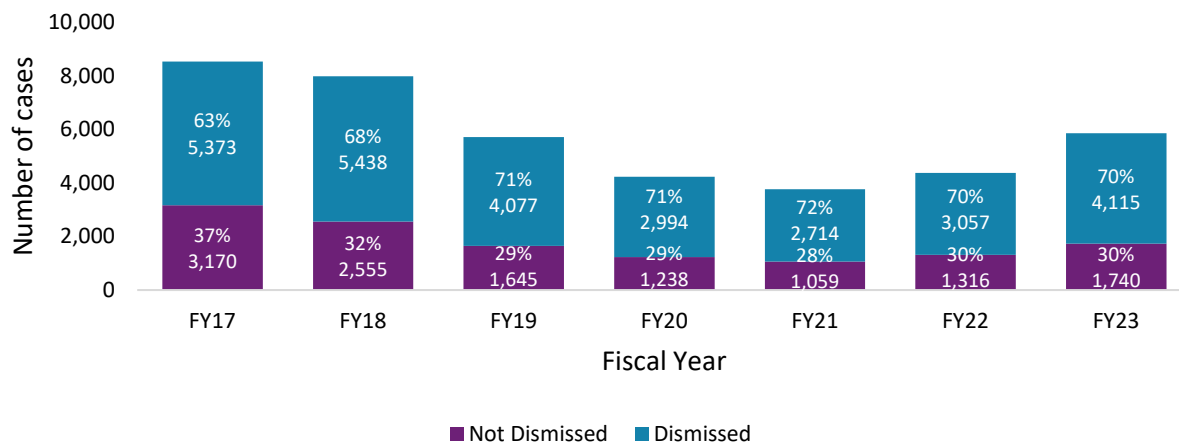
Judicial Diversion & Case Dismissals

As a result of the CJRA, judges may divert youth pre-arraignment. The Trial Court reports the number of cases that are dismissed between the delinquency filing stage and the acceptance of a plea or conclusion of a trial but does not currently distinguish between cases dismissed due to diversion or for any other reason, and does not report whether the case was dismissed by a judge or withdrawn/*nolle prossed*⁷¹ by a prosecutor.

In FY23, 70% (n=4,115) cases were dismissed between a delinquency filing and a plea/trial. The percentage of cases dismissed/not prosecuted has remained consistent in recent years.

⁷¹An entry on the record of a legal action denoting that the prosecutor will proceed no further in an action either as a whole or as to some count or as to one or more of several defendants. See: <https://www.merriam-webster.com/dictionary/nolle%20prosequi>

Figure 14:
Dismissed/Not Prosecuted Cases (FY17-FY23)

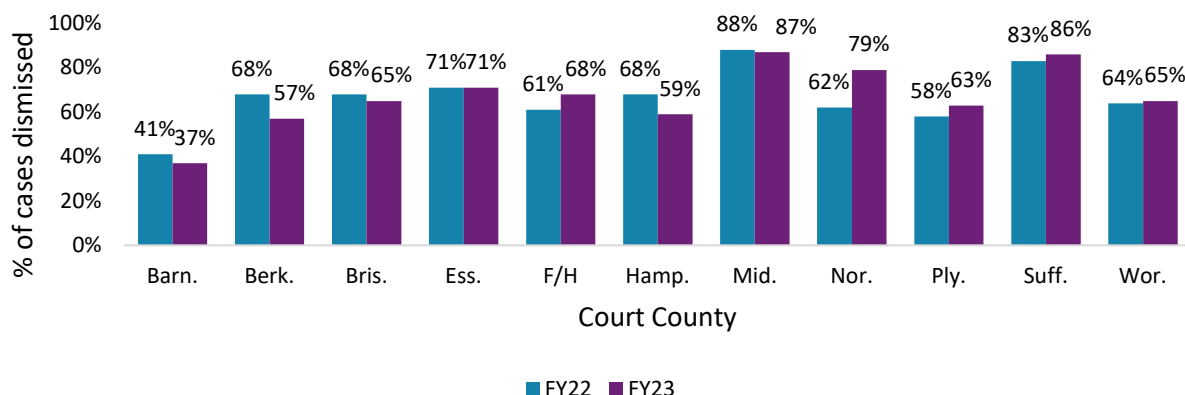


Source: FY17-FY21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 10/31/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Essex, Middlesex, Norfolk, and Suffolk counties had higher case dismissal rates than the state total rate.

Figure 15:
Cases Dismissed/Not Prosecuted by Court County (FY22-FY23)



Source: FY17-FY21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 10/31/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

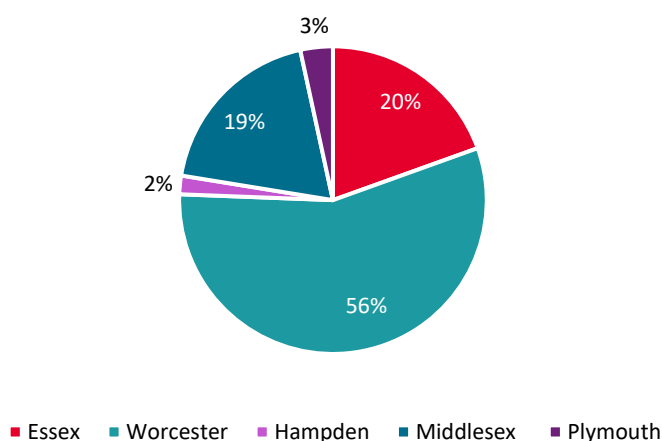
County Key: Barn. = Barnstable (including Barnstable, Dukes and Nantucket), Berk. = Berkshire, Bris. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Hamp. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suff. = Suffolk, Wor. = Worcester

State Diversion: Massachusetts Youth Diversion Program (MYDP)

The Board has previously reported that there is wide variation in diversion policies and practices across the state (as seen in the DAO data presented in the prior section). This likely contributes to systemic inequalities, as diversion practices differ depending on what town or city a youth is arrested in and which police officer, clerk magistrate, district attorney, or judge they encounter. This discrepancy is something the Board has reported on in each annual report as well as in a 2019 report on improving diversion in the Commonwealth.⁷²

The 2019 report and the work of the JJPAD Board and CBI Subcommittee led to the launch of a state-funded diversion program in January 2022, with three “Learning Lab” sites in Essex, Middlesex, and Worcester counties. In January 2023, two additional sites serving Plymouth and Hampden counties launched.⁷³

Figure 16:
MYDP Referrals by County (FY23)



Source: MYDP data provided to the OCA by DYS’ Department of Research

In FY23:

- Half (50%, n=103) of all referrals to the MYDP came from judges.
- More than half (54%, n=110) of all referrals to the MYDP were for alleged persons related offenses.

⁷² [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019). Improving Access to Diversion and Community-Based Interventions for Justice Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

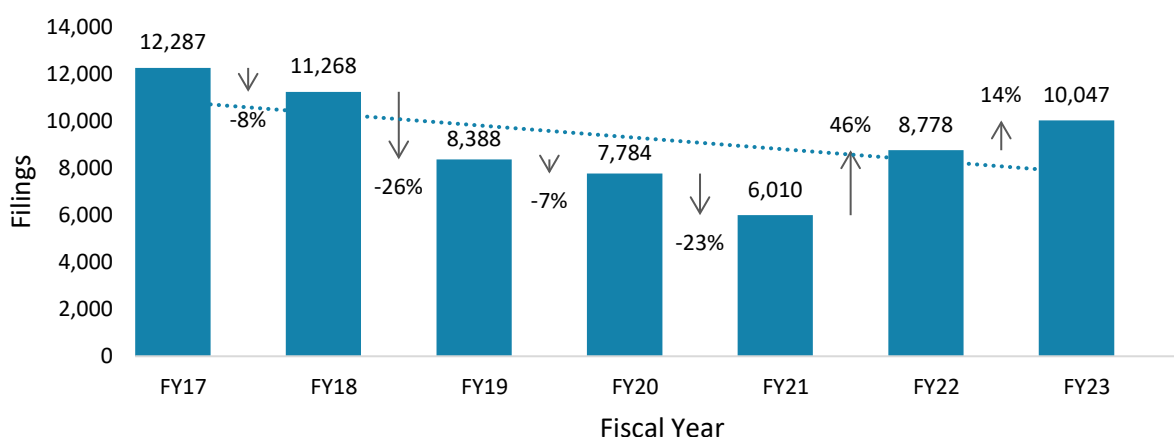
⁷³ For more information on the MYDP program, see “Monitoring the Implementation of Massachusetts’ Youth Diversion Program” section in this report above.

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, applications for complaint currently provide the most accurate measure of the total frequency of police-initiated court process.⁷⁴

In FY23, 10,047 applications for complaint were filed across the state. This is a 14% increase from FY22, and a 20% increase from pre-pandemic numbers. The number of applications is still down 11% from pre-CJRA. If the current rate of change continues, however, complaints may exceed their pre-CJRA FY18 numbers as early as FY24.

Figure 17:
Applications for Complaint (FY17-FY23)



Source: FY17-FY21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 10/31/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Applications for Complaint by Offense Severity

The Trial Court reports 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.⁷⁵

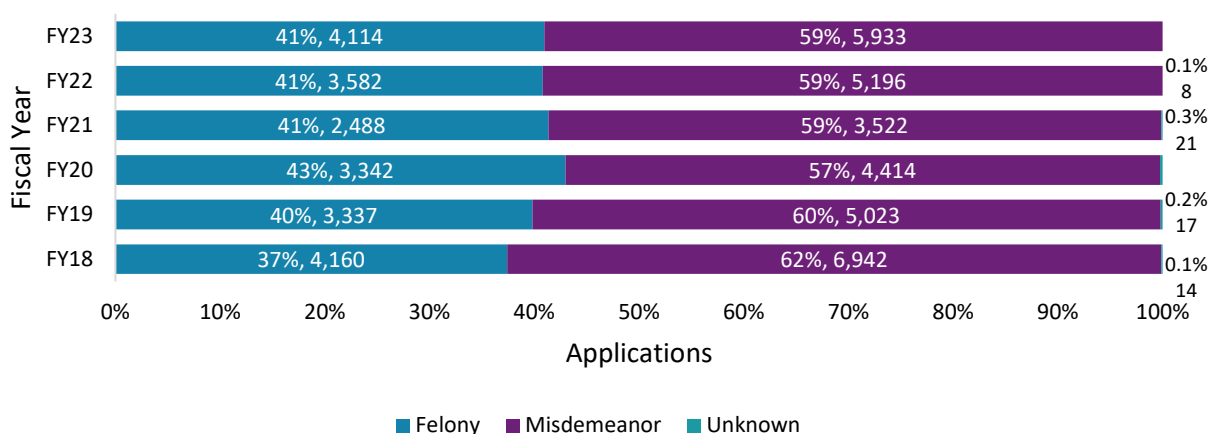
⁷⁴ Due to significant data quality concerns, the Board does not include data from police departments on arrests. For a detailed explanation of these concerns, see the Board's 2022 Annual Report: <https://www.mass.gov/doc/jjpac-2022-annual-report/download>. Instead, the Board reports this data based on the Trial Court's publicly reported data on the number of delinquency cases initiated by an arrest compared to a summons. See the "Applications for Complaint" section for this data.

⁷⁵ Applications for complaint may contain more than one charge. The data presented in this section reports the first charge and the corresponding measures (i.e., offense type, severity) for that charge that is entered into the case processing system.

A majority (59%, n=5,933) of applications for complaint are for misdemeanors. Applications for complaint for both misdemeanors and felonies increased at similar rates for (15%, an additional 737 applications, and 14%, an additional 532 applications, respectively) in FY23. Compared to pre-pandemic, applications for complaint are up 23% for felonies (an additional 777 applications) and 18% for misdemeanors (an additional 910 applications for complaint).

The 11% decrease in applications for complaint since FY18 is largely due to a decline in applications for alleged misdemeanor offenses. This is an indicator that the CJRA continues to have its intended impact of limiting the number of youth coming into contact with the juvenile justice system for lower severity offenses.

Figure 18:
Applications for Complaint by Offense Severity (FY17-FY23)



Source: FY18-FY21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 10/31/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

How Youth Enter the Juvenile Court Process: Arrests and Summons

If a youth is suspected of having committed a delinquent offense, a police officer may divert the youth, arrest the youth, or seek a summons for their appearance at the Juvenile Court. **Total applications for complaint, reported above, are a sum total of applications initiated by arrest and those initiated by summons.** This section breaks down application for complaint data based on how the complaint was initiated: either through an arrest or summons.

The increase in the number of applications for complaint in FY23 compared to FY22 is a result of an increase in arrests during this time period. There was a 36% increase in the number of applications initiated by arrest compared to a 1% decrease in the number of applications initiated by a summons. Compared to the year prior to CJRA implementation (FY18), summons are down 12% and arrests are down 6%.

This increase in arrests (coupled with a decrease in summons) has resulted in a higher percentage of cases coming to the Juvenile Court in FY23 as a result of an arrest for the first time in recent years. In FY23, 51% (n=5,089) of applications for complaint were initiated by an arrest being made, while 49% (n=4,975) were initiated by a summons being issued.

This is worth highlighting for a number of reasons:

1. **Research shows individuals suffer additional negative consequences from justice system involvement when they experience an arrest and/or are placed in custody.**⁷⁶
This is particularly heightened for children, as the JJPAD Board documented in its 2022 report regarding racial/ethnic disparities in arrests: *Racial & Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System.*⁷⁷
2. Understanding the long-term negative consequences of an arrest on youth as well as the short term loss of liberty, **Massachusetts' general laws state that "a summons is the preferred method of bringing a juvenile to court."**⁷⁸ As described earlier in this report, this is reiterated in the state's Municipal Police Training Committee's training and resource materials and in guidance issued by the Peace Officer Standards and Training (POST) Commission.⁷⁹ Police officers are instructed to reserve arrests for when an alleged offense threatens public safety, or if there is "reason to believe the child will not appear upon a summons."⁸⁰

Given the negative impacts arrests have on youth, this increase in the use of arrests is deeply concerning – and even more so given the persistent racial and ethnic disparities in the use of arrests, as documented in our 2022 report. The Board reiterates our recommendations in that report, including:⁸¹

⁷⁶ St. John, V. et. Al. (2022). Reducing Adverse Police Contact Would Heal Wounds for Children and Their Communities. Child Trends. <https://www.childtrends.org/publications/reducing-adverse-police-contact-would-heal-wounds-for-children-and-theircommunities>

⁷⁷ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

⁷⁸ [MGL c. 119 § 54](#)

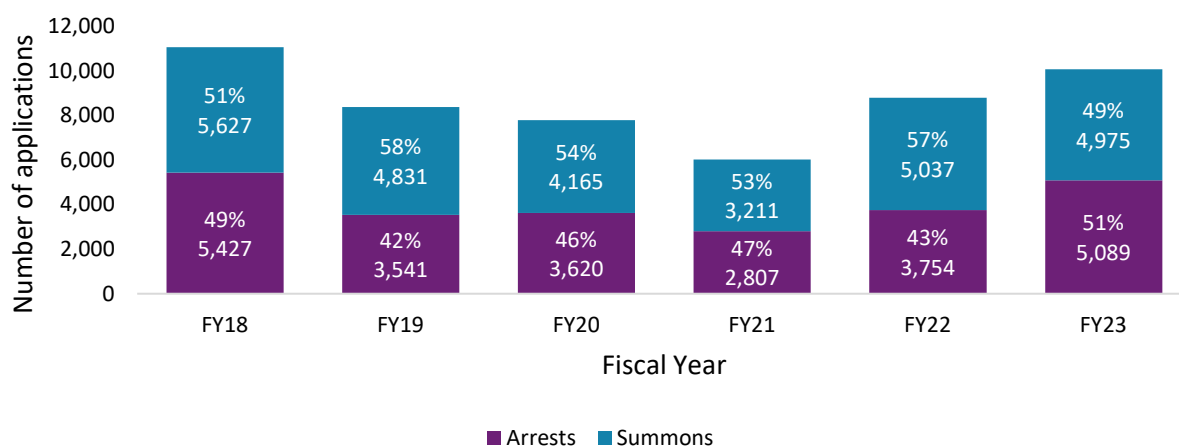
⁷⁹ See: <https://www.mass.gov/doc/de-escalation-and-alternatives-to-use-of-force-on-minor-children/download>

⁸⁰ In certain instances, police officers do not have the option to seek a summons and must arrest (e.g., domestic violence offenses). For many offenses, however, police officers have the sole discretionary authority to decide whether to arrest a youth, seek a summons, or give them a warning or offer diversion. MPTC Legal Standards & Procedures for Police Interactions with Youth, September 2021.

⁸¹ [Massachusetts Juvenile Justice Policy and Data \(JJPAD\) Board](https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download). (2022). Racial and Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System. <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

- Police departments should provide more guidance and limitations to officers on when to use an arrest, when to issue a summons, and when to offer diversion.
- Police departments should require officers to document why they decided to arrest a youth instead of issuing a summons for arrests and publish their findings.
- Police departments should re-examine which department policies and practices may be contributing to racial and ethnic disparities in arrests, including policies and practices regarding how decisions on where (e.g., what neighborhood), when (e.g., during the day, in school, overnight), how (e.g., traffic stops, on foot patrol, in schools) and in what manner (e.g., use of stop & frisk techniques) police enforce public safety.

Figure 19:
How Cases Enter the Juvenile Court (FY18-FY23)



Source: FY18-FY21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

Arrests/Summons by Offense Severity

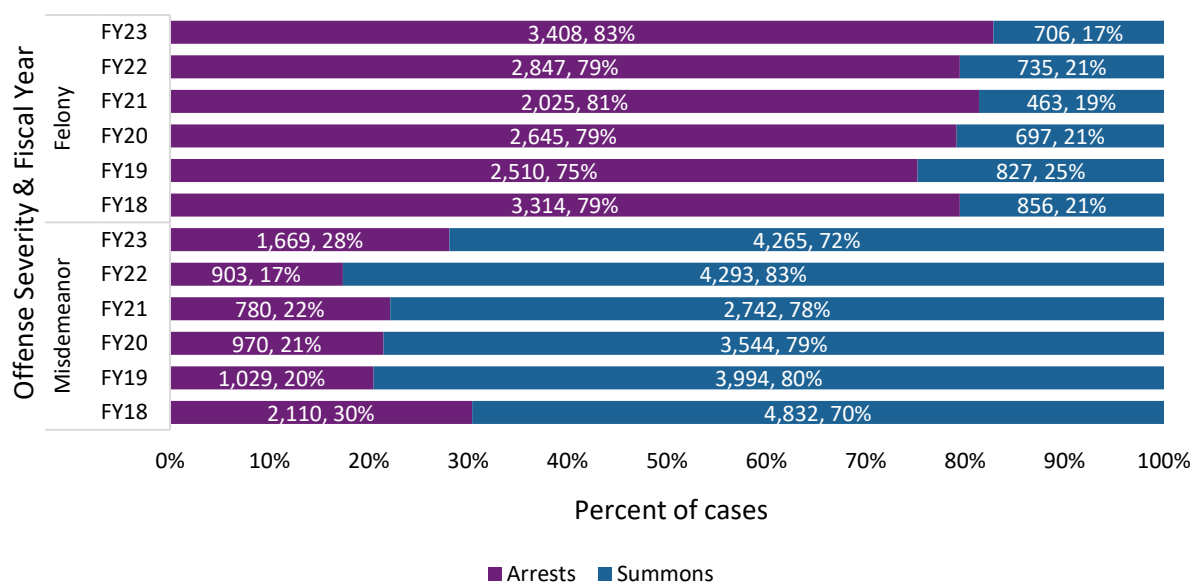
There was a larger jump in applications for complaint initiated via arrests for misdemeanor offenses than those for felony offenses (increases of 85% and 20% from FY22 to FY23, respectively).

Applications for complaint initiated via arrests for alleged misdemeanor offenses are up 62% since pre-pandemic, while applications for complaint initiated via summons for alleged misdemeanors are up just 7% during within the same time period. For cases where youth are

alleged of misdemeanor offenses, there has been a 21% decrease in those cases initiated via arrest and a 12% decrease in those initiated via summons since FY18.

Police officers have more discretion when determining whether to make an on-sight arrest or alternatively issue a summons for misdemeanor offenses compared to felony offences. As Figure 20 shows, there is greater variability from year to year in the way misdemeanor offenses reach the Juvenile Court compared to felony offenses (from 17% of misdemeanors entering the court via arrest in FY22 to 30% of misdemeanors entering the court via arrest in FY18). This data suggests a police officer’s decision making about whether or not to make an arrest, particularly for lower-level offenses, is driving the change in the cases coming to the Juvenile Court’s attention.

Figure 20:
Applications for Complaint by Case Initiation and Severity
(FY18-FY23)



Source: FY18 data retrieved from the JJPAD’s FY22 Annual Report; FY22 data retrieved on 11/14/2023 from the Massachusetts Trial Court’s Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation>

Potential explanations for the fluctuation in arrests –specifically for lower-level, misdemeanor offenses—include:

- Police acting more punitively toward youth’s behavior in community settings.
- Society’s heightened level of concern for youth’s behavior post-pandemic contributing to police officers feeling that they “need to respond.”

- Police offices relying on a more “hands off” approach to making arrests immediately following CJRA, and reverting back to previous behavior over time.
- Changes in victim/witness-reporting behavior, including being more likely to call police at the time of an alleged offense rather than filing a police report after the fact.
- Changes in youth behaviors, such that youth are exhibiting behaviors that raise public safety or flight risk concerns more often compared to prior years even within the classification of a “misdemeanor” offense.

While there was a large jump in the number of arrests for motor vehicle offenses (from 198 in FY22 to 442 in FY23), some of the biggest jumps in arrests were for alcohol (from 21 in FY22 to 102 in FY23) and drug cases (from 50 in FY22 to 79 in FY23) which, typically, are lower-level offenses. Further, the Trial Court reports the “lead charges” for youth whose cases are filed in Juvenile Court. In FY22 and FY23 the top two charges were Assault and Battery and Assault and Battery with a Dangerous Weapon. In FY23, Assault and Battery was the “lead charge” in 15.6% of cases compared to 15.4% in FY22. In FY23, “Assault and Battery with a Dangerous Weapon” was the lead charge in 6.8% of cases compared to 7.5% in FY22. This suggests that an increase in alleged assaultive behavior is not driving the increase in arrests.

Overnight Arrest Admissions

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 or after being held at a police station for six hours, the officer in charge has the option of requesting the youth be held at DYS on an “overnight arrest” admission. It is up to the bail commissioner whether to set bail or release the youth to a parent/guardian. Youth are held in a secure placement operated or contracted by the DYS overnight or until the next court day. The ONA admissions data in this section provides further information on arrests. Some youth may be detained if a parent/guardian is unable/unwilling to pick them up from police lock up within that six-hour timeframe. This is an important process point given the consequences an arrest and detention, even for short periods of time, can have on a youth.

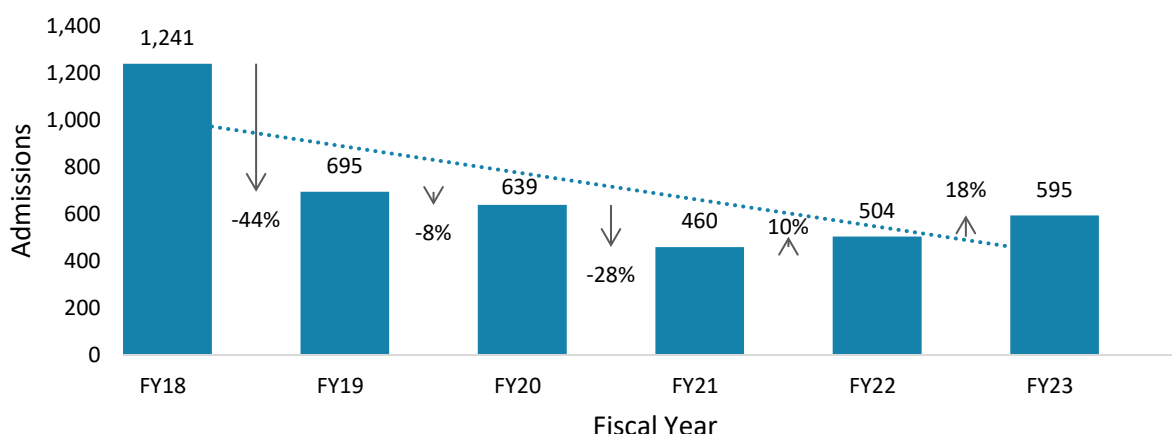
In FY23, there were 595 overnight arrest admissions across the state: an 18% increase from FY22. Despite the increase in admissions in FY22 and FY23, ONA admissions are down 14% since pre-pandemic numbers and 52% since the CJRA was implemented.⁸²

Many youth admitted on an ONA are subsequently released after their first hearing once the court is back in session. Of the 595 ONA admissions in FY23, 50% (n=298) of youth admitted were later held in pretrial detention after an arraignment, while the rest were released. This is down from 55% (n=280) of ONA admissions in FY22 that resulted in a pretrial detention that

⁸² The CJRA removed the requirement that police departments contact Probation when there is a written request to detain a child overnight. See Appendix B for additional juvenile justice provisions in the 2018 law.

year. This means that half of youth admitted on an ONA are arrested and then detained for anywhere between a couple hours to up to about four days, but ultimately released by a judge who decides the youth does not need to be detained pretrial. As the next section details, the majority of youth admitted to DYS overnight were arrested for lower-level offenses. Taken together, this data suggests opportunities for further diversion: be that away from the system entirely, or by issuing a summons instead of making an arrest.

Figure 21:
Overnight Arrest (ONA) Admissions (FY18-FY23)



Source: Data provided to the OCA by DYS' Department of Research

*Overnight Arrest Admissions by Offense Severity*⁸³

The 18% increase in ONA admissions between FY22 and FY23 was primarily driven by an increase in admissions for an alleged lower-level offense (Table 1), which – consistent with prior years – account for the majority (61%, n=365) of ONA admissions in FY23. This year there were fewer ONA admissions for high severity offenses than in prior years.

ONA admissions have been cut in half since pre-CJRA (FY18), driven by a decline in admissions for lower-level offenses.

⁸³ See Appendix D for common charges for each DYS grid level and offense type.

Grid Level

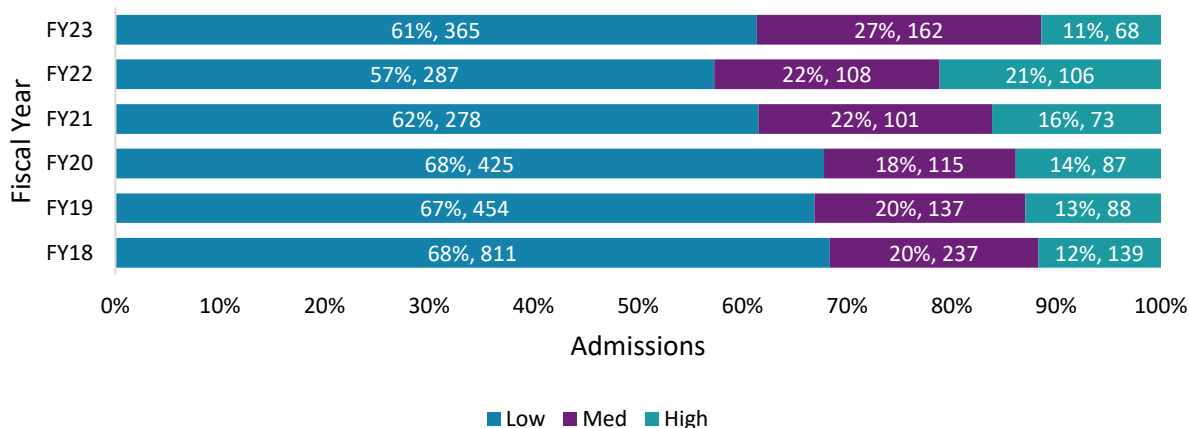
DYS categorizes offense severity by “grid level.” This is a numeric representation, ranging from 1 (least serious) to 7 (most serious), based on adult sentencing guidelines.

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 1: 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.	

Figure 22:
ONA Admissions by Offense Severity (FY18-FY23)



Note: ONA admissions for out of state youth are omitted from offense breakdowns, therefore totals will not match across tables.

Source: Data provided to the OCA by DYS' Department of Research

Delinquency Filings

A delinquency complaint is issued (called a “delinquency filing”) if a Clerk Magistrate finds probable cause to believe that a juvenile has committed the delinquent act detailed on the application for delinquent complaint and decides to “issue the delinquent complaint.” Clerk Magistrates may also divert a youth instead of issuing a delinquent complaint (as detailed in the “Clerk Magistrate Diversion” section, above).

In FY23, there were 6,601 delinquency complaints issued. About two-thirds of applications for complaint resulted in a delinquency filing.⁸⁴ The percentage of applications for complaint resulting in a delinquency filing has increased each of the past few years.

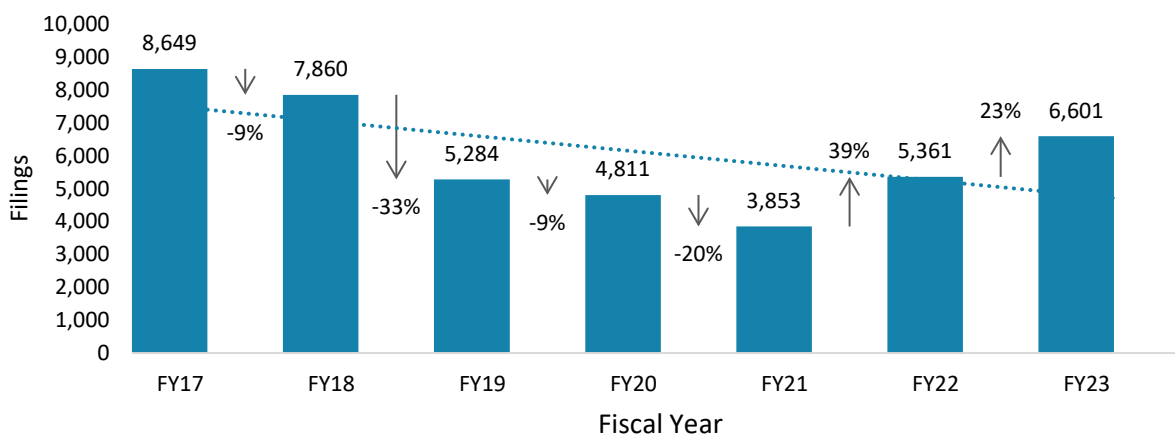
Delinquency filings increased 23% this year, likely due to the increase in applications for complaint initiated by arrests.⁸⁵

Following the same trends as applications, filings are up 25% from pre-pandemic numbers, but have decreased 16% since CJRA implementation.

⁸⁴ This is an estimate due to the fact that the Board does not have the data tracking individual cases over time. Some delinquency filings in FY23 may be a result of applications in FY22 and/or some applications in FY23 may become filings in FY24.

⁸⁵ As detailed in the “Clerk Magistrate Diversion” section of this report, if a delinquency case is initiated by a summons, a Clerk Magistrate conducts a hearing (called a “magistrate hearing”) to decide whether to issue a delinquency complaint. If a complaint is initiated by an arrest, however, that complaint results in a delinquency filing and is not subject to a clerk magistrate hearing.

Figure 23:
Delinquency Filings (FY17-FY23)



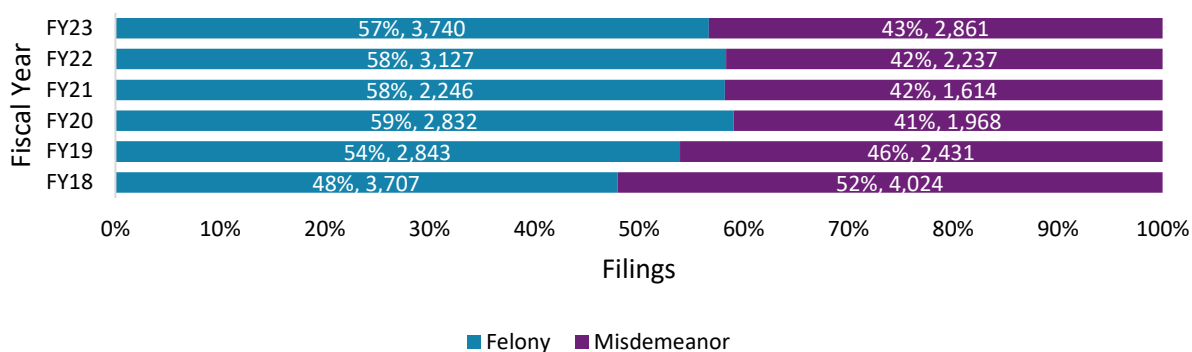
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 10/25/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

*Delinquency Filings by Offense Severity*⁸⁶

In FY23, 43% (n=2,861) of delinquency filings involved youth alleged of misdemeanor offenses. Despite an increase in overall numbers, the percentage of delinquency filings involving youth alleged of committing misdemeanor offenses has remained relatively stable since the CJRA was implemented. This is due, in part, to changes in the CJRA and clarification as a result of case law.⁸⁷

Figure 24:
Delinquency Filings by Offense Severity (FY17-FY23)



Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved on 10/25/2023

⁸⁶ Delinquency filings may contain more than one charge. The data presented in this section reports the severity of the most serious degree of offense on the case.

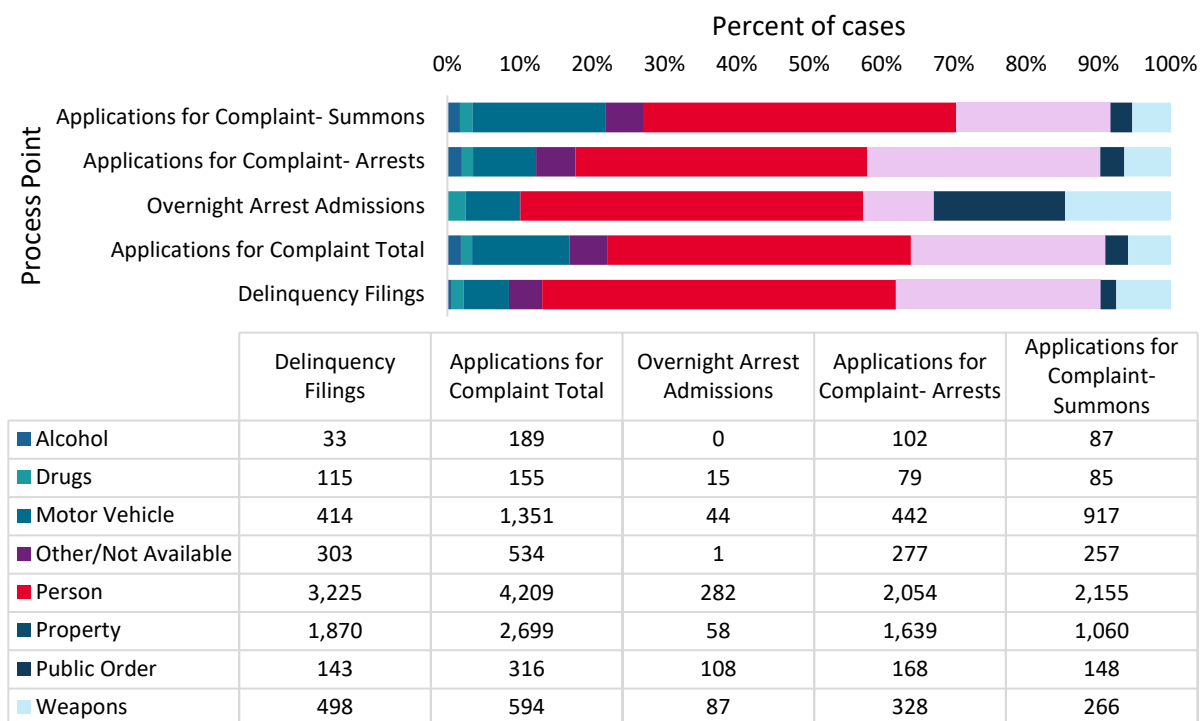
⁸⁷ *Commonwealth v. Wallace W.*, 482 Mass. 789. (2019) <https://www.mass.gov/law-library/juvenile-court-rules-for-first-offense-determinations-and-hearings-held-pursuant-to-commonwealth-v-wallace-w-482-mass-789-2019>

from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Offense Types at the Initial Stages

Most youth at this phase are alleged of committing person-related offenses. This has remained consistent over the past several years.

Figure 25:
FY23 Offense Types at Initial Stages



Source: ONA data provided to the OCA by DYS' Department of Research; FY23 trial court data retrieved between 10/23/2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687>

Arraignments and Pretrial Proceedings, Supervision and Monitoring, and Detention⁸⁸

Once a delinquency complaint is issued by a Clerk Magistrate and a delinquency filing is created, a prosecutor (called an “assistant district attorney”) determines whether there is sufficient evidence to officially charge or “arraign” a youth for a delinquent offense. A judge may also, upon motion, dismiss a complaint before arraignment based on the absence of probable cause. Once a youth has been arraigned, the incident will appear on a youth’s court record.

Following (and oftentimes at the same court hearing as) an arraignment, the court holds a bail hearing. Bail hearings may also be held if new information becomes available that may warrant a change in bail status. At this hearing, a judge makes a determination as to whether the youth is unlikely to appear for their court hearing (referred to as “risk of failure to appear” or “a flight risk”) and may set monetary bail, set other pretrial release conditions, and/or place the youth on pretrial monitoring and/or supervision to ensure their appearance in court.⁸⁹ Judges must consider the youth’s financial resources if they set bail.⁹⁰ If the youth is unable to post the monetary bail and/or meet other pretrial release conditions, they are held in detention before their trial (called “pretrial detention”). A judge may determine a youth is not a flight risk and therefore, bail is not needed, at which point the youth is released on their own “personal recognizance.” Data on bail *determinations* for all youth is not currently available. Data on bail determinations for youth ultimately admitted to DYS and held on bail is detailed in the “Pretrial Detention” section below.

Further, youth charged with certain offenses can be detained pretrial if the prosecution moves for an order of pretrial detention based on dangerousness. Following a hearing, called a “58A hearing” or “dangerousness hearing,” a judge will determine whether conditions of release will reasonably assure the safety of any other person or the community.⁹¹ If a judge finds that no conditions of release will reasonably assure the safety of any other person or the community, the youth is held for up to 120 days in detention prior to their trial.⁹² A judge may also impose pretrial release with conditions.

⁸⁸ As described in the “Massachusetts Juvenile Pretrial Phase Research” section above, this part of the juvenile justice system is the subject of the Board’s current work plan and will result in a subsequent report with additional data in 2024.

⁸⁹ *Querubin v. Commonwealth*, 440 Mass. 108, 113 (2003). *Commonwealth v. Pagan*, 445 Mass. 315 (2005). [M.G.L Chapter 276 §58](#).

⁹⁰ 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 assure the defendant’s appearance. *Brangan v. Commonwealth*, 477 Mass. 691 (2017).

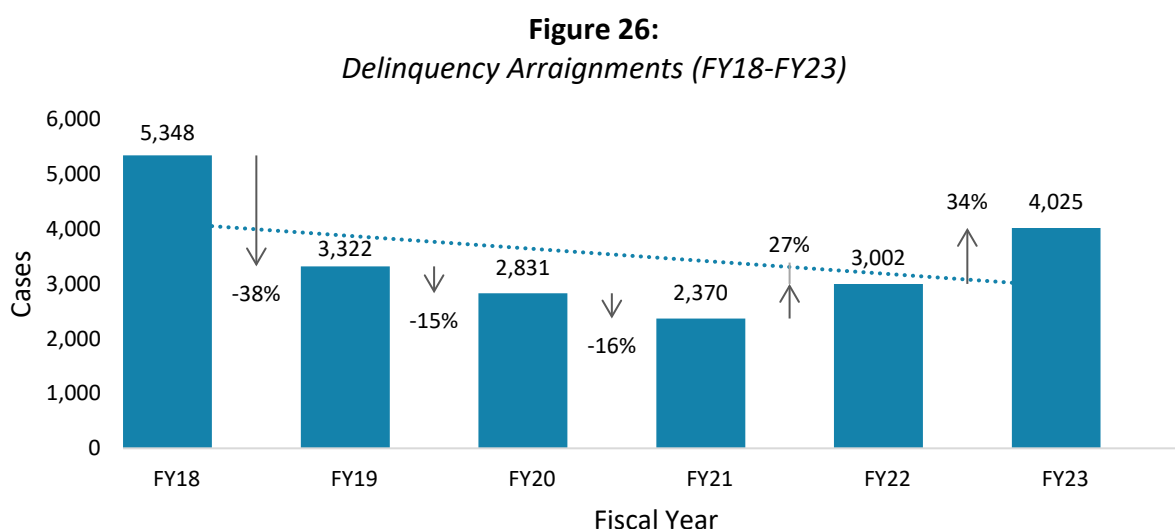
⁹¹ See: M.G.L Chapter 276 §58A <https://malegislature.gov/laws/generallaws/partiv/titleii/chapter276/section58A>

⁹² If youth are detained pretrial as a result of a dangerousness hearing, they cannot be held for more than 120 days without being brought to trial.

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 FY23, there were 4,025 arraignments, which is a 34% increase from the 3,002 arraignments in FY22 and a 21% increase from the 3,322 arraignments in FY19. Arraignments are down 25% from their pre-CJRA numbers.



Source: FY18-21 data retrieved from the JJPAD’s FY22 Annual Report; FY22 & FY23 data retrieved 10/27/2023 from the Massachusetts Trial Court’s Tableau Public page here:

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

*Arraignments by Offense Severity*⁹³

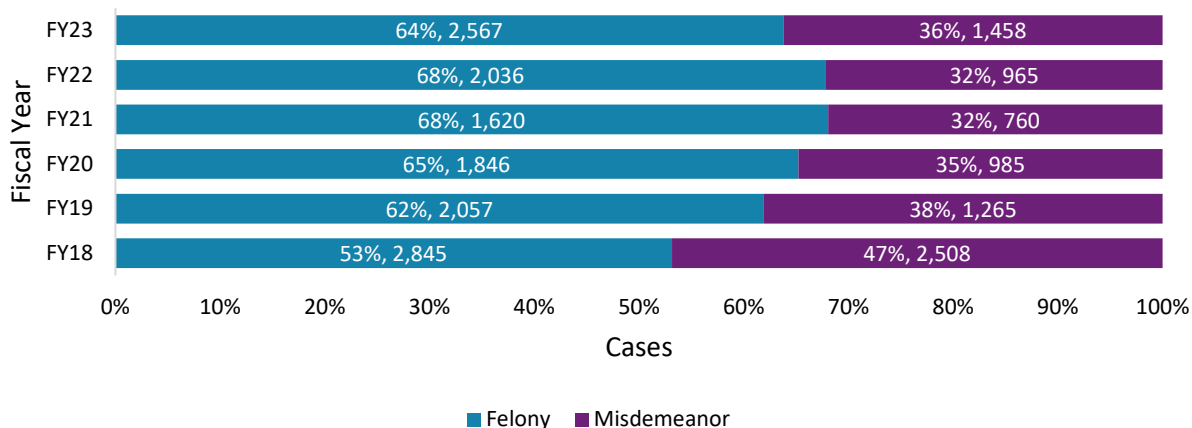
Between FY22 and FY23, there was a 51% increase in delinquency arraignments for alleged misdemeanor offenses, bringing the number of arraignments for these cases slightly above pre-pandemic levels.

The 25% decrease in the number of arraignments in FY23 compared to the numbers pre-CJRA is driven by a decline (42%) in arraignments for misdemeanor offenses. As previously mentioned in this report, the juvenile provisions in the CJRA were aimed at limiting the number of youth coming into contact with the court, specifically those youth alleged of committing lower-level offenses. In that vein, the CJRA has had its intended impact.

⁹³ An individual may be arraigned on one or more charges at a given time. Arraignment data presented in this section reports the first listed charge on the case.

However, youth accused of lower-level offenses still make up over a third of all delinquency arraignments in FY23 – and if the rate of increase from FY23 continues, the number of arraignments for misdemeanor offenses may exceed pre-CJRA numbers as early as FY25.

Figure 27:
Delinquency Arraignments by Offense Severity (FY18-FY23)



Source: FY18-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Another measure of significance at arraignment is whether a youth was arraigned as a “youthful offender.” A youthful offender case involves a youth between 14 and 18 years old who is indicted by a grand jury for allegedly committing an offense against a law of the Commonwealth which, if they were an adult, would be punishable by imprisonment in state prison and who meets any of the following criteria:⁹⁴

- 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

In FY23, there were 123 youthful offender arraignments.

Table 2: Youthful Offender Arraignments	
Fiscal Year	Number of YO Arraignments
FY18	122
FY19	143
FY20	110

⁹⁴ As defined in [M.G.L. c119 §52](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52): <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

FY21	97
FY22	95
FY23	123
Source: FY18-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here: https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics	

The Juvenile Court does not have jurisdiction over murder cases. A case in which a youth (over the age of 14) is accused of murder in first or second degree⁹⁵ is automatically arraigned in (adult) District Court and further court proceedings are heard in Superior Court (i.e., indictment, arraignment, and sentencing). In FY23, there were 6 youth arraigned on murder charges in Superior Court.

Table 3: Cases Heard in Superior Court -- Youth Charged with Murder	
Fiscal Year	Number of cases
FY19	4
FY20	3
FY21	11
FY22	12
FY23	6
Source: Data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here: https://public.tableau.com/app/profile/drap4687/viz/SuperiorCourtMurderCasesUnderAge18/DfndtCaseCharacteristics	

Pretrial Monitoring and Supervision⁹⁶

After arraignment arraigned, a youth may be placed on pretrial monitoring and/or supervision, which is provided by the Massachusetts Probation Service (MPS). Youth will be ordered to follow certain conditions, which may include regular check-ins with a probation officer.

In FY23, 1,550 new pretrial monitoring and supervision cases started.⁹⁷ This is a 68% increase from the 924 case starts in FY22.⁹⁸

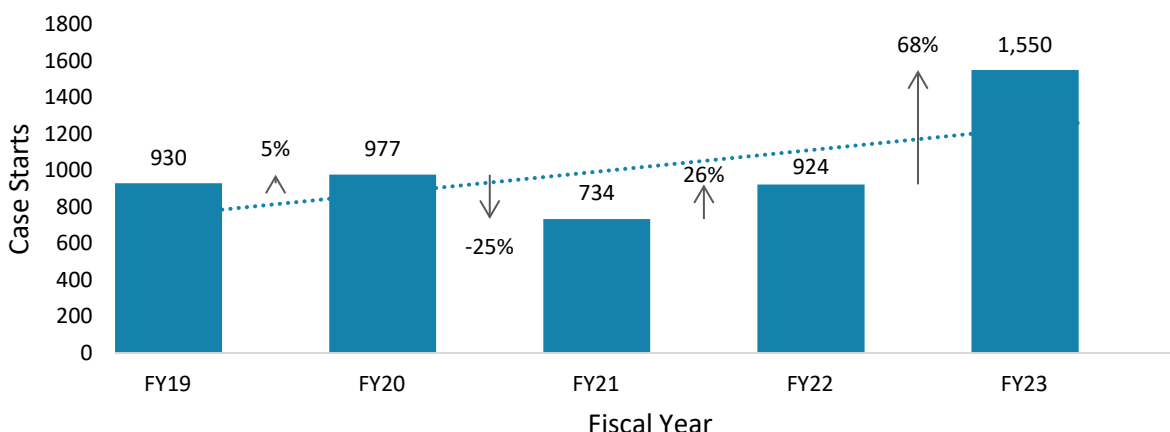
⁹⁵ [MGL c119 s74](#), [MGL c265, §1](#)

⁹⁶ MPS "monitors" youth under "category A" supervision and provides "supervision" to youth under "category B" supervision. This applies to youth placed on pretrial probation as a disposition as well as those on conditions of release.

⁹⁷ An individual youth can have more than one pretrial monitoring and supervision case.

⁹⁸ The Board does not have data on pretrial monitoring and supervision case starts prior to FY19.

Figure 28:
Pretrial Monitoring and Supervision Case Starts (FY19-FY23)



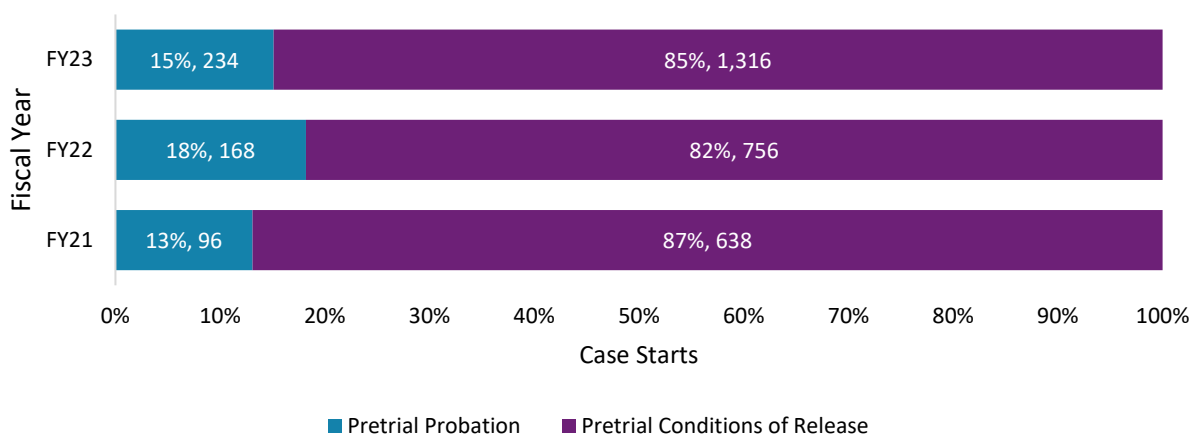
Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

There are two different types of pretrial monitoring and supervision cases:

1. **Pretrial Conditions of Release:** depending on the court's order, probation either monitors the pretrial conditions or actively supervises the individual to ensure compliance with the conditions of release from pretrial detention while their case is pending and they remain in the community.
2. **Pretrial Probation as a Disposition:** Youth can be placed on pretrial probation as a "disposition" post-arraignment by a judge. If the youth complies with all of the conditions of their pretrial probation, the matter will ultimately be dismissed by the prosecution. If youth fail to comply, the prosecution of the matter may resume (at the discretion of the district attorney).

The majority of pretrial cases are for youth being monitored by probation on pretrial conditions of release. This has been consistent the past three years for which the Board has data. The overall increase in pretrial monitoring and supervision cases stems overwhelmingly from an increase in youth monitored on pretrial conditions of release. Between FY22 and FY23, cases in which youth were monitored on pretrial conditions of release increased 74%. The number of cases started in this category have increased 106% since FY21.

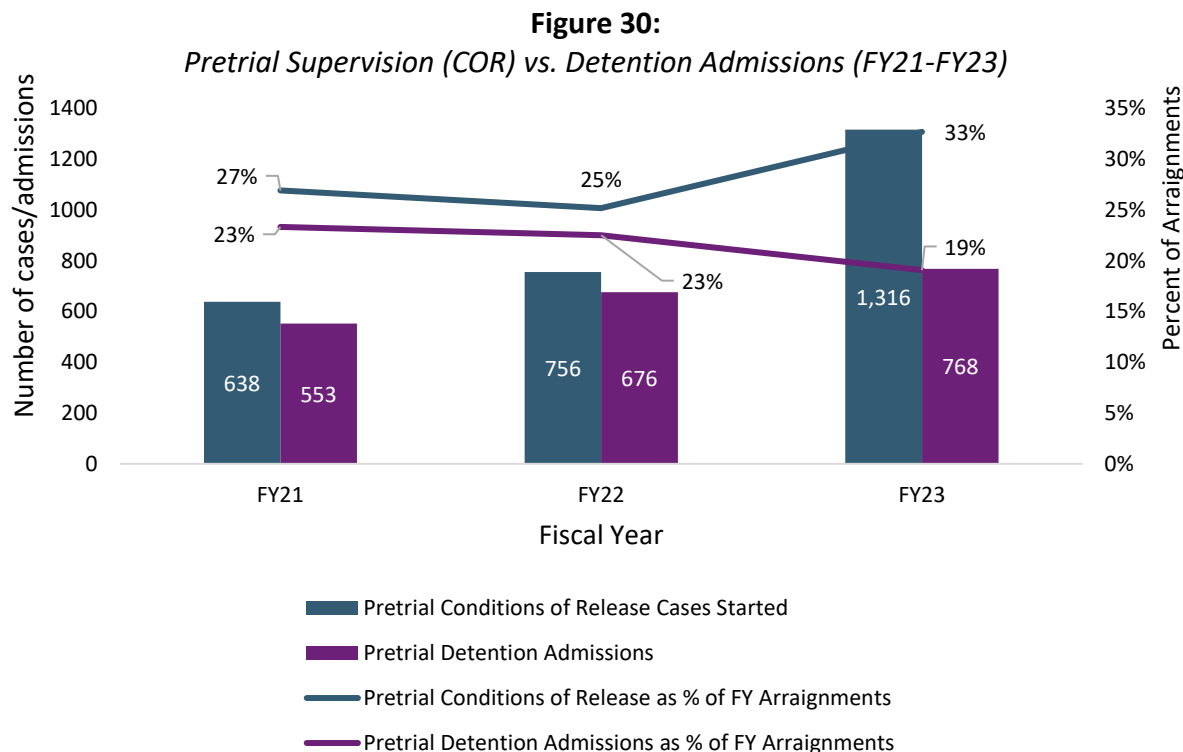
Figure 29:
Pretrial Monitoring and Supervision Case Starts by Type of Case (FY21-FY23)



Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

The number of youth arraigned has increased in recent years, which logically might lead to an increase in the raw numbers of youth detained *and* the number placed on pretrial conditions of release. This is seen in the data, as shown in Figure 30, below. The estimated *percent* of youth detained at some point during the pendency of their case has declined slightly (by 4 percentage points), while at the same time, the percentage of arraigned youth placed on pretrial conditions of release at some point during the pendency of their case has increased more substantially (by 8 percentage points).⁹⁹ This suggests that the increase in youth placed on pretrial conditions of release is not *just* a result of a decrease in the use of detention.

⁹⁹ The percent of arraignments resulting in a detention admission is an estimate considering youth may be arraigned just once, but have multiple detention admissions.



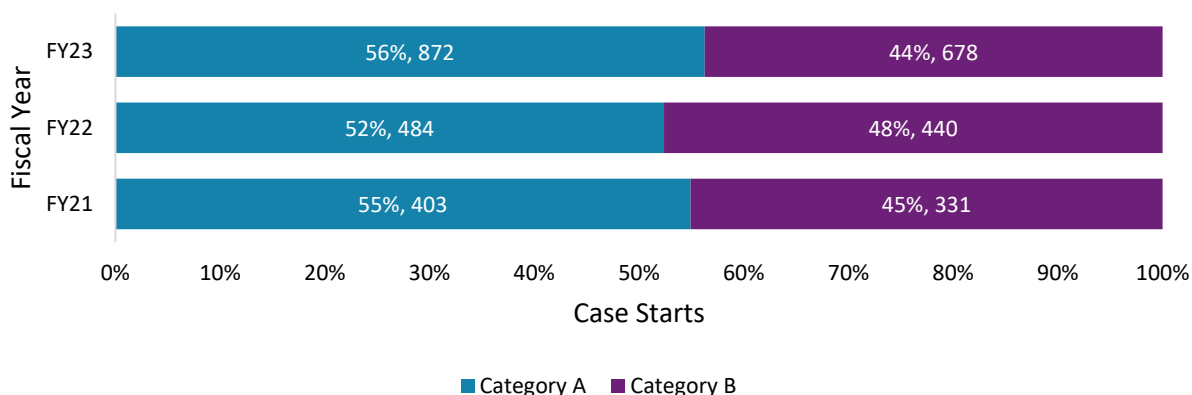
Source: Pretrial conditions of release cases data provided to the OCA by the Massachusetts Probation Service's Department of Research; Pretrial detention admission data provided to the OCA by DYS' Department of Research; Arraignment data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesAraigned/CountyMapCharacteristics>

There are two types of supervision levels for youth:¹⁰⁰

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

¹⁰⁰ 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.

Figure 31:
Pretrial Monitoring & Supervision Case Starts by Supervision Level (FY21-FY23)

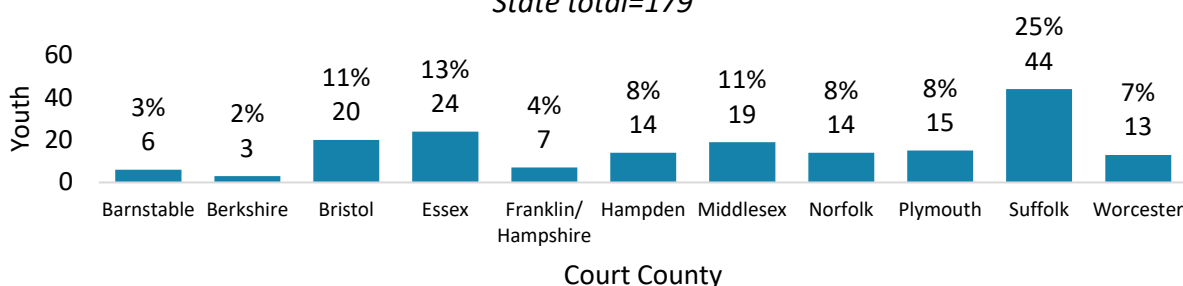


Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

The Board does not have data documenting the type and distribution of pretrial conditions youth in the "Category B" supervision level are required to follow. This year, however, the Board received data from MPS on the number of youth in one month who were required to wear a GPS device as one of the pretrial conditions.

During this one month snapshot (August 2023), 179 youth were being monitored by GPS in Massachusetts. One quarter (n=44) of youth being monitored were in Suffolk County.

Figure 32:
Number of Youth on GPS (Pretrial) (August 2023)
State total=179

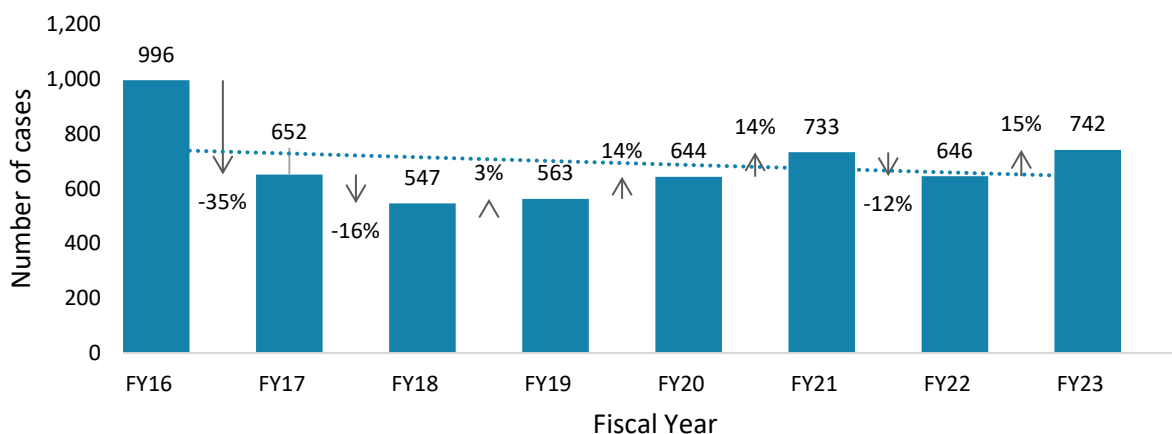


Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

MPS also reports data on monthly caseloads for the youth they supervise on pretrial monitoring and supervision.¹⁰¹ The average monthly caseload of youth on pretrial monitoring and supervision has increased each year since CJRA implementation, except in FY22.

¹⁰¹ MPS caseload data includes only Pretrial Probation Category B, and Conditions of Release Category B cases. Pretrial Probation Category A and Conditions of Release Category A are not reported in caseload data.

Figure 33:
Pretrial Supervision Avg. Monthly Caseload (FY16-FY23)



Source: MPS caseload data includes only Pretrial Probation Category B, and Conditions of Release Category B cases. Pretrial Probation Category A and Conditions of Release Category A are not reported in caseload data. FY16-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21-FY23 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

Pretrial Monitoring and Supervision by Offense Severity

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

58A “Dangerousness” Hearings

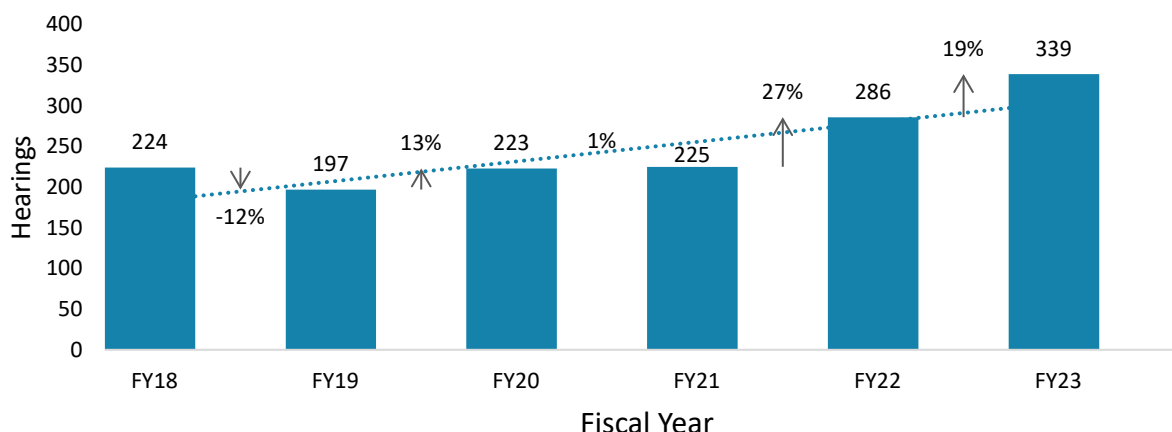
A prosecutor may move for a “58A hearing”, also called a “dangerousness hearing,” if they believe the youth is a threat to public safety if released pretrial.¹⁰² If a judge finds a youth to be dangerous and there are no conditions that would assure a youth and community’s safety, the youth is held in detention prior to their trial.¹⁰³

In FY23, there were 339 58A hearings held, representing a 19% increase from FY22. Despite a 12% decrease in the number of hearings one year into CRJA implementation, the number of 58A hearings held has increased each year since FY19. This has resulted in a 51% increase in the number of hearings held in FY23 compared to FY18.

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

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

Figure 34:
58A Hearings (FY18-FY23)



Source: FY18-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard>

It is important to note that the Board does not have data on the outcomes of these hearings, which makes it difficult to assess whether this increase is due to:

- An overall increase in severity of the types of cases coming into Juvenile Court.
- A change in prosecutorial decision-making on when to motion for a 58A hearing, and to what degree that may be influenced by the 2017 SJC decision that narrowed the circumstances for which prosecution asks for and a judge sets cash bail.

Although data on the outcomes of hearings is not available, the Board can calculate a rough estimate of the number of 58A hearings in Juvenile Court that result in a pretrial detention admission that same year. Data on detention admissions from DYS indicates that in FY23, approximately 32% (n=108) of dangerousness hearings resulted in a detention admission.¹⁰⁴

Over each of the past three years, the estimated percentage of pretrial detention admissions resulting from a 58A hearing has declined. This suggests that prosecutors are seeking 58A hearings more frequently for youth that, ultimately, judges do not deem “dangerous” or whose conditions of release will reasonably assure the safety of any other person or the community.

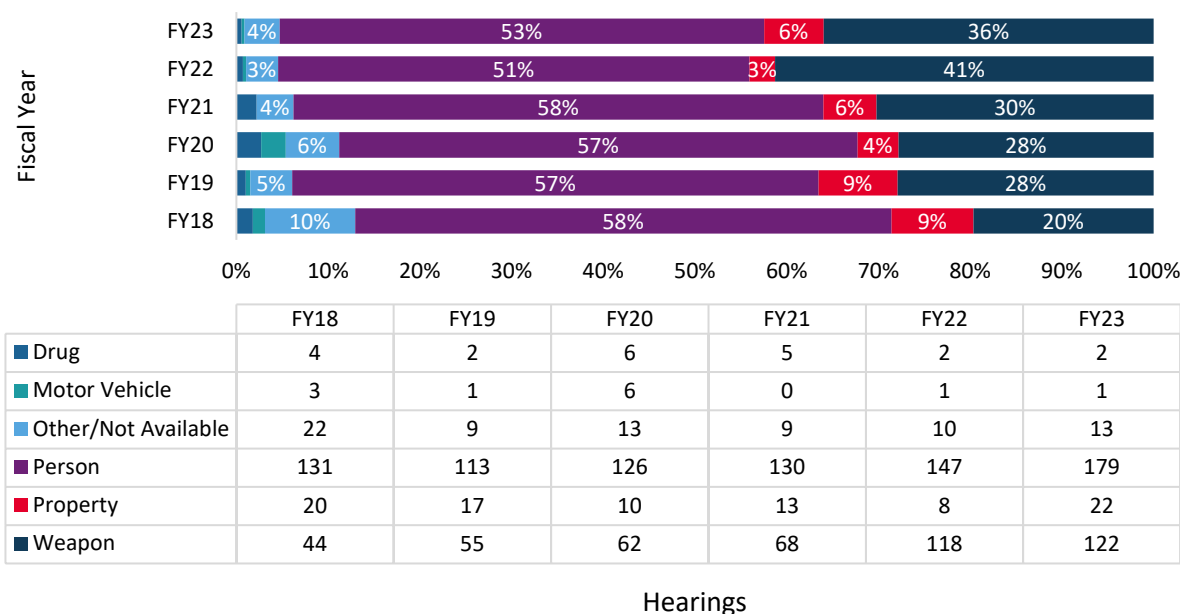
58A “Dangerousness” Hearings by Offense Severity & Type¹⁰⁵

¹⁰⁴ This is an estimate derived by taking the number of detention admissions under 58A (as reported by DYS) and dividing it by the total number of 58A hearings held (as reported by the Trial Court). We are unable to match specific hearings to their outcomes.

¹⁰⁵ Data presented in this section reports the first listed charge on the case.

Prosecutors may only request a 58A hearing for certain serious offenses. Over the past six years 58A hearings have been almost exclusively requested for felony offenses.¹⁰⁶ When combining that with the offense types youth subject to 58A hearings are accused of committing, it is clear that most youth have been accused of felony persons or weapons offenses.

Figure 35:
58A Hearings by Offense Type (FY18-FY23)



Source: FY18-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Pretrial Detention

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

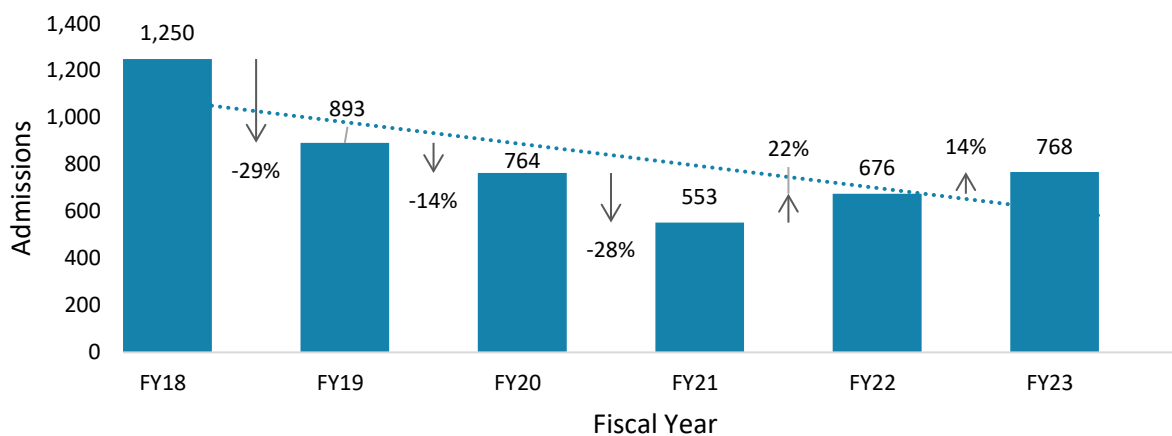
- If a judge finds no conditions of release will reasonably assure the safety of any person(s) or the community to release the youth pretrial as the result of a 58A (“Dangerousness”) hearing
- If they are unable to make the cash bail and/or the condition(s) of release that has been set for them (e.g., release to a parent only, release to DCF only)

¹⁰⁶ Over the past six fiscal years, on average, there have been five hearings for youth alleged of committing misdemeanor offenses.

- If their bail or personal recognizance was revoked after previously being released from detention
- As a result of a probation violation hearing

In FY23, there were 768 pretrial detention admissions for youth across the Commonwealth.¹⁰⁷ This is a 14% increase from the previous year, but still lower than pre-pandemic numbers and 39% fewer detention admissions compared to pre-CJRA implementation.

Figure 36:
Pretrial Detention Admissions (FY18-FY23)



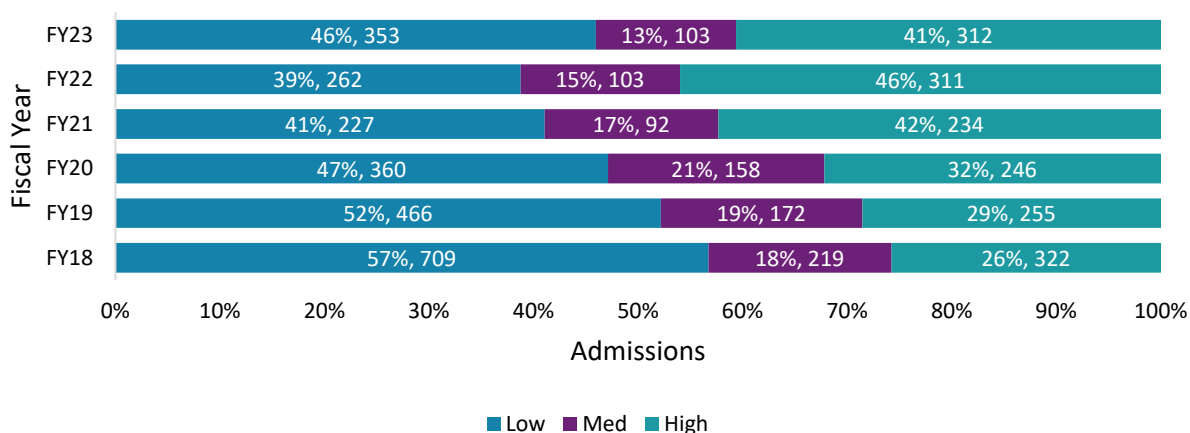
Source: Data provided to the OCA by DYS' Department of Research

Pretrial Detention Admissions by Offense Severity

The increase in pretrial detention admissions was exclusively a result of an increase in pretrial detention admissions for lower-level offenses, which increased 35% from FY22 admissions. This influx resulted in almost half (46%, n=353) of all detention admissions being for youth alleged of committing a lower-level offense. This is the second year in a row in which the number of detention admissions has gone up for youth alleged of committing lower-level offenses, reversing the downward trend of the prior years.

¹⁰⁷ Data in this section reports the number of detention admissions, not the number of youth. An individual can have one more than one detention admission in a year. The data includes both delinquency and youthful offender cases.

Figure 37:
Pretrial Detention Admissions by Offense Severity (FY18-FY23)

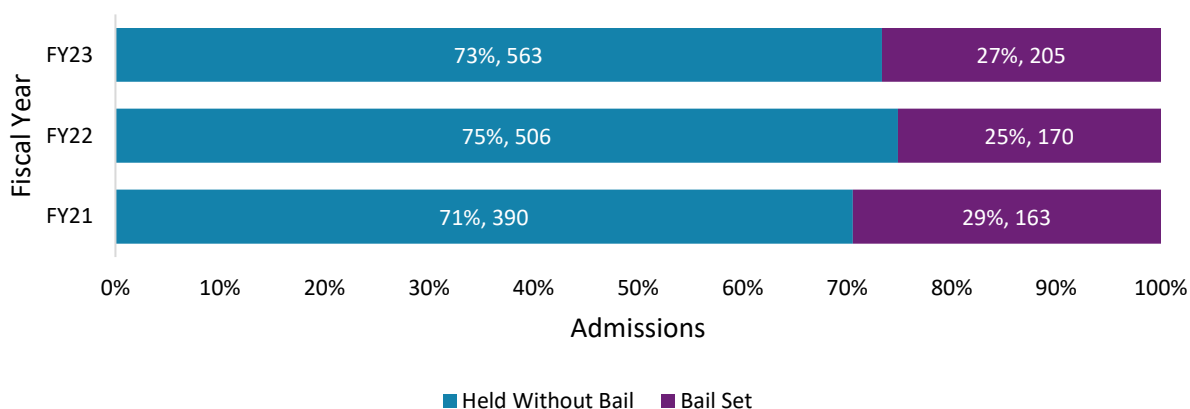


DYS measures offense severity by a numerical (1-7) “grid level.” Grid levels 1-2 are categorized as low, grid level 3= medium and grid levels 4-7 = high. Source: Data provided to the OCA by DYS’ Department of Research

Pretrial Detention Admissions by the Reason for Holding Youth

As mentioned above, youth can be detained pretrial with or without the opportunity to be released on bail. Almost three-quarters (73%, n=563) of all detention admissions in FY23 were for youth held without the opportunity of bail. The percentage of detention admissions for youth held without bail has remained consistent over the past three years.

Figure 38:
Pretrial Detention Admissions by Reason Held (FY21-FY23)



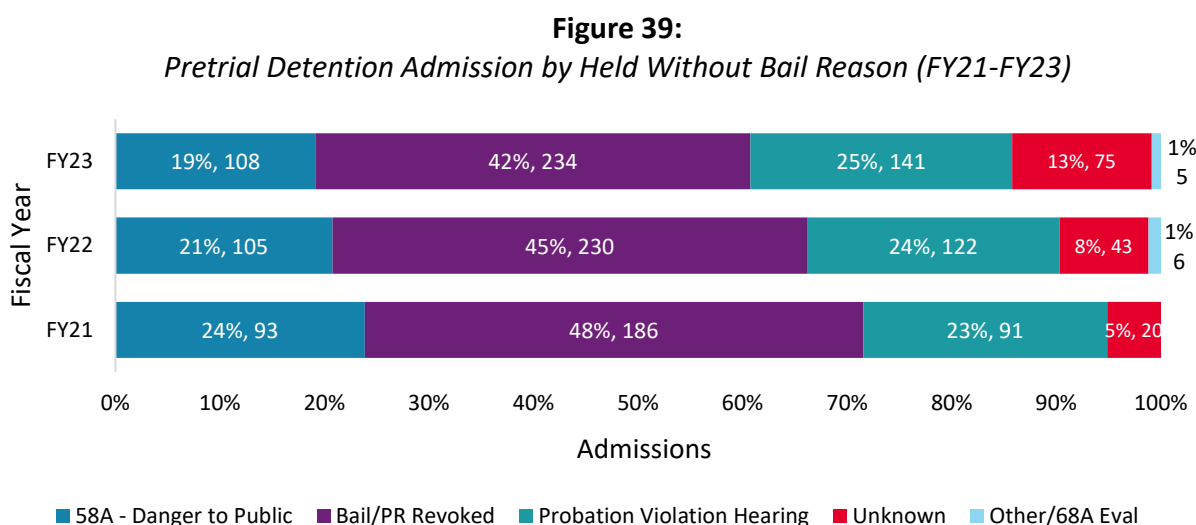
Source: Data provided to the OCA by DYS’ Department of Research

Youth can be held without bail for several reasons, including because of a dangerousness hearing (as highlighted above), a probation violation hearing,¹⁰⁸ or if bail or personal

¹⁰⁸ 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.

recognizance (“PR”) was revoked. About half (48%, n=375) of all detention admissions in FY23 were for youth held without bail as a result of bail/PR being revoked or a probation violation hearing. Detention admissions for youth detained pretrial for these reasons represent about two thirds (67%, n=375) of all admissions for youth held without bail.

As the use of pretrial monitoring and supervision has increased across the state in recent years (as discussed in the “Pretrial monitoring and supervision” section above), the percentage of admissions for youth held without bail as a result of a probation violation hearing has increased slightly, while a smaller percentage of admissions are for youth detained as a result of bail/PR being revoked. This raises the question: why are youth not successful on probation? That question (among others listed in this section) launched the Board’s research into the juvenile pretrial phase in Massachusetts and will be the subject of a future JJPAD report.



Source: Data provided to the OCA by DYS’ Department of Research

A far smaller percentage of detention admissions each year are for youth who were detained as a result of bail being set. As detailed above, a judge determines whether a youth is at risk of failing to appear for their next court date and may set a monetary bail and/or other pretrial release conditions to assure a youth’s appearance in court.¹⁰⁹ Judges must consider the youth’s financial resources if they set bail.¹¹⁰

If the youth is unable to make cash bail and meet other pretrial release conditions for any reason, they are held in pretrial detention. Research shows that most individuals show up to

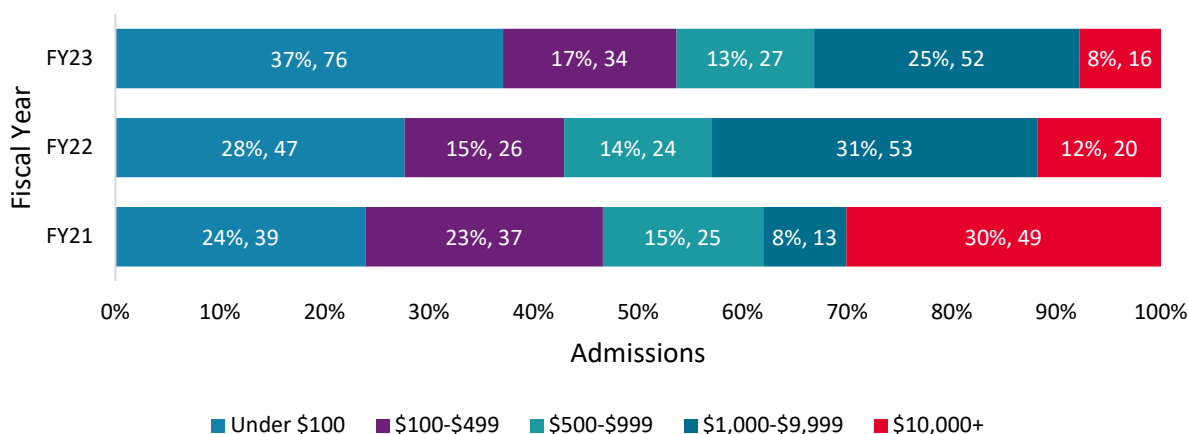
¹⁰⁹ *Querubin v. Commonwealth*, 440 Mass. 108, 113 (2003). *Commonwealth v. Pagan*, 445 Mass. 315 (2005). [M.G.L Chapter 276 §58](#).

¹¹⁰ 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 assure the defendant’s appearance. *Brangan v. Commonwealth*, 477 Mass. 691 (2017).

court,¹¹¹ and many youth (or their families) cannot afford even a relatively small bail, which means they must remain in a locked facility away from their schools and communities until trial or until they are able to raise the money to pay the bail.

The overall percentage of detention admissions resulting from youth detained on cash bail has remained relatively stable over the past three fiscal years (consistently representing about a quarter of all cases). Still, the increase in admissions in FY23 from the year prior is almost exclusively a result of admissions where youth are detained as a result of cash bail set under \$100. Of the 27% increase (n=205) in detention admissions in FY23 for youth detained as a result of bail being set, over a third (37%, n=76) were held on cash bail amounts under \$100.

Figure 40:
Pretrial Detention Admissions by Bail Amount (FY21-FY23)



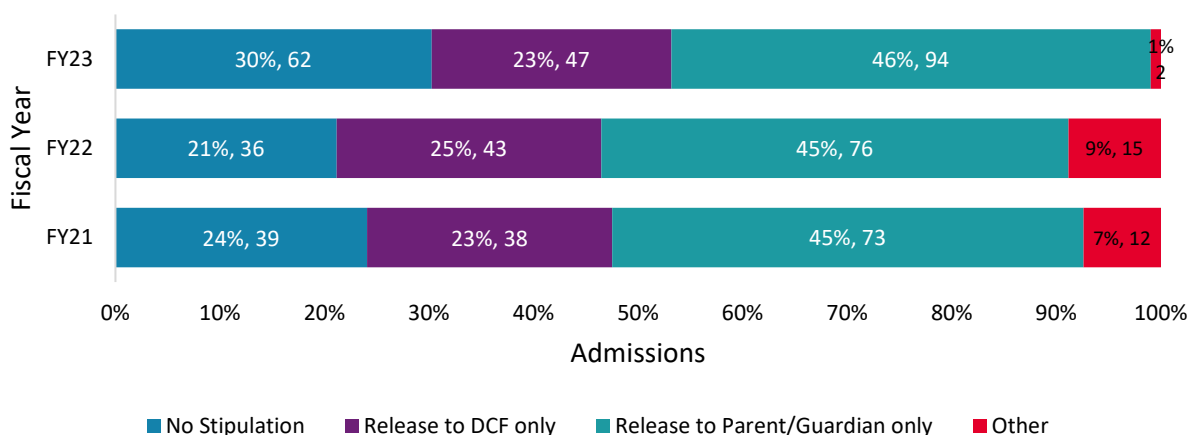
Source: Data provided to the OCA by DYS' Department of Research

Almost half (46%, n=94) of all detention admissions for youth with bail set required youth be released to a parent/guardian if cash bail is met. Twenty-three percent (n=47) of admissions were for youth with bail set who, if bailed out, were required to be released to DCF only. Thirty percent (n=62) of admissions were for youth with bail set who had no other stipulations of release if they made cash bail.¹¹²

¹¹¹ Research conducted by the Massachusetts Trial Courts shows *most* individuals show up to court (87% appeared and 12% failed to appear). [Massachusetts Trial Court](https://www.mass.gov/doc/massachusetts-trial-court-survey-of-pretrial-statistics-in-criminal-cases-fy2019/download). (2021). Survey of Pretrial Statistics in Criminal Cases FY2019 <https://www.mass.gov/doc/massachusetts-trial-court-survey-of-pretrial-statistics-in-criminal-cases-fy2019/download>

¹¹² 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 at the time of admission.

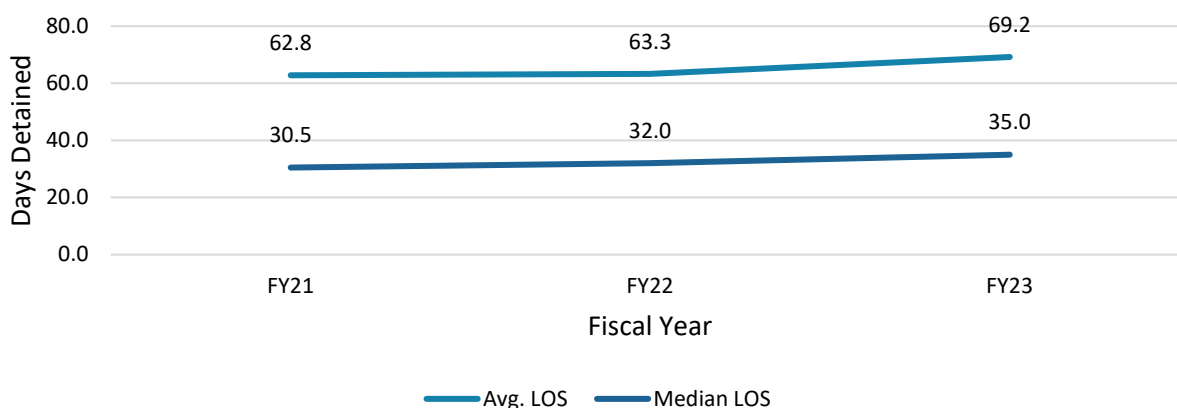
Figure 41:
Pretrial Detention Admissions by Bail Stipulation (FY21-FY23)



Source: Data provided to the OCA by DYS' Department of Research

The length of time youth were detained in DYS increased in FY23 from prior years. On average, youth spent 69 days in detention in FY23, up from 63 days in FY22 and FY21. The length of time a youth can spend detained before their trial varies substantially: in FY23, youth released from detention spent anywhere between one day and over three years (1,191 days) detained. Due to this large range, the Board also looks at the median length of time youth spend detained. The median length of stay in FY23 was 35 days, up from 32 days in FY22 and 30.5 days in FY21.

Figure 42:
Pretrial Detention Length of Stay (LOS) (FY21-FY23)



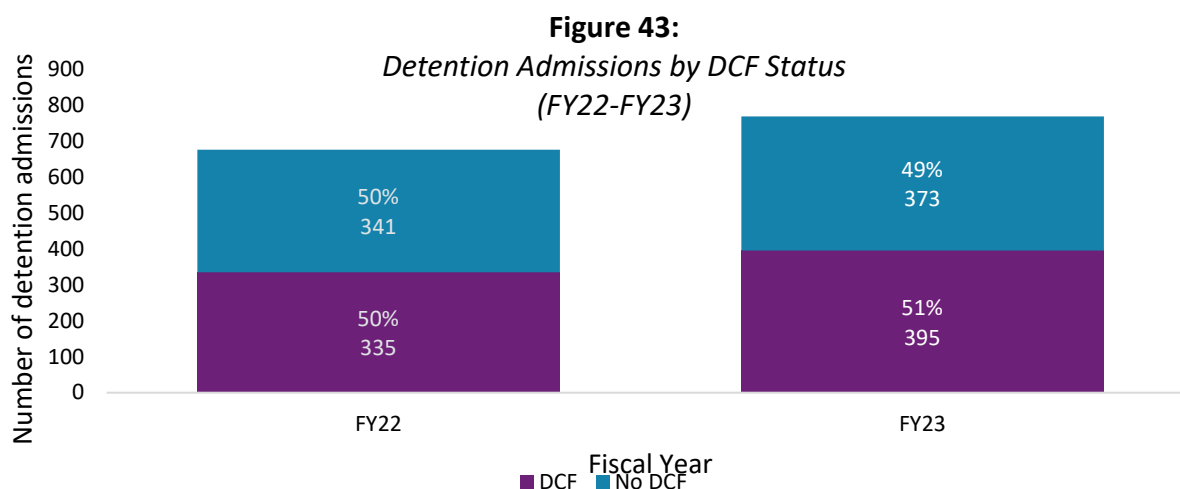
Source: Data provided to the OCA by DYS' Department of Research

For youth released from pretrial detention in FY23 (n=749), just 16% (n=120) were ultimately committed to DYS. This is the same rate as FY22.

*Characteristics of Youth Detained Pretrial at Admission*¹¹³

DYS reports data to the Board detailing some of the needs of youth admitted to pretrial detention. This includes self-reported data on any history of sexual and/or physical abuse, any mental health and educational needs, as well as DCF (child welfare system) involvement for any youth with a pretrial detention admission throughout the year.

In FY23, 51% (n=395) of pretrial detention admissions involved youth who had DCF involvement at the time of the admission. The overall increase in detention admissions in FY23 compared to FY22 was driven by youth with DCF involvement: two thirds of the additional detention admissions in FY23 involved youth with DCF involvement.



Source: Data provided to the OCA by DYS' Department of Research

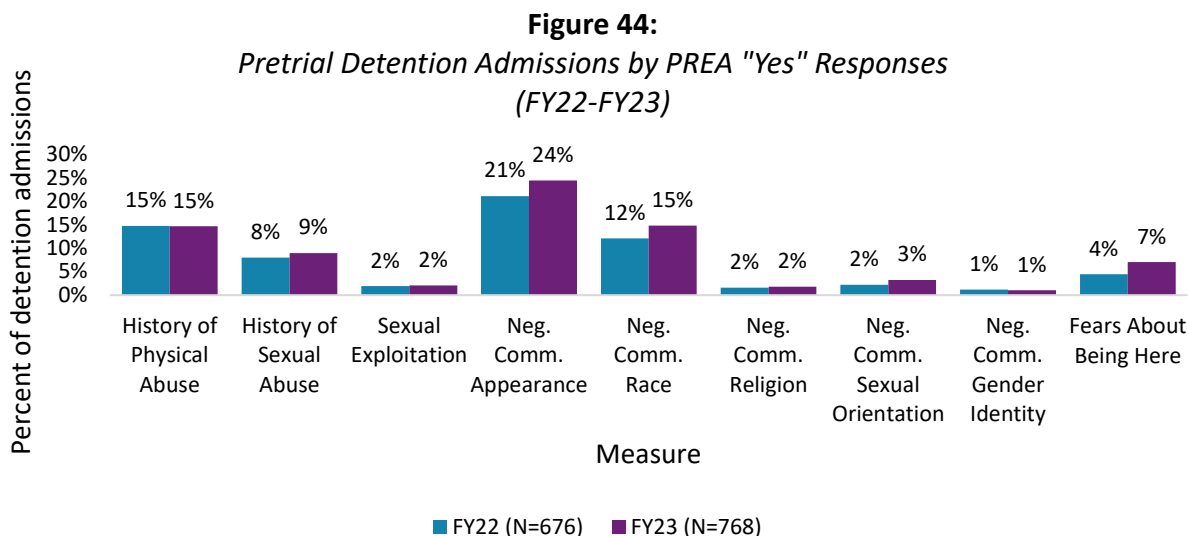
As a result of federal legislation, youth admitted to detention answer a series of questions related to any history of physical and/or sexual abuse, as well as other measures regarding if youth had ever heard other individuals make negative comments about the youth's appearance, race, sexual orientation, gender identity or religion.¹¹⁴ DYS has also added a question to their intake to capture whether a youth has experienced commercial sexual exploitation.

Compared to FY22, a higher percentage of youth detained pretrial disclosed:

- histories of sexual abuse,
- having heard negative comments about their appearance, race and sexual orientation, and
- fears about being in detention.

¹¹³ For complete data tables for this section, including raw numbers, see Appendix D.

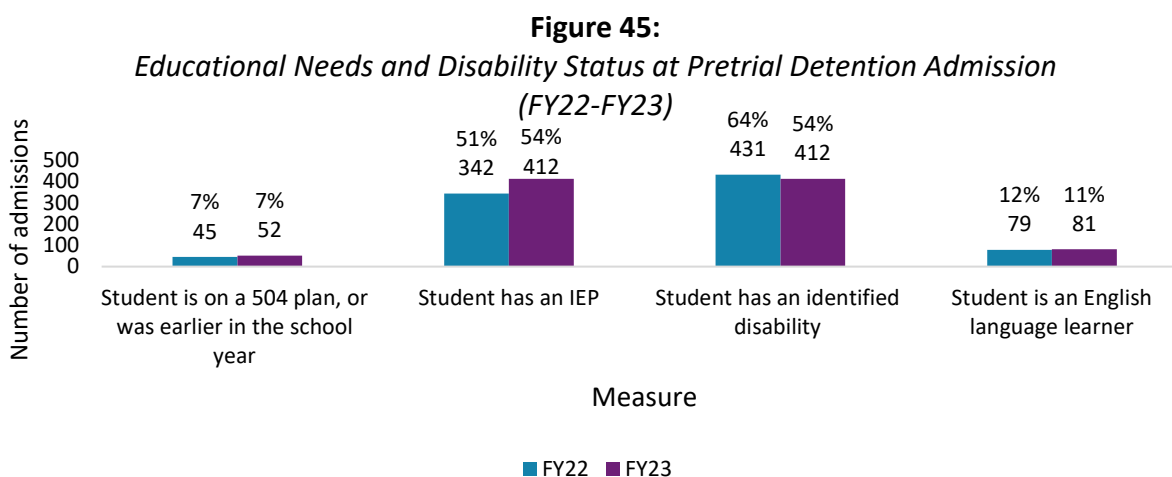
¹¹⁴ [Executive Office of Public Safety and Security](https://www.mass.gov/service-details/the-prison-rape-elimination-act-prea-of-2003#:~:text=PREA%20applies%20to%20all%20federal,%2C%20and%20police%20lock%20dups.). (n.d.). The Prison Rape Elimination Act (PREA) of 2003. <https://www.mass.gov/service-details/the-prison-rape-elimination-act-prea-of-2003#:~:text=PREA%20applies%20to%20all%20federal,%2C%20and%20police%20lock%20dups.> ; For a list of PREA questions, see Appendix D.



Source: Data provided to the OCA by DYS' Department of Research

On a weekly basis, DYS receives special education and disability-related information for the youth admitted to detention that week from the Department of Elementary and Secondary Education (DESE).¹¹⁵

Compared to FY22, in FY23 a greater percentage (54%, n=412) of youth admitted to detention had an individualized education plan (IEP).



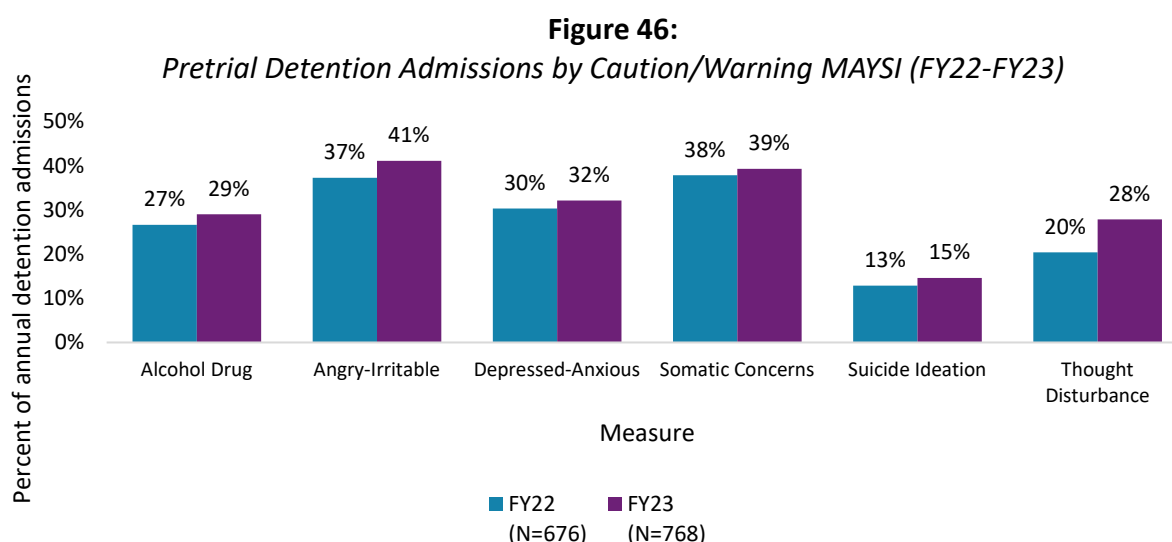
Source: Data provided to the OCA by DYS' Department of Research

All youth receive a mental health screening upon first entering a DYS facility using the MAYSI-2 (Massachusetts Youth Screening Instrument-Version 2) behavioral health screening, which was

¹¹⁵ DYS and DESE match data across agencies twice a week based on new detention admissions and first commitments. Local schools are only required to report data to DESE three times a year, and DYS receives the DESE data based on the last time the school reported to DESE.

designed to assist juvenile justice facilities in identifying special mental health needs among 12-17 year-olds.¹¹⁶ The MAYSI-2 screens for signs of depression, suicidal/self-harm ideation, substance use, psychosis, aggression, and PTSD. Depending on the score, DYS has multiple policies and procedures in place to ensure youth in their care and custody are safe and supported, including providing appropriate clinical services, monitoring for suicidality, and establishing necessary safety protocols.

Compared to FY22, a higher percentage of youth detained pretrial scored “caution” or “warning” across all behavioral health needs categories.



Source: Data provided to the OCA by DYS' Department of Research

Youth Detained Pretrial: Placement Settings as of June 30, 2023

Detention admissions data reflect youth who may have been admitted to detention more than once throughout the fiscal year. To understand the different types of facilities youth are detained in, the Board also examines point-in-time or “snapshot” data. The data takeaways presented in this text box reflect the youth who were in the custody of DYS on June 30, 2023. **On that date, there were 148 youth detained at DYS.**

- Of the 148 youth detained on this day, 68% (n=101) were detained in a hardware secure facility and 30% (n=44) were detained in a staff secure setting.
- On average, youth in detention on 6/30/23 had spent 65.7 days detained. The median length of time spent in detention for youth detained on this day was 34.0 days.

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

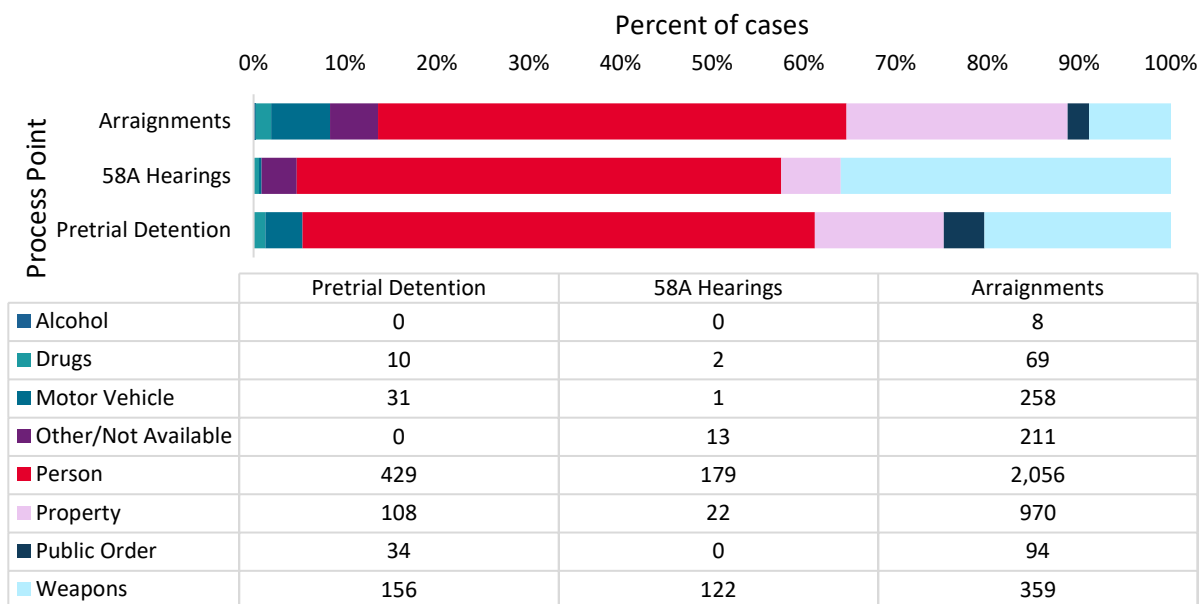
Source: Data provided to the OCA by DYS' Department of Research

¹¹⁶ Kathleen, L. (2014). *MAYSI-2 Administration and Referral Protocol Template Instructions*. Spark Public Policy Institute.

Pretrial Data Points by Offense Types

Youth alleged of committing person-related offenses account for most of the cases at each of the pretrial process points. This has remained consistent with prior years.

Figure 47:
Pretrial Process Points by Offense Type (FY23)

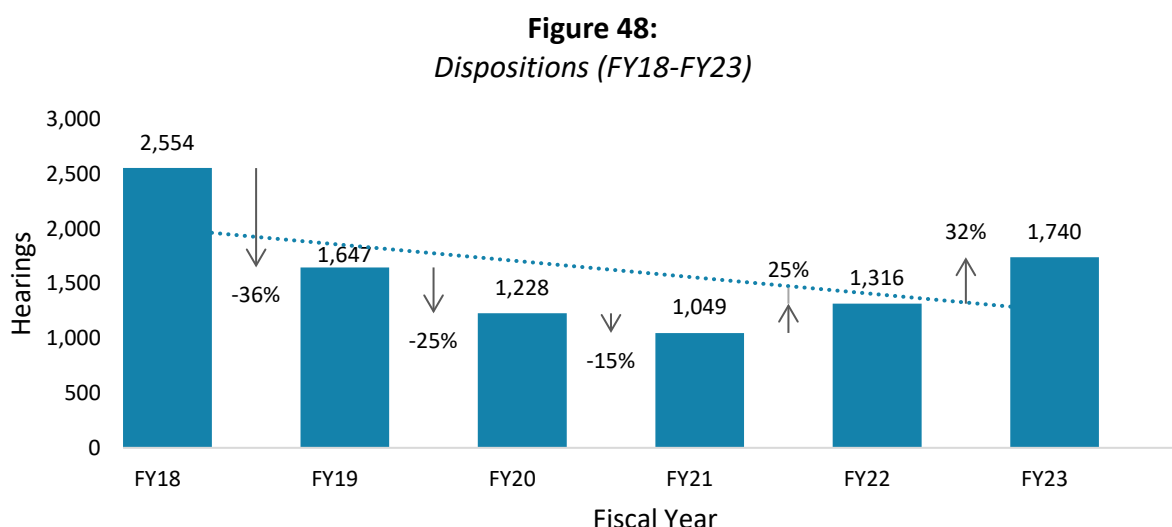


Source: Arraignment data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesAraigned/CountyMapCharacteristics> ; Dangerousness hearing data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtDangerousnessHearings/MainDashboard> ; Pretrial detention data provided to the OCA by DYS' Department of Research

Dispositions and Sanctions

There are a few different options (“dispositions”) for how a case may be resolved after a youth is arraigned in court. The data in this section reports the *initial disposition* on a case, not the *final disposition*. It is also important to note that a case can be dismissed prior to a plea or trial due to a number of procedural or legal reasons. That data is reported in the “Judicial Diversion” section above.

In FY23, there were 1,740 delinquency cases that proceeded to a plea or trial or were resolved by a CWO, a 32% increase from FY22, and a 6% increase from pre-pandemic levels. The number of cases resolved by plea/trial or were resolved by a CWO hearing in FY23 is 32% less than the number held pre-CJRA.



Source: FY18-21 data retrieved from the JJPAD’s FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court’s Tableau Public page here:

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

Dispositions

If a case resolves as a result of a CWO, a plea being accepted or a completed trial, it results in what is called a “disposition.”¹¹⁷ Youth can have a trial before a judge or a jury. There are three potential dispositions to a case:

1. A youth can be given a case resolution called **“continuance without a finding” (CWO)**. A CWO determination comes before an adjudication and means a case is continued

¹¹⁷ Counts reported here included all cases resolved by a CWO, cases adjudicated delinquent, and cases adjudicated not delinquent.

without entering a formal adjudication on the case or into the youth's record. For there to be a CWOFF determination, a youth must give up their right to trial and admit there are sufficient facts to merit a finding of delinquency, but in exchange, the court agrees to continue the case without a finding for a set period of time.

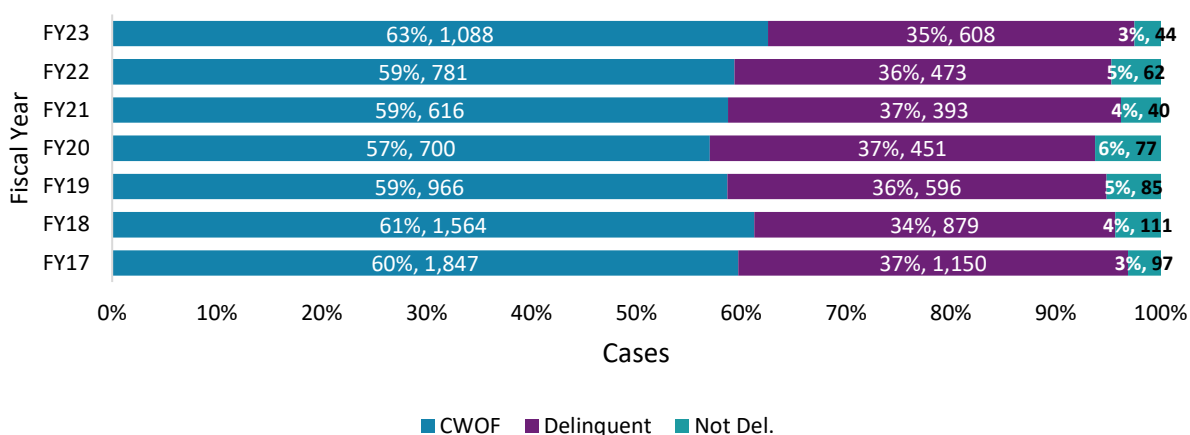
The case can be dismissed if the youth meets all of the conditions of probation. If the youth does not meet the conditions of probation, the case may be brought back to court and a finding of delinquency may be entered and the youth may face additional consequences up to commitment to the Department of Youth Services. The youth will not have a record of a delinquent adjudication if they successfully comply with the terms of the CWOFF, although the fact that they were arraigned and the case was Continued Without a Finding *will* appear on their record, along with an entry that the case was dismissed.

2. A youth can be **adjudicated not delinquent** (equivalent to “not guilty” in the adult system) on all or some of the charges.
3. A youth can be **adjudicated delinquent** (equivalent to “guilty” in the adult system) on all or some of the charges. If youth are adjudicated delinquent, they can receive one of the following sanctions:¹¹⁸
 - a. be placed on probation,
 - b. be placed on a “suspended DYS commitment” which is supervised by probation,
 - c. be committed to DYS, or
 - d. may also receive no sanction after being adjudicated delinquent.

In FY23, almost two thirds (63%, n=1,088) of all disposed cases were resolved by a CWOFF. The breakdowns in dispositions have remained relatively consistent over the past several years despite increases in the number of initial dispositions over the past two years.

¹¹⁸ Additional sanction options are available to Juvenile Court judges for youth who are found to be a “youthful offender.” That is detailed in the “Youthful Offender Cases” section below.

Figure 49:
Initial Dispositions of Cases (FY17-FY23)



Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Compared to FY22, there was a:

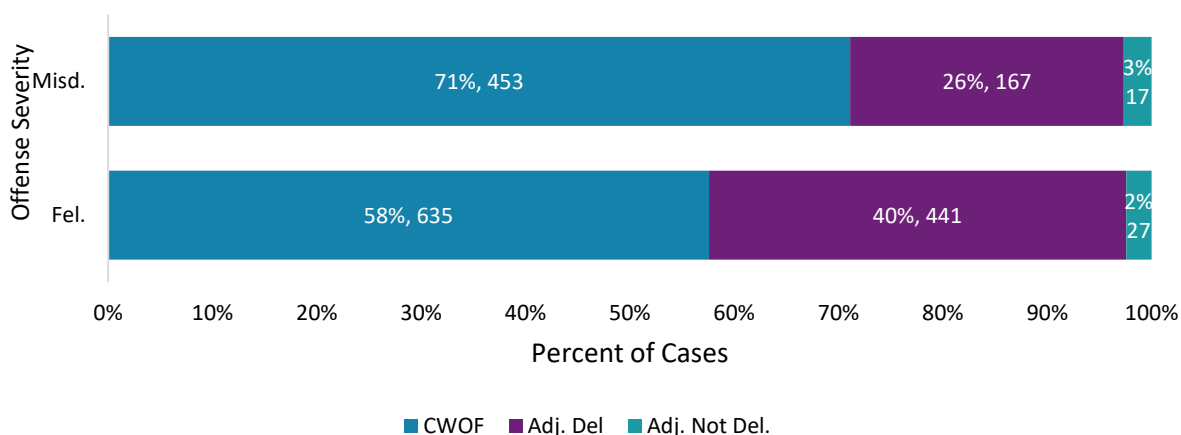
- 39% increase in the number of cases resolved by a CWO
- 29% increase in the number of cases adjudicated delinquent
- 39% decrease in the number of cases adjudicated not delinquent.

Since CJRA implementation, the 30% decline in the number of cases resolved with a CWO accounted for most of the decline in total number of total dispositions, rather than those cases adjudicated either delinquent or not delinquent.

Cases for youth accused of an underlying misdemeanor offenses were more frequently resolved by a CWO than those accused of an underlying felony offense.¹¹⁹

¹¹⁹ This data reports the offense level of the "most serious" offense youth are accused of committing.

Figure 50:
FY23 Initial Case Dispositions by Offense Severity

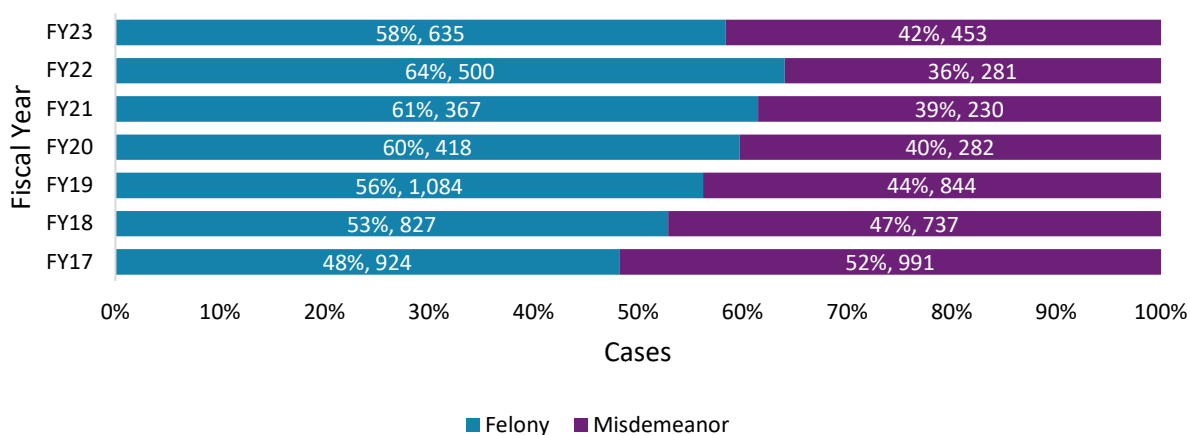


Source: Data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

Cases Resolved by a CWO by Offense Severity

The number of CWO resolutions for youth accused of misdemeanor offenses declined 39%, a steeper rate of decline than the number of CWO resolutions for youth accused of felony offenses (23%) since CRJA implementation. This is likely the result of more youth alleged of misdemeanors being diverted from the juvenile justice system prior to arraignment, a goal of the CJRA. However, youth accused of misdemeanor offenses still account for 42% (n=453) of all cases resolved by a CWO in FY23. This suggests that there are additional opportunities to divert youth with misdemeanor offenses earlier in the court process.

Figure 51:
CWO Cases by Offense Severity (FY17-FY23)



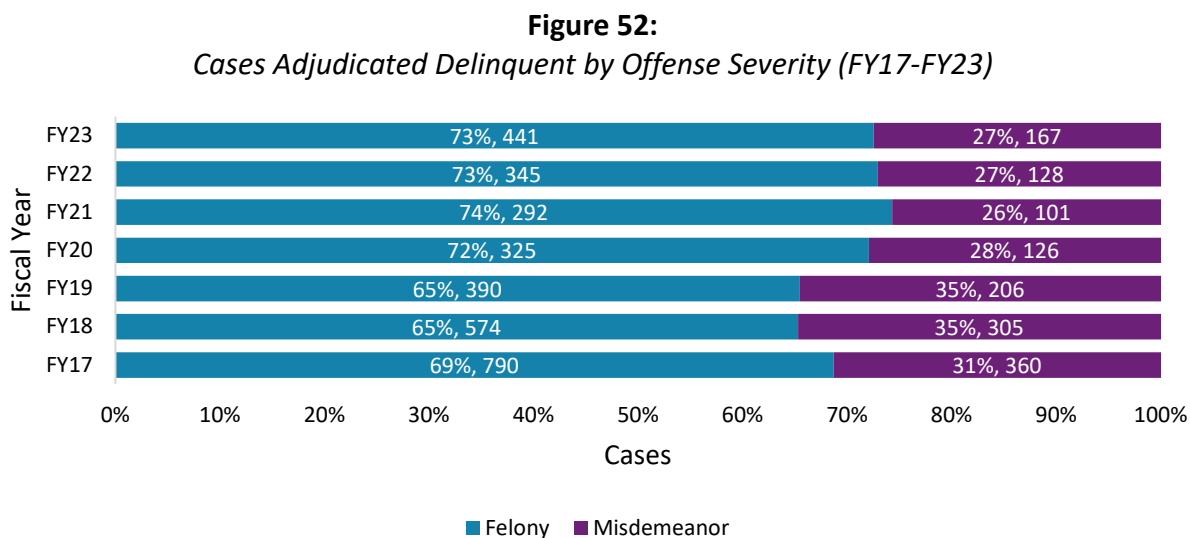
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from

the Massachusetts Trial Court's Tableau Public page here:

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

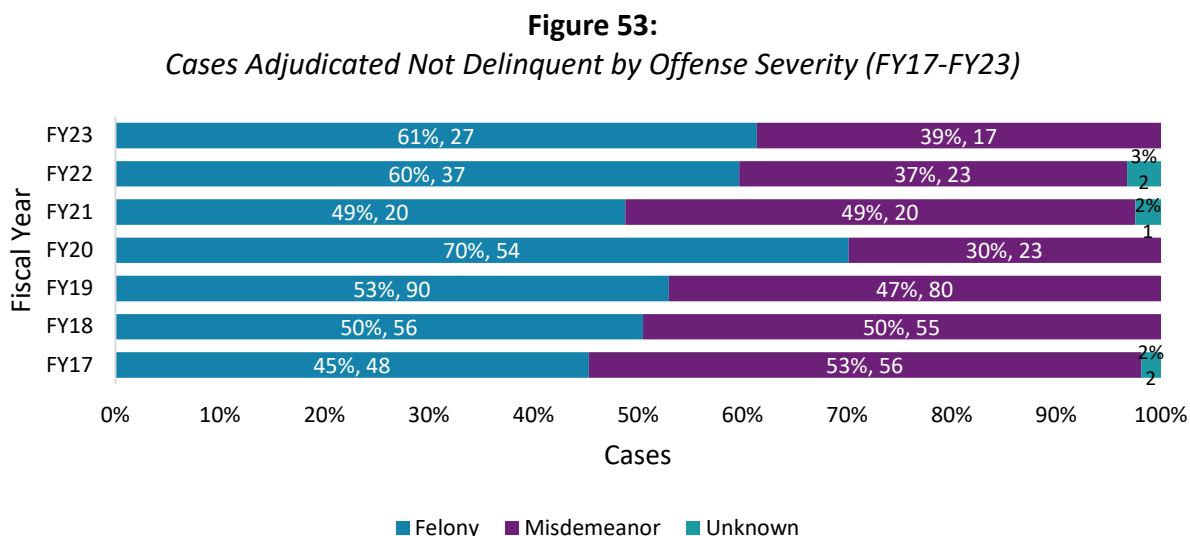
Cases for Youth that Proceed to Plea or Trial by Offense Severity

For the most part, the cases that proceed to plea or trial involve youth alleged of committing felony offenses.



Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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



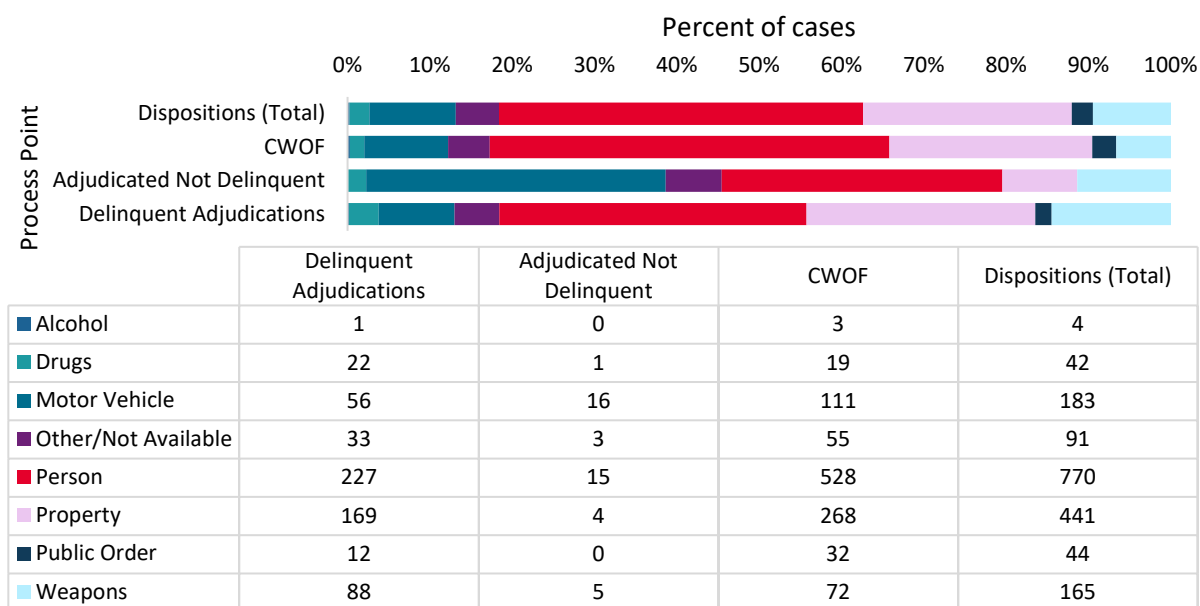
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Dispositions by Offense Types

Most of the cases resolved by a CWO of are for youth alleged of committing person related offenses. This is consistent with prior years.

Figure 54:
FY23 Disposition by Offense Types



Source: Data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

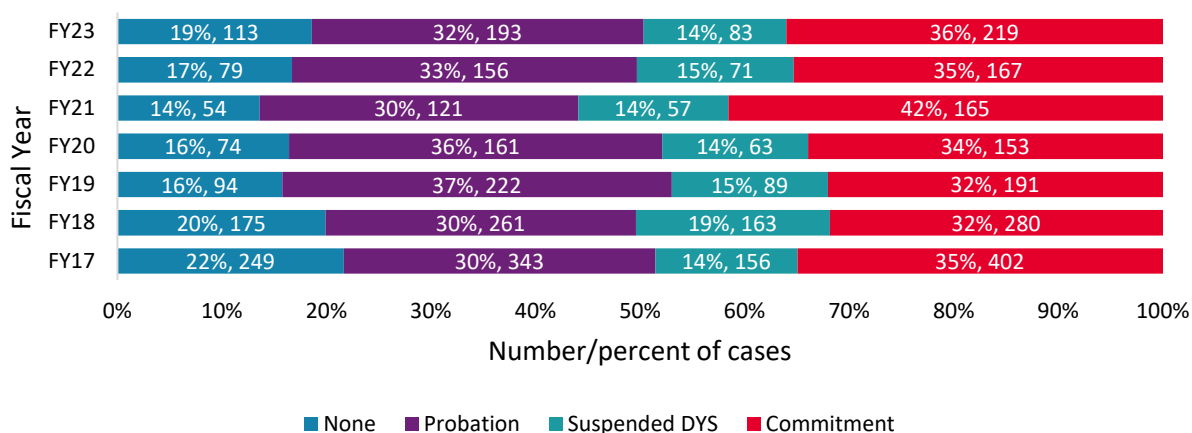
Sanctions

Sanctions can be described as the outcome of a case in which a youth has been adjudicated delinquent. In adult court, this is referred to as a "sentence." Common options for sanctions in Juvenile Court include placing the youth on probation for a period of time, committing a youth to the custody of the Department of Youth Services (DYS), giving the youth a suspended DYS commitment,¹²⁰ or imposing or suspending an adult sentence if the youth was adjudicated as a youthful offender.¹²¹

¹²⁰ During a suspended DYS delinquency commitment, the youth is placed on probation with the possibility of a DYS commitment. If the youth is found by a judge to have violated a condition of probation, the judge may commit the youth to DYS.

¹²¹ Youthful offender disposition data is presented in the "Youthful Offender Cases" section of this report.

Figure 55:
Cases Adjudicated Delinquent by Sanction Imposed (FY17-FY23)



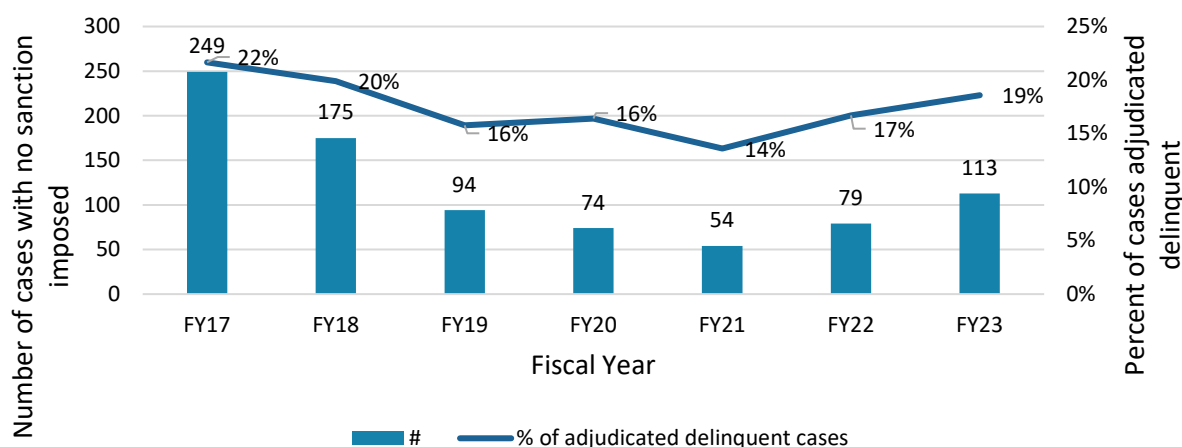
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

No Sanction

In FY23, there were 113 cases in which a youth was adjudicated delinquent, and no sanction was imposed.¹²² This was one percentage point higher than the average across the six prior years.

Figure 56:
Cases Adjudicated Delinquent with No Sanction Imposed (FY17-FY23)



Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from

¹²² In these cases, judges adjudicate a youth delinquent for a given case, and put the case "on file" unless or until a certain circumstance occurs.

the Massachusetts Trial Court's Tableau Public page here:

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

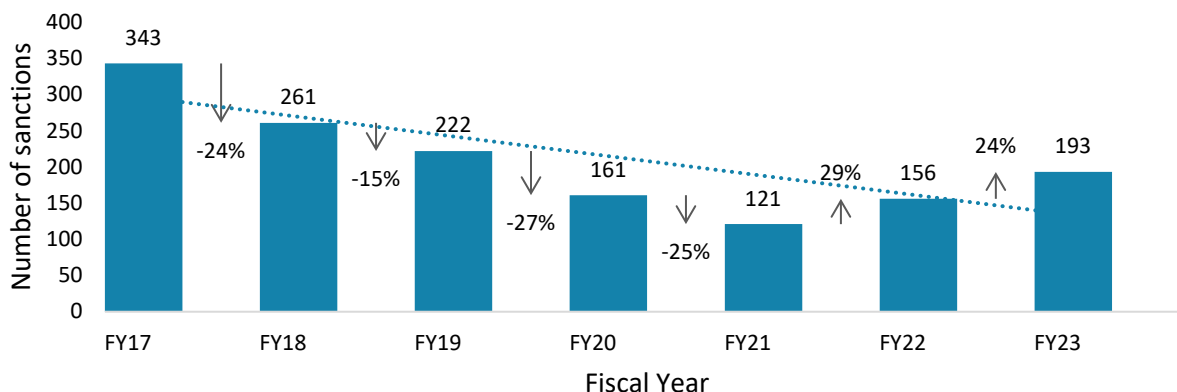
Post-Disposition Probation

Youth who have been adjudicated delinquent can be placed on probation by the court as a disposition, as well as those youth adjudicated delinquent and placed on a suspended commitment to DYS (until age 18 or 21).

In FY23, there were 193 cases for which youth were sanctioned to probation, an increase of 24% from FY22. Probation sanctions are down 13% from pre-pandemic levels and 26% from pre-CJRA implementation.

Figure 57:

Probation Sanctions Associated with Cases Adjudicated Delinquent (FY17-FY23)



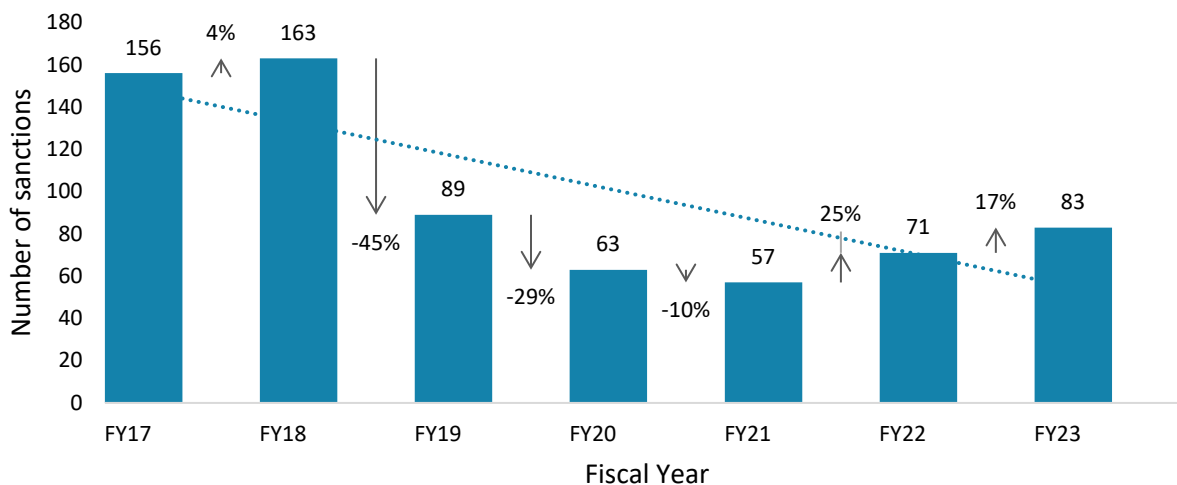
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Youth can also receive a "suspended DYS" commitment. Youth with a suspended DYS commitment are supervised by probation, and if successful, are not committed to DYS. If unsuccessful, youth may be committed to DYS until 18 years of age (or, in some cases, 19, 20, or 21 years old).

In FY23, 83 cases involved youth sanctioned to a suspended DYS commitment, a 17% increase from FY22. The number of cases in which youth are sanctioned to a suspended DYS commitment is down 7% compared to pre-pandemic levels and has been cut in half since pre-CJRA.

Figure 58:
Suspended DYS Commitments (FY17-FY23)



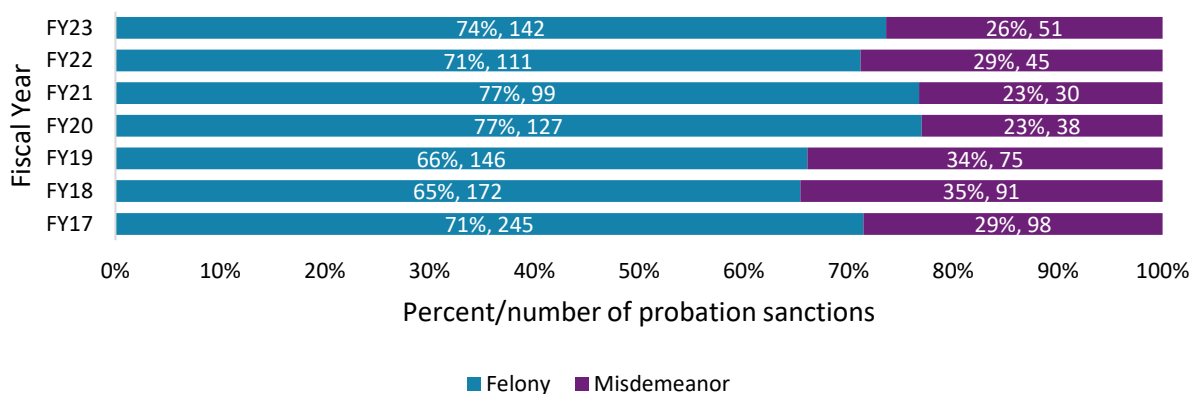
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Post-Adjudication Probation by Offense Severity & Type

The majority of youth sanctioned to probation, as well as those youth with a suspended DYS commitment who are supervised by probation, are adjudicated delinquent on underlying felony offenses.

Figure 59:
Probation Sanctions Associated with Cases Adjudicated Delinquent by Offense Severity (FY17-FY23)

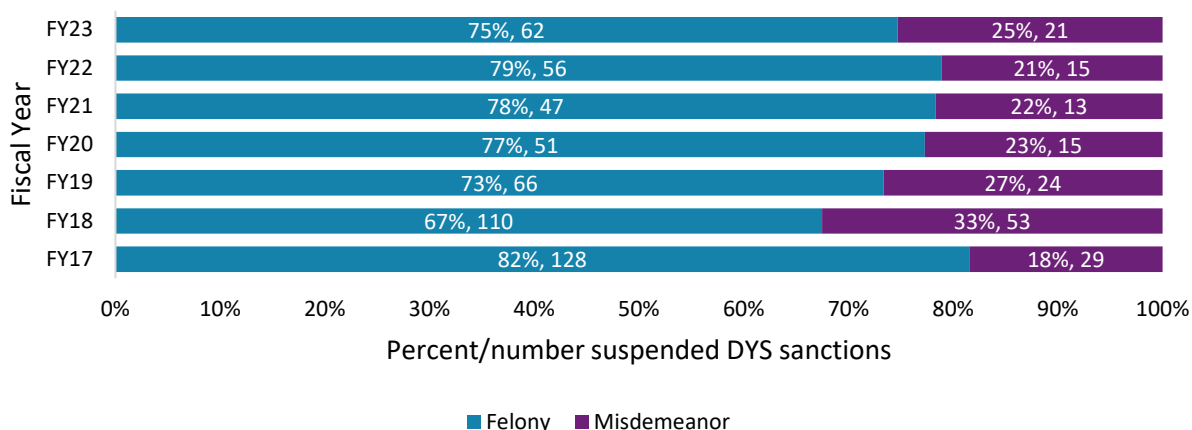


Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from

the Massachusetts Trial Court's Tableau Public page here:

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

Figure 60:
Suspended DYS Commitments by Offense Severity (FY17-FY23)



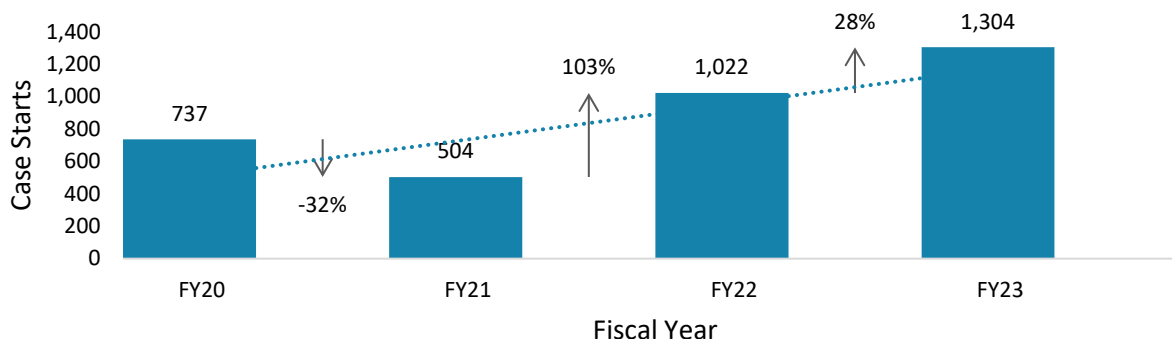
Source: FY17-21 data retrieved from the JJPAD's FY22 Annual Report; FY22 & FY23 data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

Supervision Types & Levels

MPS reported 1,304 new probation “case starts” in FY23.¹²³ This includes youth adjudicated delinquent sanctioned to probation, as well as youth with suspended DYS commitments and youth supervised pre-adjudication on a CWOFF. This is a 28% increase from FY22 and a 77% increase from FY20.

Figure 61:
Probation Case Starts (FY20-FY23)



Note: Due to the way MPS collects and reports data, post-adjudication administrative probation counts include some pretrial & prearrest cases.

Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

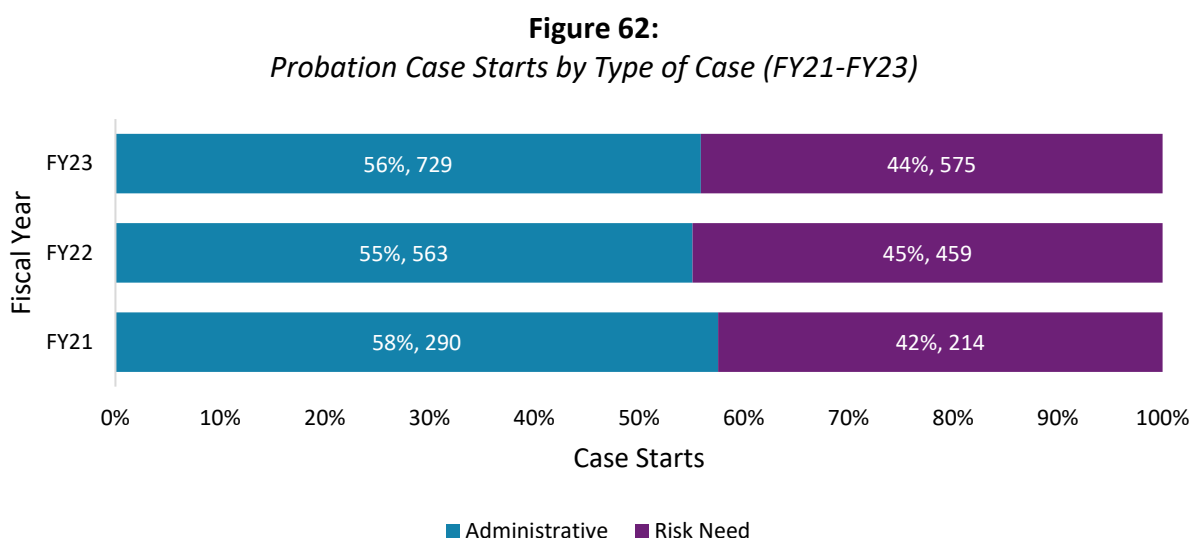
¹²³ MPS reports the number of cases started during the year.

A judge determines which type of probation to sanction a youth to:

- **Risk-Need Probation:** A classification of probation supervision for adjudicated youth where Probation Officers have direct supervision of youth based on supervision standards in place for *maximum*, *moderate*, or *minimum* supervision. These levels are determined by an assessment tool and classification process.¹²⁴
- **Administrative Probation:**¹²⁵ A classification of probation that limits the number of directly supervised conditions an adjudicated youth has while on probation. Unlike Risk/Need Probation, there is no assessment tool used for this classification of probation.

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.¹²⁶

Of the 1,304 probation cases started in FY23, 56% (n=729) were for youth placed on administrative probation. The percentage of youth placed on both probation types has remained relatively stable the past three years.



Note: Due to the way MPS collects and reports data, post-adjudication administrative probation counts include some pretrial & prearrest cases.

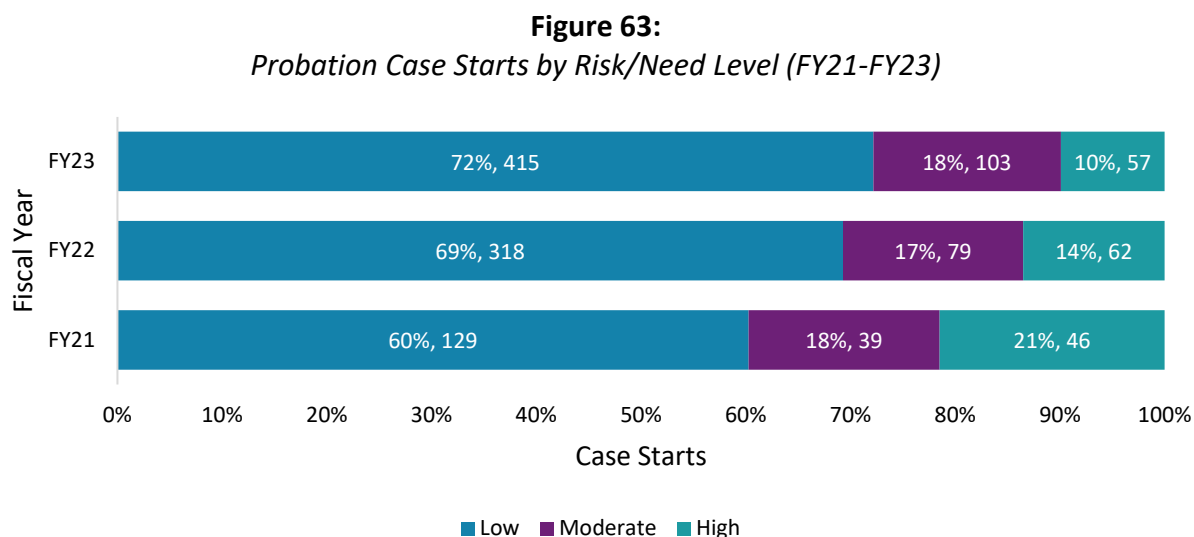
Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

¹²⁴ For a detailed description of MPS' policy and procedural changes to risk/need assessments, see pg. 108 of the Board's 2022 Annual Report.

¹²⁵ Due to the way MPS collects and reports data, post-adjudication administrative probation counts include some pretrial & prearrest cases.

¹²⁶ 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.

Of the 575 probation cases that involved youth placed on risk/need probation, the majority of youth (72%, n=415) were assessed at a low risk/need level. Over the past three fiscal years, the percentage of cases in which youth are assessed at a low risk/need level has increased.



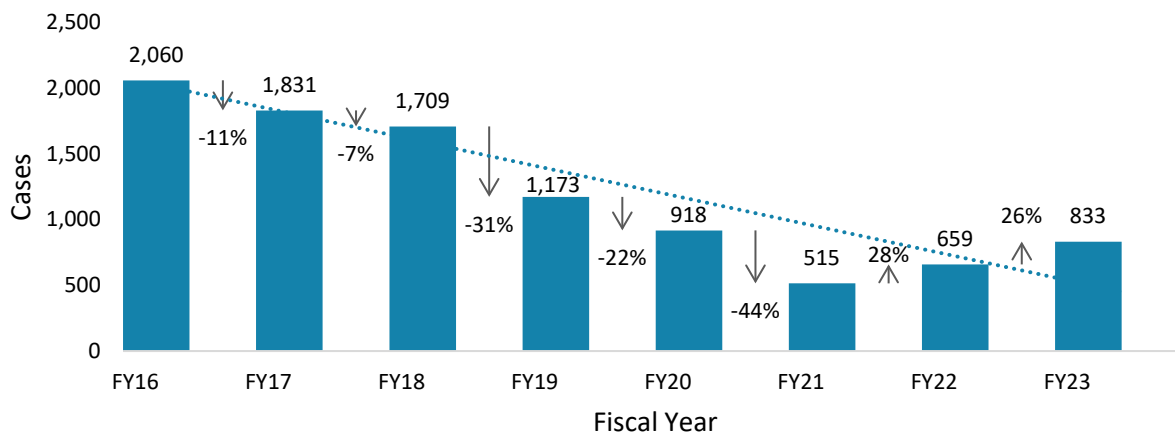
MPS uses the Ohio Youth Assessment System (OYAS) assessment tool to determine a youth's risk of reoffending
Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

MPS also reports monthly caseload data.¹²⁷ Between FY16 and FY21, the average monthly delinquency caseload numbers supervised by probation officers declined each year. That trend shifted in FY22, when there was a 28% increase in the number of delinquency cases supervised by probation and continued into FY23.¹²⁸

¹²⁷ Probation monthly data is point-in-time data capturing the number of cases supervised by probation on a given day each month.

¹²⁸ MPS also supervises Child Requiring Assistance (CRA) and Care & Protection (C&P) cases. Those cases are not reflected in these numbers.

Figure 64:
Probation Avg. Monthly Caseload (FY16-FY23)



Note: This data includes all delinquency cases supervised by probation post-disposition. That includes CWO cases as well as cases adjudicated delinquent. MPS also supervises Child Requiring Assistance (CRA) and Care & Protection (C&P) cases. Those cases are not reflected in these numbers.

Source: FY16-FY20 caseload data provided by the Department of Research, Massachusetts Probation Service. FY21-FY23 data retrieved from Massachusetts Probation Service Research Department Public Tableau Dashboard: <https://public.tableau.com/app/profile/mpsresearchdept/viz/JuvenileCourtProbationDepartment/DelinquencyTrendsDashboard>

Probation Conditions & Violation of Probation Notices

For youth supervised on administrative probation, the most frequent condition set is “other.”¹²⁹ Probation conditions for youth supervised on risk/need probation or on a CWO case is unavailable.

Table 4: Administrative Probation Conditions			
Admin Condition	FY21	FY22	FY23
Other	210	396	607
Transfer	14	71	36
No Conditions	17	23	31
Residential Treatment	9	12	14
Treatment	13	24	13
Money	14	21	12
Interstate	4	6	7
From and After	3	4	4
Community Service	6	5	4
Random Testing	0	1	1
Total	290	563	729
Note: Due to the way MPS collects and reports data, post-adjudication administrative probation counts include some pretrial & prearrest cases. Source: Data provided to the OCA by the Massachusetts Probation Service’s Department of Research			

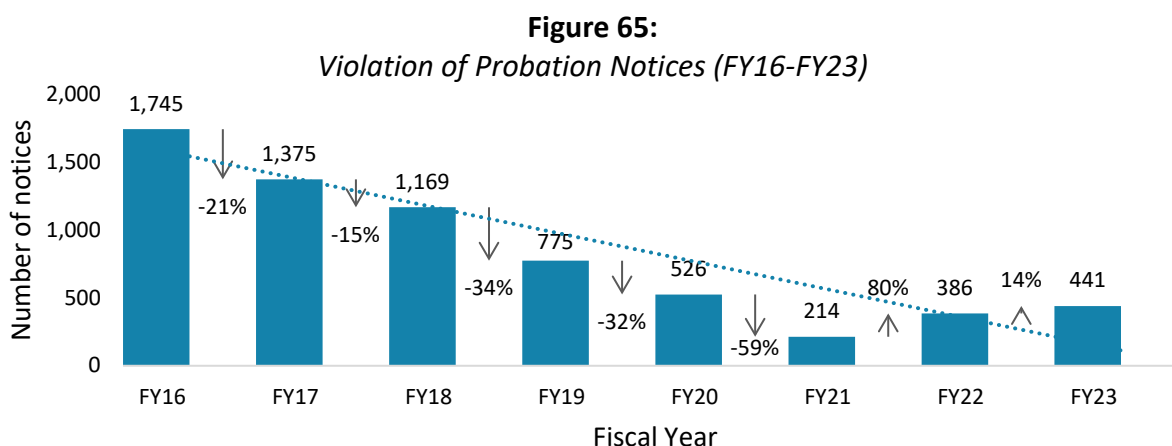
¹²⁹ Examples of “other” conditions include: stay away orders, letters of apology or specific programming (e.g., “Brains at Risk”).

If a youth on probation fails to meet the conditions of probation set by a judge, a probation officer has three response options:

1. issue a warning or other sanction,
2. conduct an administrative hearing, or
3. 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*,¹³⁰ *non-delinquent*,¹³¹ or *both delinquent & non-delinquent*.¹³² The data below represents violations of pretrial and post-adjudication probation, as well as youth whose case was resolved with a CWO. MPS is unable to disaggregate violations by probation type.

In FY23, there were 441 violation of probation notices issued, a 14% increase from FY22. The number of violation of probation notices has declined substantially (62%) since FY18 when MPS implemented a new policy in an effort to limit the number of violation of probation notices issued.



Source: Data provided to the OCA by the Massachusetts Probation Service’s Department of Research

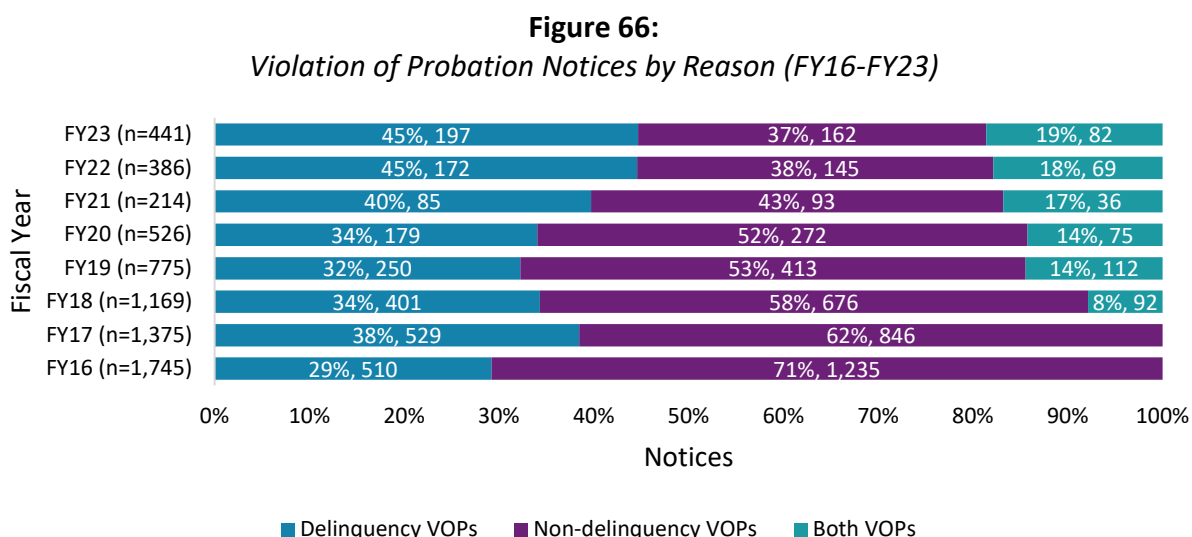
Most (64%, n=279) notices issued were a result of a new alleged delinquency offenses committed by the youth being supervised compared to 37% (n=162) of notices issued as a result

¹³⁰ 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.

¹³¹ Sometimes called a “technical” violation. In this case, the probation officer is alleging that the youth did not comply with one or more conditions of probation. The alleged behavior is not by itself a delinquent offense and would not otherwise result in an arrest. An example of this would be the youth not attending a mandatory anger management group and after many attempts to have the youth attend, they never go.

¹³² 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). For a description of MPS’ policy and procedural changes to issuing violations to post-adjudication probation cases, see pg. 110 of the Board’s 2022 Annual Report.

of non-delinquent violations. This is the inverse of trends up to and including FY18, when MPS implemented new policies on issuing non-delinquent VOP notices.



Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research

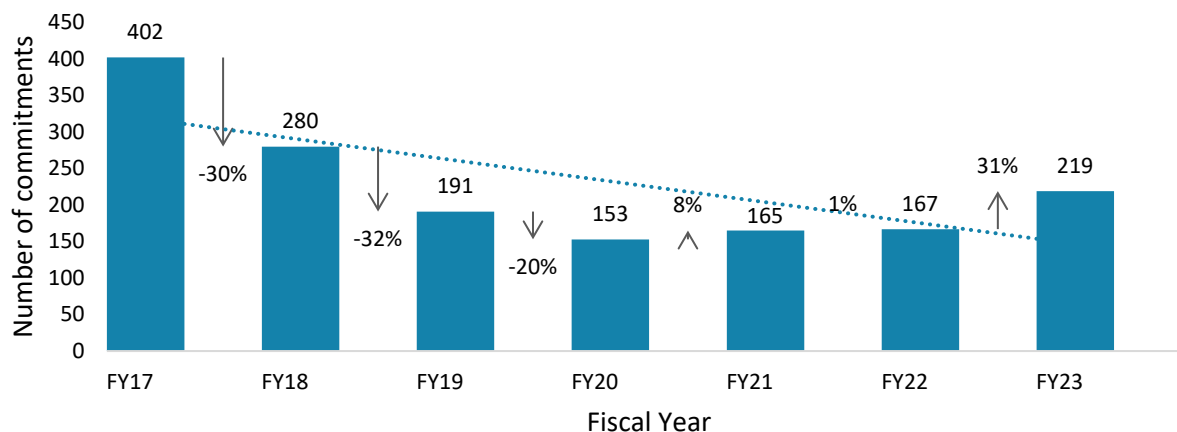
Commitments to the Department of Youth Services (DYS)

The most serious disposition a judge can enter when a youth is adjudicated delinquent is to commit a youth to the physical custody of DYS until their 18th birthday (or until their 19th, 20th, or 21st birthday in certain circumstances).¹³³

Commitments increased 31% in FY23 compared to FY22. The number of commitments to DYS is up compared to pre-pandemic levels, but still represents 22% fewer commitments than pre-CJRA.

¹³³ 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.

Figure 67:
Commitments to DYS (FY17-FY23)



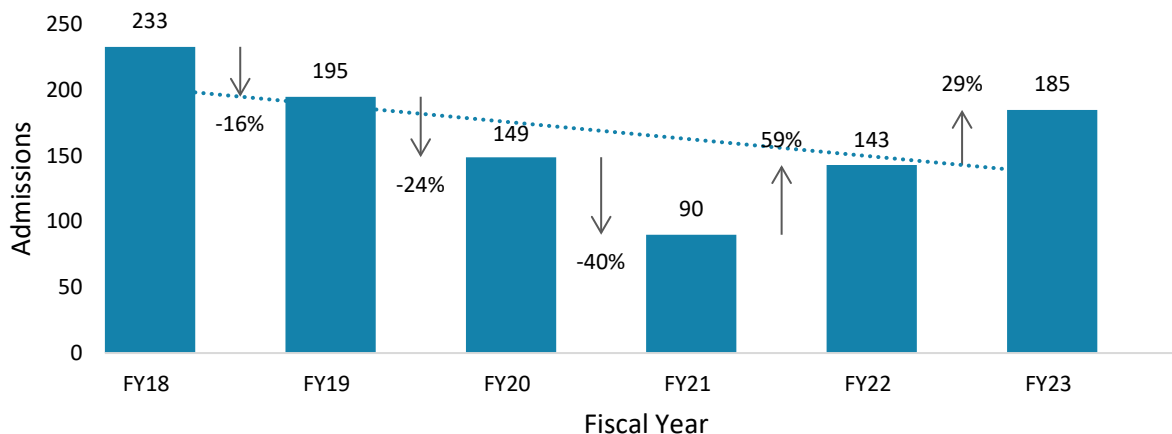
Source: Data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/vizzes>

Data on commitments presented above is for youth who are committed to DYS for the first time, as well as those youth who—prior to their FY23 cases—may have already been committed to DYS. For that reason, the Board also reports “first-time commitments” data from DYS. This data reflects the number of committed youth who have never previously been committed to DYS’ custody.¹³⁴

In FY23, there were 185 youth committed to DYS for the first time. This represents a 29% increase from FY22. Still, first-time commitments to DYS are down 5% since pre-pandemic levels and down 21% since pre-CJRA implementation.

¹³⁴ First-time commitment data does not include youth who have been committed previously and are subsequently “recommitted” to DYS.

Figure 68:
First Time Commitments (FY18-FY23)



Source: Data provided to the OCA by DYS' Department of Research

Based on this data, the Board estimates that an overwhelming majority of youth who are committed to DYS each year are committed for the first time. The one year this was not the case was FY21, where data shows judges were committing youth to DYS for the first time less frequently, likely as a result of the inherent public health dangers of congregate care settings that was at the forefront of the minds of system actors during the COVID-19 pandemic.

Table 5: Estimated Percent of Total Commitments Resulting in a First-time Commitment for a Youth¹³⁵

Fiscal Year	First-time commitments	Commitments Total ¹³⁶	Estimated Percent of Commitments
FY19	195	259	75%
FY20	149	179	83%
FY21	90	184	49%
FY22	143	196	73%
FY23	185	266	70%

Source: First-time commitment data provided to the OCA by DYS' Department of Research

Total commitment data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

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

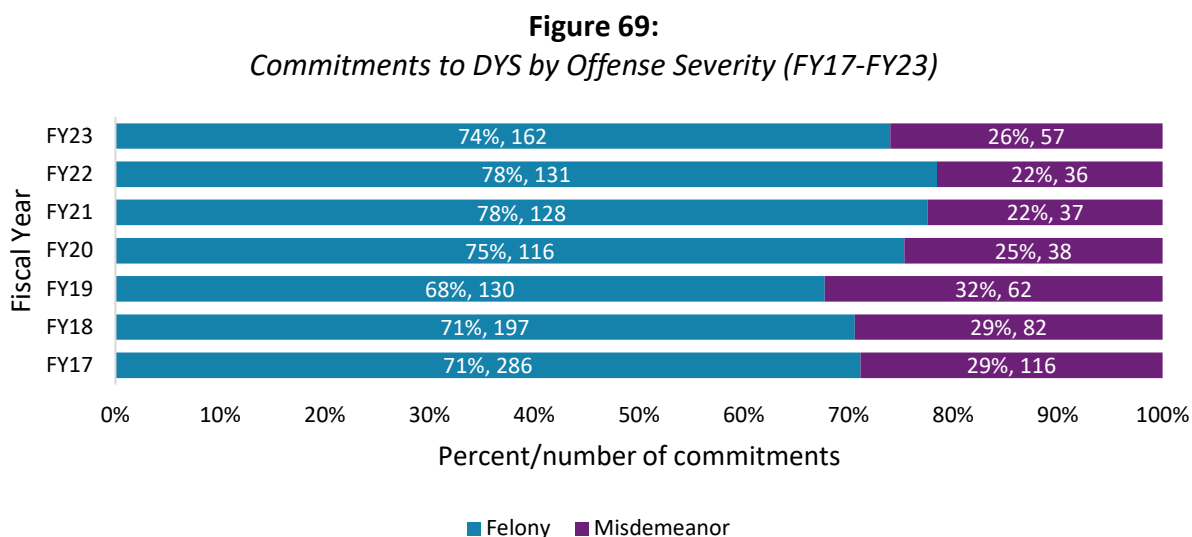
¹³⁵ This is an estimate derived from dividing the number of first-time commitments reported by DYS by the number of commitment sanctions issued each year as reported by the Trial Court.

¹³⁶ This includes commitments for delinquency cases, as well as youthful offender sanctions involved DYS (i.e., commitments to 21, split sentences and suspended adult sentences).

In FY23, there were 102 revocations for youth committed to DYS under community supervision.¹³⁷

Commitments by Offense Severity & Type

Most youth (74%, n=162) committed to DYS are committed as a result of being adjudicated delinquent on a felony offense. This has remained the case over the past several years. Still, about a quarter to a third of commitments each year are for youth adjudicated on misdemeanor offenses.

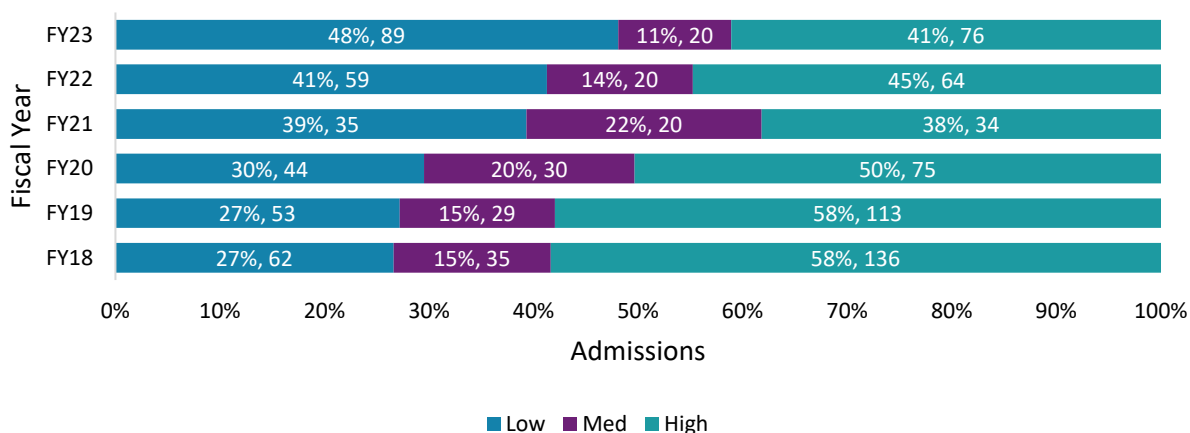


Source: Data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/vizzes>

While the data above indicates most youth are committed to DYS for a felony offense, the offense severity data breakdowns for youth who are committed to DYS for the *first time* indicates they are frequently committed for lower-level offenses. Further, the percentage of youth committed to DYS for the first time on a lower-level offense has increased each year since FY18.

¹³⁷ A revocation is the process used, pending a hearing, to remove a youth who has allegedly violated his or her Conditional Liberty Agreement (a written agreement between a youth and DYS that defines rules of conduct a youth must comply with) from a community based placement, and place him or her in a secure placement where he or she may remain after a determination at the hearing that the youth violated his or her Conditional Liberty Agreement. [109 Mass. Reg. 8.03](#).

Figure 70:
First Time Commitments by Offense Severity (FY18-FY23)



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.

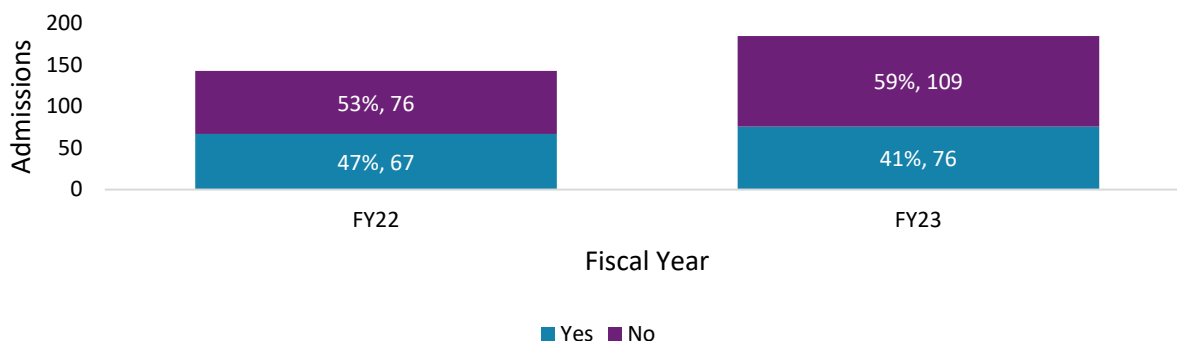
Source: Data provided to the OCA by DYS’ Department of Research

Youth Characteristics at the Time of Commitment

DYS reports data to the Board that details some of the needs of youth with first-time commitments. This includes data on any self-reported history of sexual and/or physical abuse, any mental health and educational needs, as well as DCF (child welfare system) involvement for any youth with a first-time commitment to DYS in the year.

In FY23, 41% (n=76) of first-time commitments involved youth who had DCF involvement at the time of the commitment. This is down from the 47% (n=67) of youth who had DCF involvement at the time of their commitment.

Figure 71:
First-time Commitments by DCF Involvement (FY22-FY23)

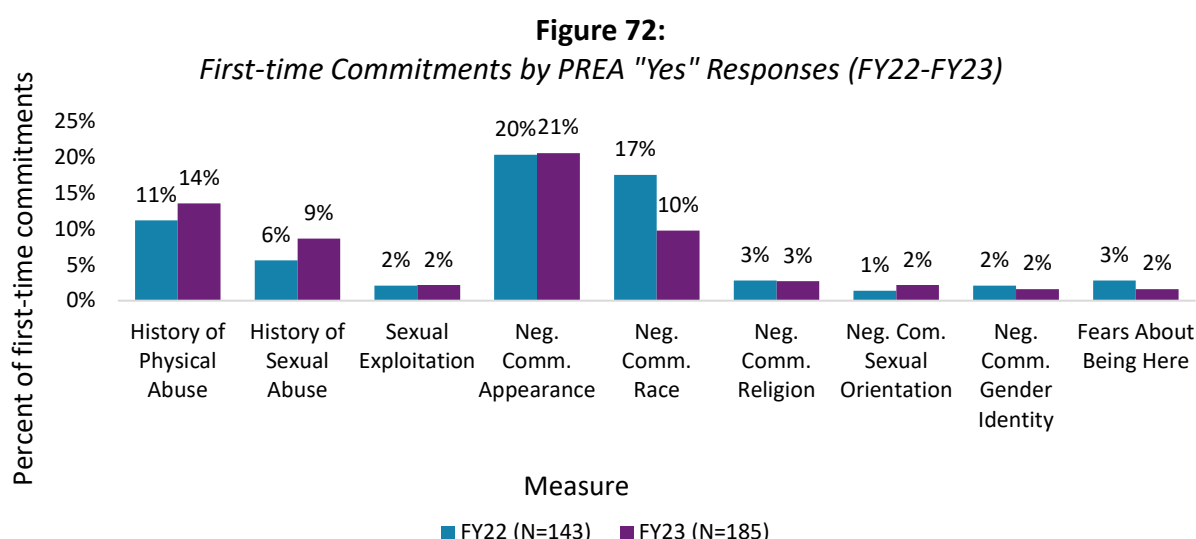


Source: Data provided to the OCA by DYS’ Department of Research

As a result of federal legislation, youth committed to DYS answer a series of questions related to any history of physical and/or sexual abuse, as well as other measures regarding if youth had ever heard other individuals make negative comments about the youth's appearance, race, sexual orientation, gender identity or religion.¹³⁸ DYS has also added a question to its intake to capture whether a youth has experienced commercial sexual exploitation.

Compared to FY22, a higher percentage of youth with a first-time commitment to DYS disclosed:

- histories of physical abuse,
- histories of sexual abuse, and
- having heard negative comments about their appearance and sexual orientation.



Source: Data provided to the OCA by DYS' Department of Research

On a weekly basis, DYS receives special education and disability-related information for the youth admitted to detention that week from the Department of Elementary and Secondary Education (DESE).¹³⁹

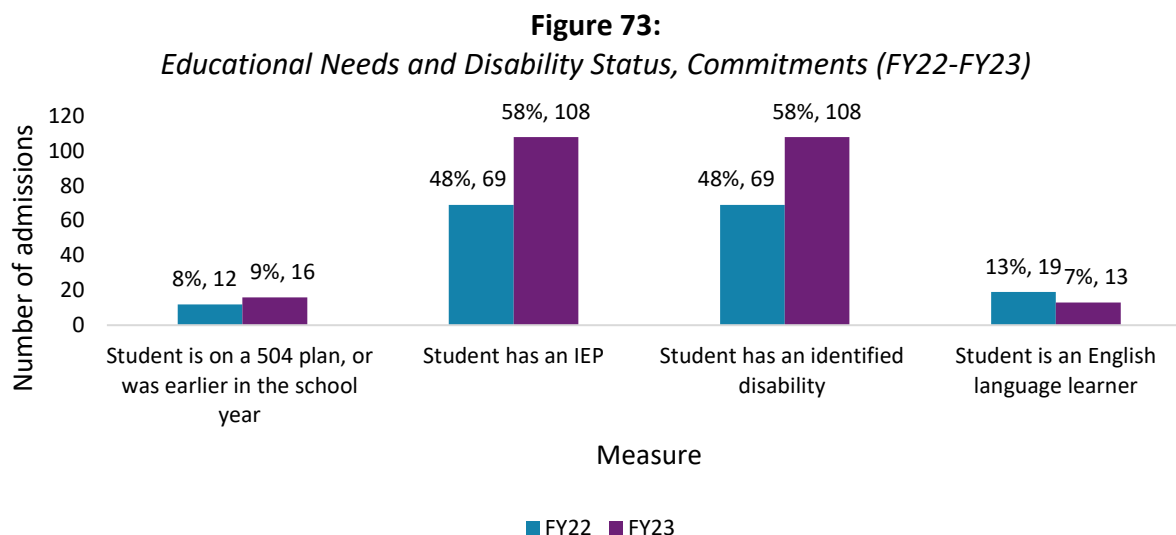
¹³⁸ [Executive Office of Public Safety and Security](https://www.mass.gov/service-details/the-prison-rape-elimination-act-prea-of-2003#:~:text=PREA%20applies%20to%20all%20federal,%2C%20and%20police%20lock%2Dups). (n.d.). The Prison Rape Elimination Act (PREA) of 2003.

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

¹³⁹ DYS and DESE match data across agencies twice a week based on new detention admissions and first commitments. Local schools are only required to report data to DESE three times a year, and DYS receives the DESE data based on the last time the school reported to DESE.

Compared to FY22, a greater portion of youth committed to DYS for the first time in FY23:

- had an IEP,
- had an identified disability,
- was on a 504 plan within the past school year.

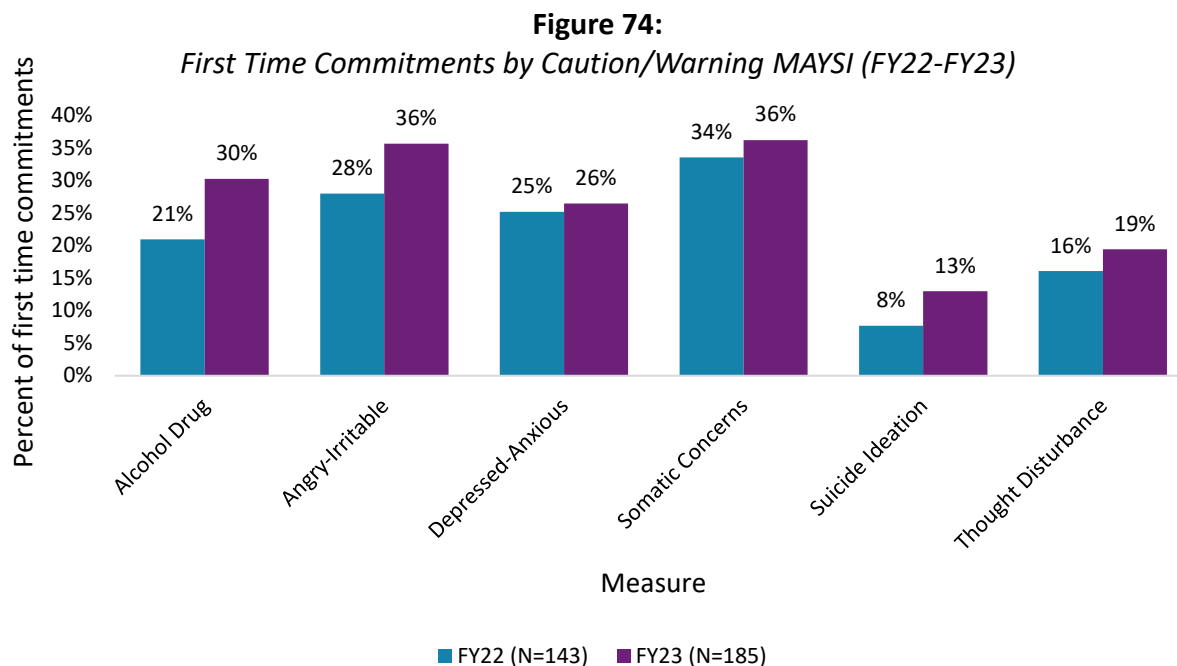


Source: Data provided to the OCA by DYS' Department of Research

All youth receive a mental health screening upon first entering a DYS facility using the MAYSI-2 (Massachusetts Youth Screening Instrument-Version 2) behavioral health screening, which was designed to assist juvenile justice facilities in identifying special mental health needs among 12-17 year-olds.¹⁴⁰ The MAYSI-2 screens for signs of depression, suicidal/self-harm ideation, substance use, psychosis, aggression, and PTSD. Depending on the score, DYS has multiple policies and procedures in place to ensure youth in their care and custody are safe and supported, including providing appropriate clinical services, monitoring for suicidality, and establishing necessary safety protocols.

Compared to FY22, a higher percentage of youth committed to DYS for the first time scored “caution” or “warning” across all behavioral health needs categories.

¹⁴⁰ Kathleen, L. (2014). *MAYSI-2 Administration and Referral Protocol Template Instructions*. Spark Public Policy Institute.



Source: Data provided to the OCA by DYS' Department of Research

Youth Committed to DYS: Placement Settings as of June 30, 2023

First-time commitments data reflect youth who were committed to DYS for the first time that year. Commitment point-in-time or “snapshot” data shows all youth, not just those new to a commitment with DYS, committed to DYS on a given day. This includes youth who have been adjudicated delinquent more than once, and includes youth committed to DYS who have not aged out of their commitment yet and remain on the DYS caseload. The data takeaways presented in this text box reflect the youth who were in the custody of DYS on June 30, 2023. **On that date, there were 245 youth committed to DYS.**

Since a youth’s placement type can change throughout their DYS commitment, it is best to use snapshot data to analyze the number of committed youth in various types of placements. On this day, 66% (n=162) of youth committed to DYS were placed in a residential placement setting and 34% (n=83) were supervised in a community setting.

- 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, 2023, of the 162 youth in a residential placement, 54% (n=88) were in a treatment program, 7% (n=11) were found to be in violation of their Grant of Conditional Liberty (GCL) and returned to residential custody, and 39% (n=63) 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). ^ Of the 88 youth who were committed in a treatment program on this day, 57% (n=50) were residing in a hardware secure facility and 43% (n=38) were residing in a staff secure facility.
- On that day, youth committed in a residential placement had spent an average of 70 days in their current (as of 6/30/23) residential placement. The median length of stay in their current (as of 6/30/32) placement was 47 days.

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

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

Source: Research Department, Department of Youth Services

Youthful Offender Cases/Adult Sentences¹⁴¹

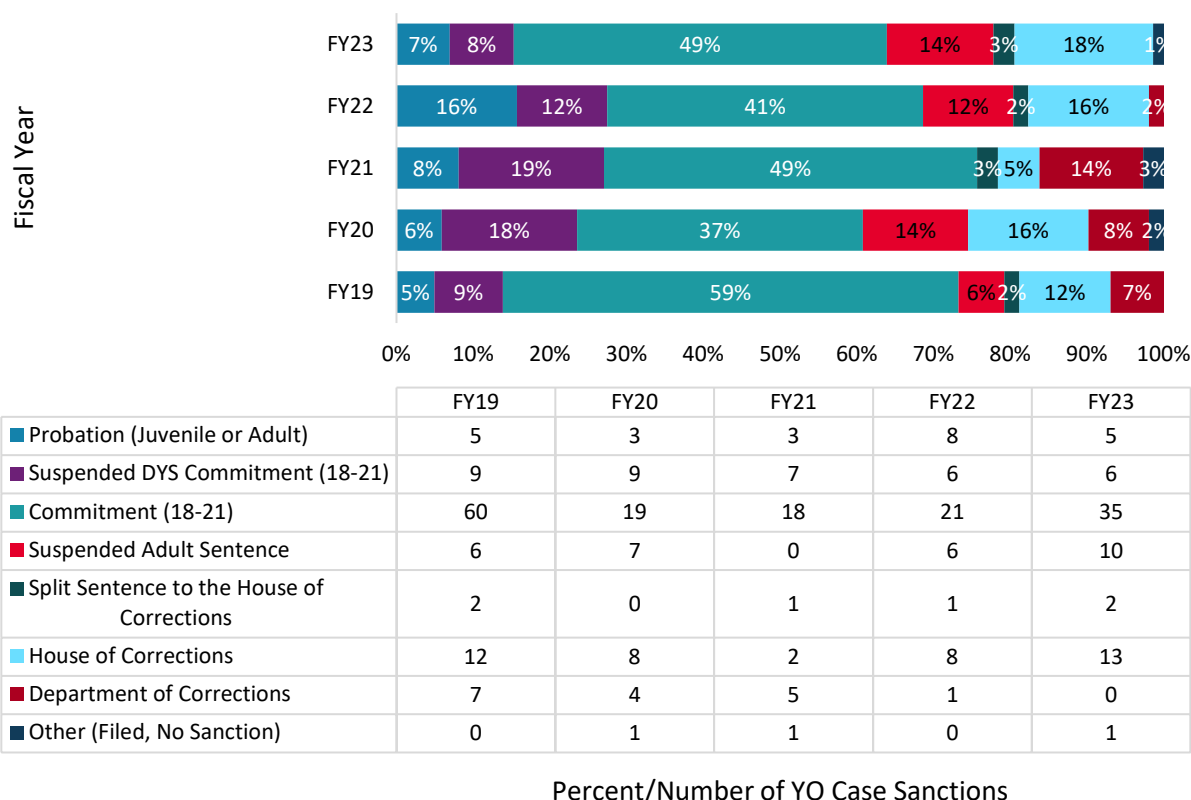
In addition to committing a youth to the Department of Youth Services until 21, if a youth is “found to be a youthful offender,” the court may impose one or a combination of the following adult sanctions in addition to the juvenile sanctions described in this section:

¹⁴¹ The data in this section includes youthful offender cases in which the youth was found *not* to be a youthful offender but instead adjudicated delinquent.

- any adult sentence including a sentence 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.¹⁴²

The most frequent sanction imposed on youth adjudicated on youthful offender cases is a commitment to DYS until 21 years old.

Figure 75:
Youthful Offender Cases by Sanction/Sentence (FY19-FY23)



Source: Data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:

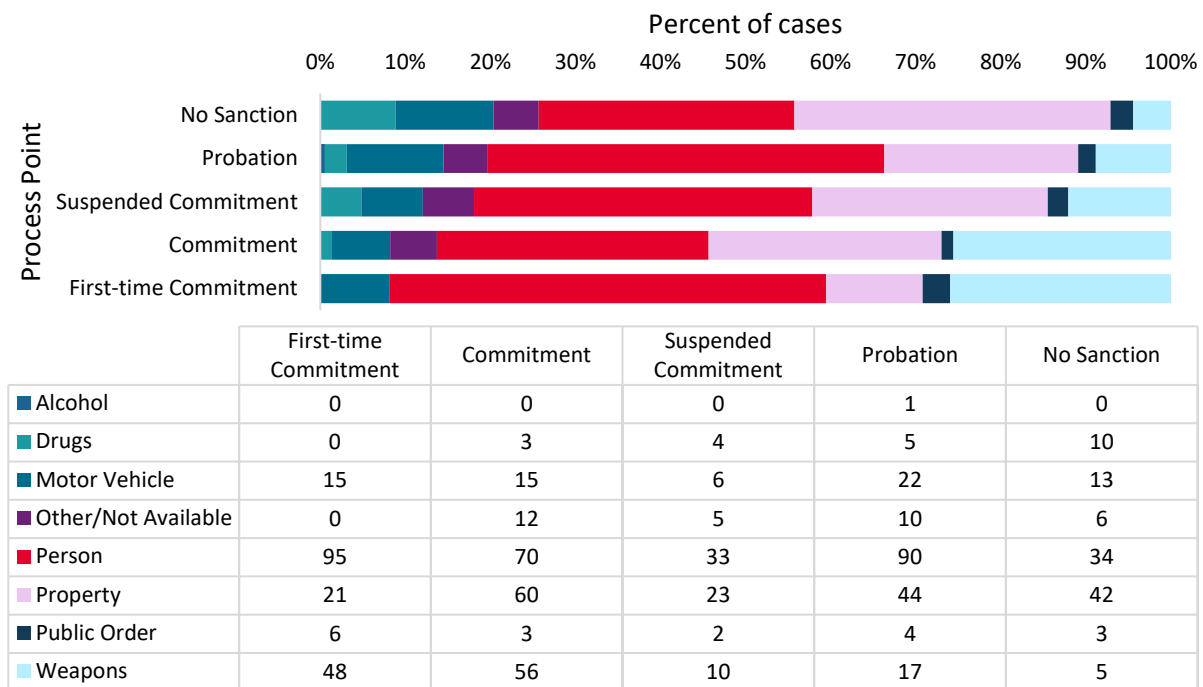
¹⁴² This is referred to as a “combination sentence” because it combines a commitment to DYS with the potential for a youth to complete an adult sentence if the youth fails to comply with the terms of the combination sentence. Typically, if the youth successfully completes their commitment the case will 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.

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

Sanctions & Offense Types

Most youth adjudicated delinquent are adjudicated and sanctioned on person related offenses. This is consistent with prior years.

Figure 76:
FY23 Sanctions by Most Serious Offense Types



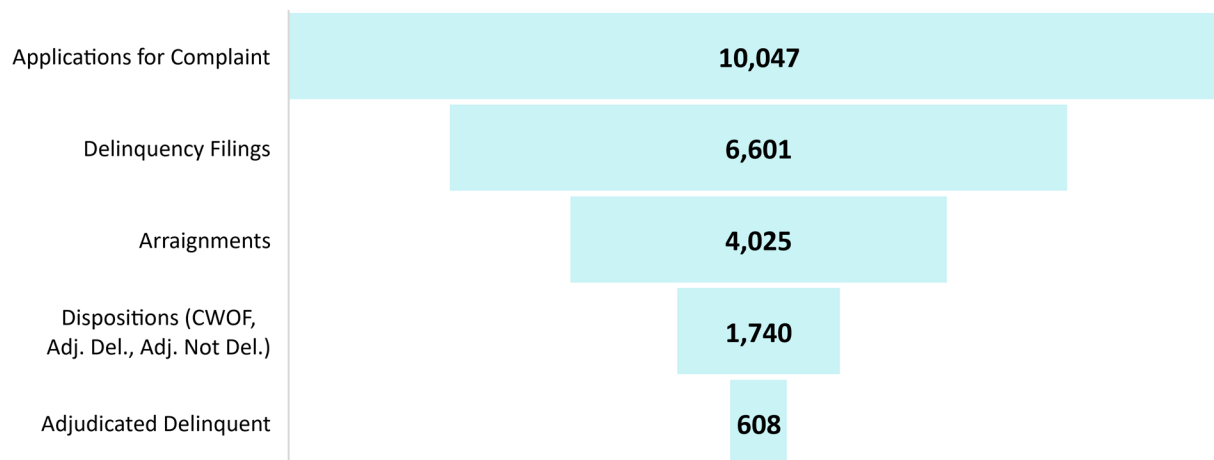
Source: Data retrieved 10/30/2023 from the Massachusetts Trial Court's Tableau Public page here:
<https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates>

Case Dismissals and Diversion

As Figure 77 shows, most cases that enter the juvenile court are not disposed. In other words, these are cases that are not resolved by a CWO and do not result in a plea/trial. These cases are dismissed or diverted prior to that point. Depending on the process point, clerk magistrates, prosecutors, and judges each have the ability to dismiss and divert cases once they have entered the juvenile court system.

Cases may be *dismissed* for several reasons, including lack of probable cause or lack of sufficient evidence at any point pre- or during a trial. Cases may be *diverted* either informally or formally. As mentioned in the “Judicial Diversion & Case Dismissals” section above, as a result of the CJRA, judges may divert youth pre-arraignment.

Figure 77:
FY23 Juvenile Court Data

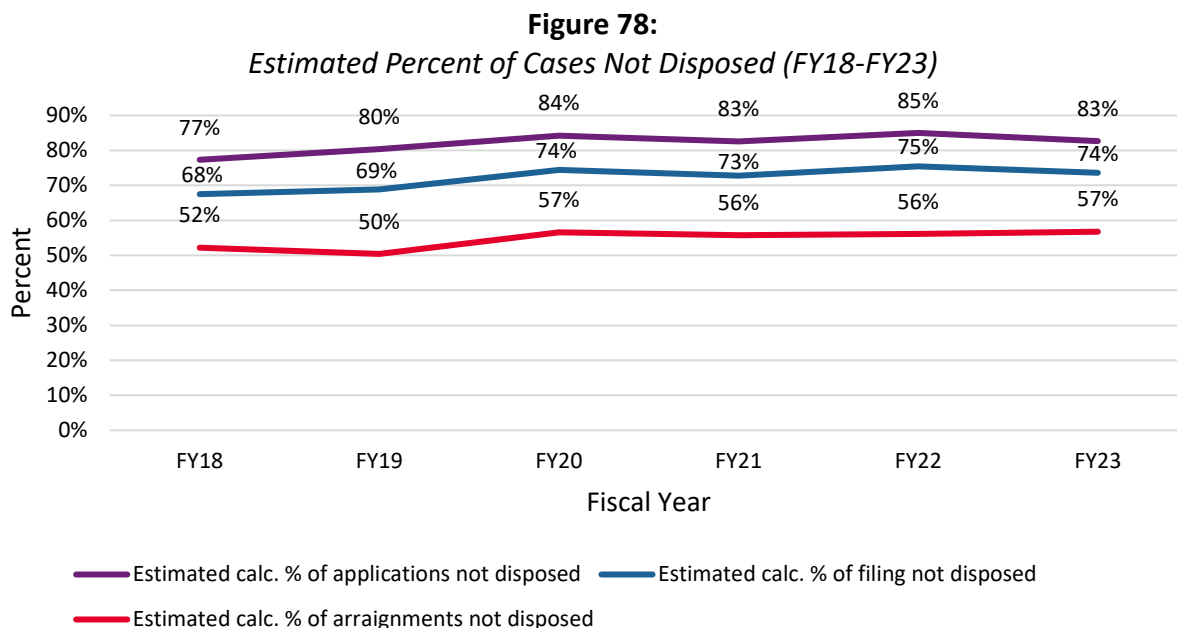


Source: Application for complaint, delinquency filings, arraignments and dispositions retrieved between 10/23/2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

As Figure 78 shows, in FY23 an estimated 83% of applications for complaint and 74% of delinquency filings were not disposed during the same year.¹⁴³ Given the negative impact that court involvement can have on youth, this is, overall, a positive finding. (Although the Board notes that these rates are slightly lower than last year.)

However, the Board also finds that there are a significant number of youth who are arraigned but later have their charges dismissed (an estimated 57% of arraignments). This suggests that at least some of these youth – particular those alleged of committing lower-level offenses – should have been considered for diversion or case dismissal earlier in the process to avoid extended court involvement.

¹⁴³ It's possible the length of time it takes a case to process through the system may account for some of the difference between the number of cases coming into court compared to the number resolved by a CWO, plea, or trial.



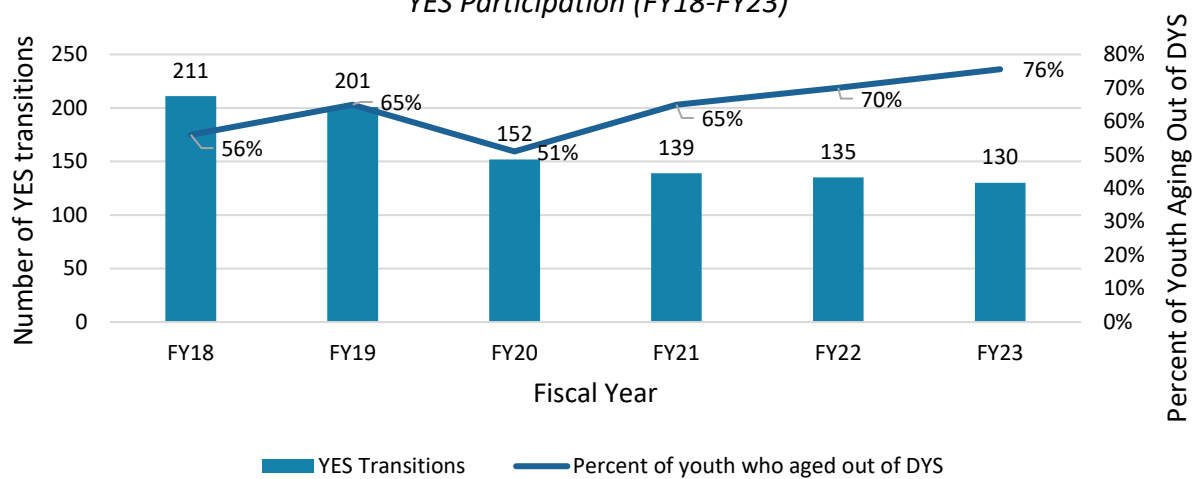
Post-Commitment Services: Youth Engaged in Services (YES) Transitions

YES is an agreement between DYS and a young person, where the youth voluntarily extends their engagement with DYS after reaching the statutory age of discharge from DYS (after age 18 or 21), for example, to complete an education program or to continue case management. Through this program, DYS supports youth transitioning out of typical juvenile services into adulthood. Youth can terminate their YES status at any time.

YES transition counts include the number of youth who age out of DYS commitments (18,19, 20 or 21 years old) and then sign up for YES participation within 90 days of discharge. Youth who stop YES participation and restart at a later date are only counted once. The YES program is available for youth until age 22.

Although total YES transitions decreased 4% in FY23, the overall number of transitions as a proportion of the number of youth who age out of commitment (i.e., are no longer required to remain involved with DYS) increased from 70% (n=135) of all youth aging out in FY22, to 76% (n=130) of all youth aging out in FY23. This is a consistent trend in recent years, indicating a greater need and desire for supports by youth committed to DYS as they enter young adulthood.

Figure 79:
YES Participation (FY18-FY23)



Source: Data provided to the OCA by DYS' Department of Research

Utilization of Other State Resources

The JJPAD Board also gathers data on the use of other state resources 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.

To the degree that this can be measured with the data available to the Board, it appears that – for the most part—the reforms in the CJRA have not led to an increase in the use of other state resources. The only process point for which there has been an increase in use is for youth admitted to BSAS.

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.¹⁴⁴ 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.

The data in the following section *does* speak to some of the shifts in the acuity/level of behavioral health needs of youth. The FY23 data in this section adds further evidence to the growing chorus of research speaking to the negative consequence of the pandemic’s impact on this generation of youth.

With these caveats, the JJPAD Board presents the below data on the use of other state systems.

¹⁴⁴ Kann, L., McManus, T., & Harris, W. (2018). [Youth risk behavior surveillance-- United States](https://www.cdc.gov/healthyyouth/data/yrbs/results.htm). *Surveillance Series*, (67). Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/healthyyouth/data/yrbs/results.htm>

Child Requiring Assistance (CRA) Petitions

The Child Requiring Assistance (CRA) civil court process allows parents, guardians, and school officials to bring youth with certain behaviors into court for additional assistance.¹⁴⁵

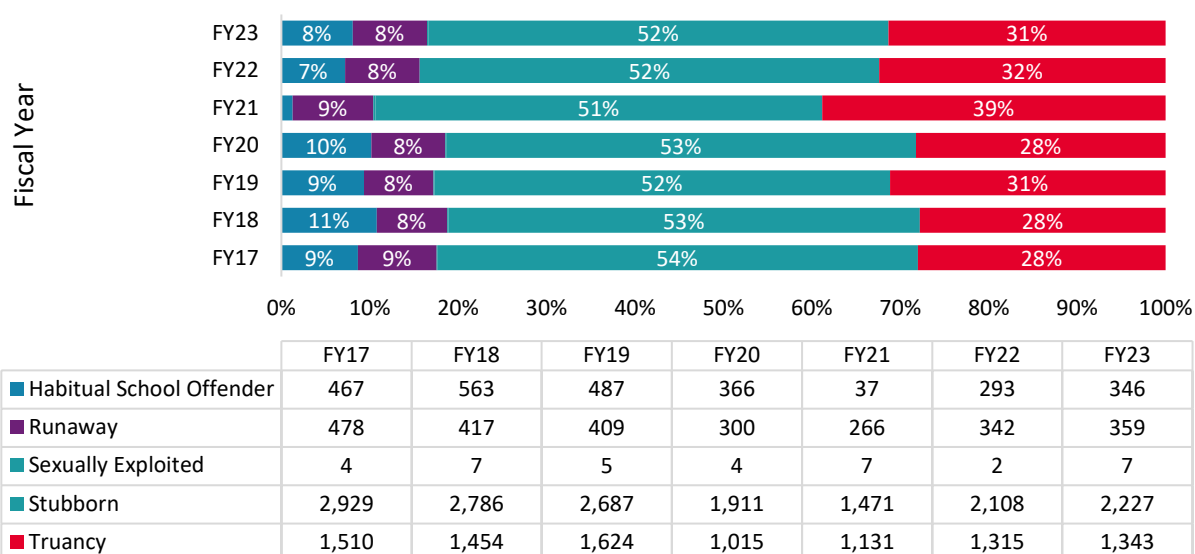
Types of CRA Petitions

- **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.

In FY23, there were 4,282 CRA petitions filed with the Juvenile Court, an increase of 5% from FY22. This increase was primarily driven by an increase in “stubborn” petition types. The number of CRA petitions is down 18% since FY18.

¹⁴⁵ [Massachusetts Juvenile Justice Data and Policy \(JJPAD\) Board](https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download). (2022). Improving Massachusetts' Child Requiring Assistance System: An Assessment of the Current System and Recommendations for Improvement 10 Years Post “CHINS” Reform. <https://www.mass.gov/doc/improving-massachusetts-child-requiring-assistance-system-an-assessment-of-the-current-system-and-recommendations-for-improvement-10-years-post-chins-reform/download>

Figure 80:
CRA Filings by Petition Type (FY17-FY23)



Filings

Source: FY17-FY21 data retrieved from the JJPAD Board's FY22 Annual Report; FY22 & FY23 data retrieved on 10/23/23 from the Massachusetts Trial Court's Tableau Public page here:

<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.

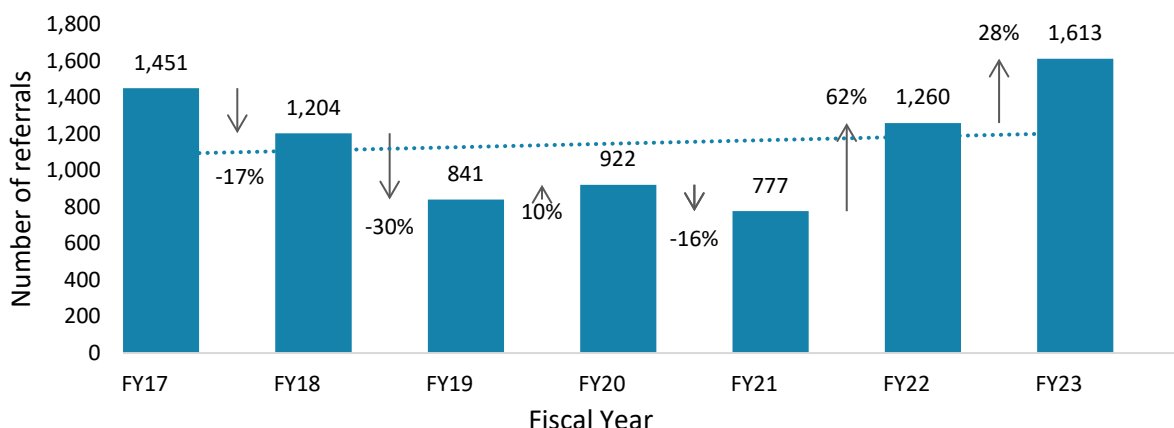
*Bureau of Substance Addiction Services Admissions*¹⁴⁶

DPH's Bureau of Substance Addiction Services (BSAS) oversees the statewide system of prevention, intervention, treatment, and recovery support services for youth affected by substance addiction.

There was a 28% increase in the number of youth enrolled in BSAS services during FY23 compared to FY22. Sixty-one BSAS participants were referred from a juvenile justice stakeholder pre-adjudication. The number of youth enrolled in BSAS services is up 34% since CRJA implementation.

¹⁴⁶ Admissions includes any youth who enrolled in any BSAS intervention, treatment or recovery support service during the timeframe provided.

Figure 81:
BSAS Admissions (FY17-FY23)



Source: Data provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services

The number of applications for complaint for underlying drug/alcohol offenses provides a rough proxy for the number of youth involved in the juvenile justice system who may be eligible for a BSAS referral. The data in Table 6 compares the number of youth referred to BSAS with the number of applications for complaint with underlying drug/alcohol offenses.

In FY23, there was a decline in both the number of juvenile justice referrals to BSAS, as well as a decline in the estimated percentage of referrals based on eligible applications for complaint.¹⁴⁷ As reported in the "Juvenile Court Clinic" section below, referrals to the Court Clinic for Substance Abuse Commitment evals have also declined most years since FY17. This can suggest one of two things:

1. Juvenile justice professionals are referring youth to BSAS less frequently than they could.
2. Youth coming into contact with the juvenile justice system with underlying drug/alcohol charges are there for charges related to something other than actual alcohol/drug use (e.g., distribution of controlled substances as opposed to possession), and therefore, BSAS services may be unnecessary.

¹⁴⁷ 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).

Table 6: BSAS Referrals as a Percentage of Drug and Alcohol Juvenile Delinquency Cases

	FY18	FY19	FY20	FY21	FY22	FY23
Applications for complaint (Drug & Alcohol offenses only)	708	415	307	272	315	344
All Juvenile Justice Referrals to BSAS	239	149	91	67	50	61*
Referrals as a percentage of drug and alcohol juvenile delinquency cases	34%	36%	30%	25%	19%	18%
*Due to cell suppression limits, the number of youth referred to BSAS post-adjudication this year is not reported in this total. Source: BSAS admissions provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services. Delinquency filing data retrieved on 10/25/2023 from the Massachusetts Trial Court's Tableau Public page here: https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn						

Once youth are admitted to BSAS, they may receive different services based on their needs. Table 7, below, breaks down the different services youth admitted to BSAS may be receiving. The most frequent BSAS services used is “intervention.” The BSAS interventions programs are designed to intervene with youth who have already begun to use substances and participate in risky behaviors. These programs include activities such as street outreach and youth organizing. This includes programs called Project Amp, Intensive School-Based Intervention, Community Innovation, High School Co-Occurring Response Teams, and Green Care.

Table 7: BSAS admissions by service type (FY17-FY23)

BSAS Service	FY17	FY18	FY19	FY20	FY21	FY22	FY23
1st Offender Drunk Driver	21	9	9	≤ 5	**	≤ 5	≤ 5
Clinical Stabilization	638	541	427	268	241	202	157
Criminal Justice Diversion	30	28	16	≤ 5	6	≤ 5	**
Intervention	≤ 5	7	≤ 5	356	311	821	1,228
Outpatient Counseling	380	341	252	194	110	168	134
Recovery Support	0	0	≤ 5	0	0	≤ 5	≤ 5
Residential	133	163	116	89	94	53	51
Other	**	115	**	**	≤ 5	6	28
Total	1,451	1,204	841	922	777	1,260	1,613
** Secondary cell suppression applied Source: BSAS admissions provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services.							

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 five fiscal years have remained consistent:¹⁴⁸

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

Youth Violence Prevention Programs

DPH's youth violence prevention program provides funding to community-based initiatives across the state working to prevent youth violence.¹⁴⁹ 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.
- **Opportunity Youth¹⁵⁰:** These programs support community organizations which address all types of violence experienced by young people, as well as other significant public health issues that may increase a young person's risk for violence, such as teen pregnancy and substance use.
- **Safe Spaces:** These programs are specifically for lesbian, gay, bisexual, transgender, queer and or questioning, intersex, asexual and/or allied (LGBTQIA+) youth and consists of community-based organizations currently working with LGBTQIA+ youth, to provide services that are trauma-informed, founded in Positive Youth Development, and are culturally appropriate and specific to LGBTQIA+ youth.

In FY23:

- 7,045 youth were served by the PVP program
- 132 youth were served by the Opportunity Youth program
- 863 youth were served by the Safe Spaces program

Department of Mental Health

The Department of Mental Health (DMH) reports applications and program participation data for youth in their system, as well as youth in Juvenile Courts who are referred to the Juvenile Court Clinic.

¹⁴⁸ For more service referrals at disenrollment data see Appendix H.

¹⁴⁹ For more information on DPH's violence prevention programs see: <https://www.mass.gov/child-and-youth-violence-prevention-services>

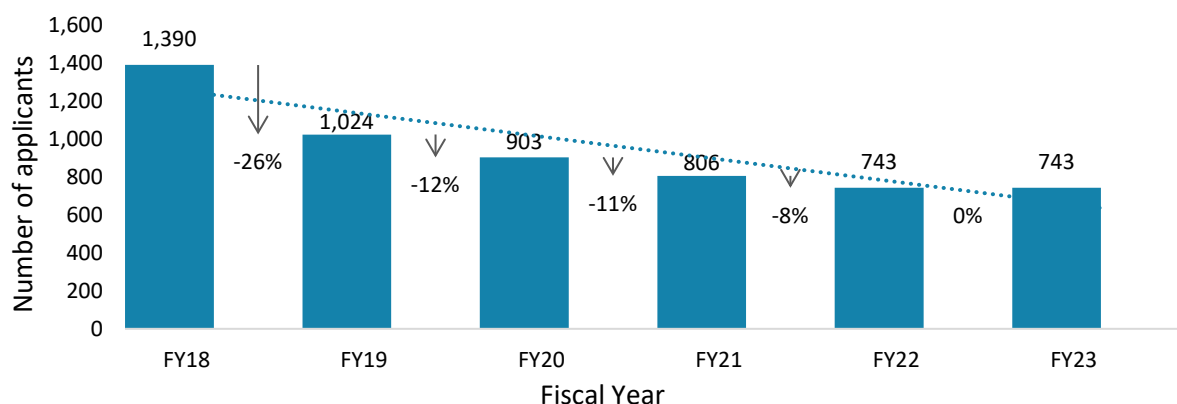
¹⁵⁰ Prior to FY23 this program was referred to as "Youth at Risk."

Child, Youth and Family Programming

Within DMH, the Child Youth and Family (CYF) Services division provides supports and services for youth, as well as young adults up to the age of 22. For the purposes of this report, the data presented represents only individuals under the age of 18.

In FY23, the number of youth applicants for DMH full-service authorization¹⁵¹ stayed the same as the number in FY22. Of the 743 applications, DMH approved 41% (n=301) and denied 31% (n=227). The rest of the applications were withdrawn either by DMH service authorization staff or parent/caregivers withdrawing from the process. In the case of withdrawn applications, DMH staff ensure families receive information about other mental health services and resources that they can access in their communities to meet their child's mental health needs.

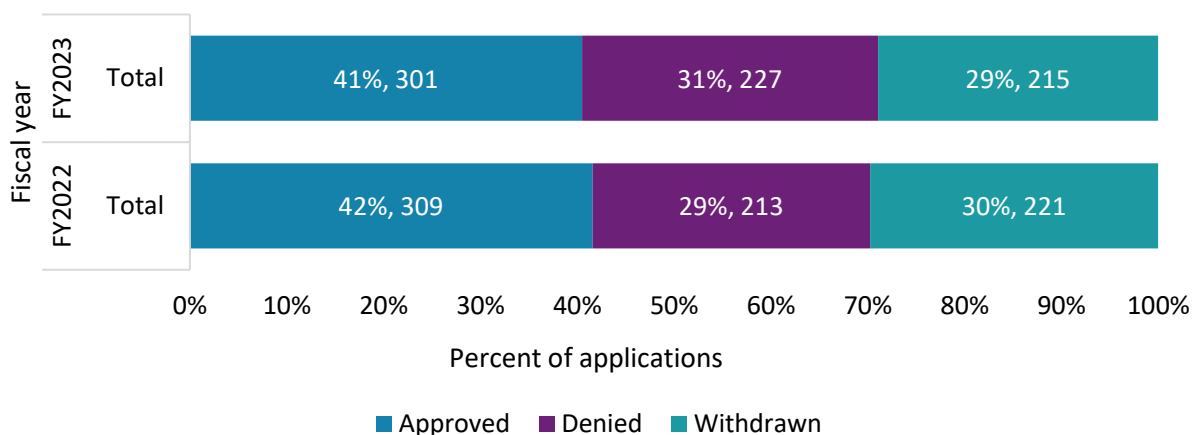
Figure 82:
DMH Full Service Authorization Applicants (FY18-FY23)



Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming

¹⁵¹ This is the typical service authorization process that most youth/families applying to DMH go through. It includes both a clinical and service needs review to determine whether youth are approved to receive DMH services. [104 CMR 29 \(mass.gov\)](https://www.mass.gov/info-details/104-cmr-29)

Figure 83:
DMH Full Service Authorization Applications by Acceptance (FY22-FY23)

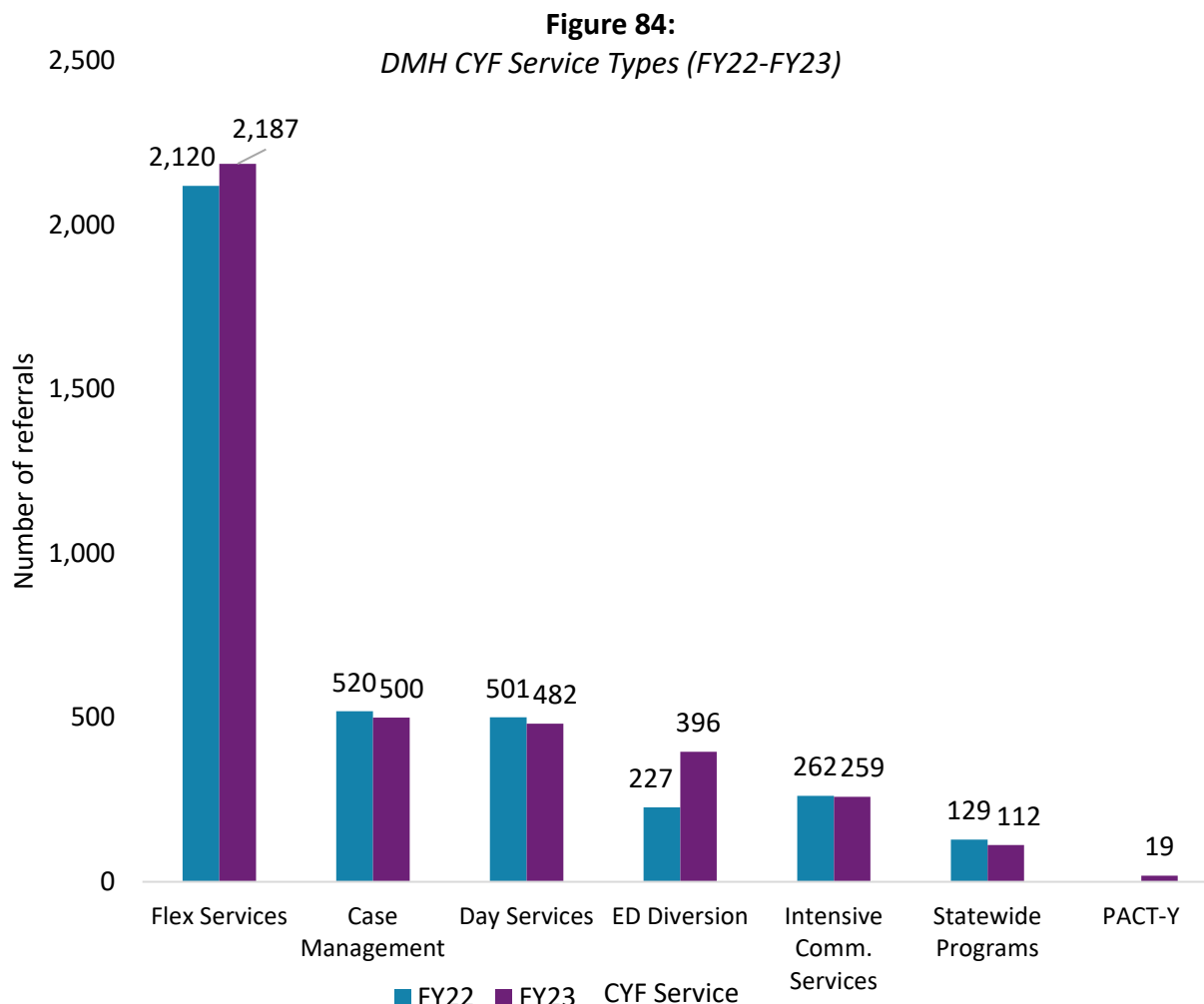


Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming

In addition to the 301 youth applicants whose “full-service authorization” application was approved for DMH services in FY23, DMH also approved 464 additional youth via a “limited service authorization” (LSA) process. DMH’s LSA process enables more youth to access low-barrier, early intervention mental health services in their communities.

DMH provided 3,063 youth statewide with community mental health services in FY23. The majority of youth received Flexible Support Services. Notably, there was a 74% increase in the number of youth who received emergency room diversion services in FY23 compared to FY22.¹⁵²

¹⁵² For DMH CYF service descriptions, see: <https://www.mass.gov/info-details/dmh-child-youth-and-family-services-overview>



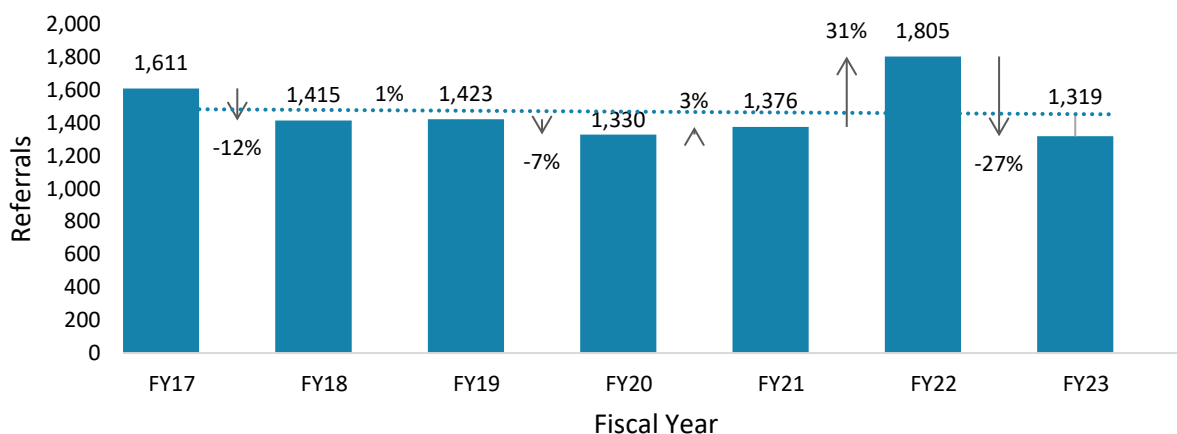
Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming

Juvenile Court Clinics

In addition to DMH's offered services, DMH operates the Juvenile Court Clinics. Youth with open delinquency cases, CRA cases, and Care and Protection cases can be referred by a judge to the Court Clinic for evaluations and services at any time during their Juvenile Court case.

There was a 27% decrease in the number of Juvenile Court clinic referrals in FY23 compared to FY22, reversing a stark increase in referrals immediately after the COVID-19 pandemic. Besides FY22, the number of court clinic referrals has remained relatively stable over the past several years, averaging about 1,412 referrals per year.

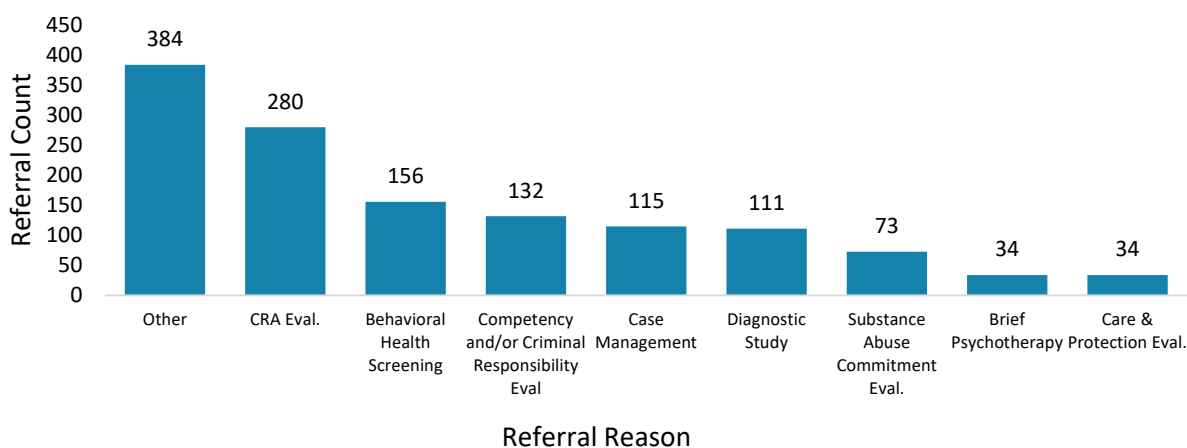
Figure 85:
Juvenile Court Clinic Referrals (FY17-FY23)



Source: Data provided to the OCA by the Department of Mental Health's Forensic Services

Most youth are referred to the Court Clinic for “other” reasons or for a CRA evaluation. This has been consistent over the past several years.¹⁵³

Figure 86:
Juvenile Court Clinic Referral Reason (FY23)



Source: Data provided to the OCA by the Department of Mental Health's Forensic Services

¹⁵³ See Appendix E for year over year data.

Specific Cohorts of Youth

Black and Latino Youth

As noted in this and all previous JJPAD annual reports, there are persistent racial and ethnic inequities in the Commonwealth's juvenile justice system, stemming from a long history of systemic racism at the local, state, and federal levels as well as in our society at large. While individual implicit and explicit biases can and do impact practices, the work of the JJPAD Board is to address the systemic *policies* and *practices* perpetuating the overrepresentation of youth of color in the state's juvenile justice system.¹⁵⁴ Examining data on use of state systems is one way the Board can identify particularly troubling trends and work toward equity in the Commonwealth's systems.

As Figure 87 depicts, Black and Latino youth remained overrepresented at each process point in the juvenile justice system. This has been a consistent trend in the data since the Board's first annual report. Further, in FY23:

Compared to white youth in the state:

- Black/African American youth were 3.85 more likely to have charges filed against them via an application for complaint, but 4.89 times more likely to have been arrested and brought to court. They were 2.98 more times likely to be summonsed into court than white youth.
- Latino/Hispanic youth were 2.35 times more likely to have charges filed against them via an application for complaint, but 2.89 times more likely to have been arrested and brought to court. They were 1.93 times more likely to be summonsed into court than white youth.

Compared to white youth arraigned in Juvenile Court:

- Black/African American youth were 2.34 times more likely to be detained pretrial.
- Latino/Hispanic youth were 2.55 times more likely to be detained pretrial.

Compared to white youth adjudicated delinquent in Juvenile Court:

- Black/African American youth were 1.22 times more likely to be committed to DYS.
- Latino/Hispanic youth were 1.14 times more likely to be committed to DYS

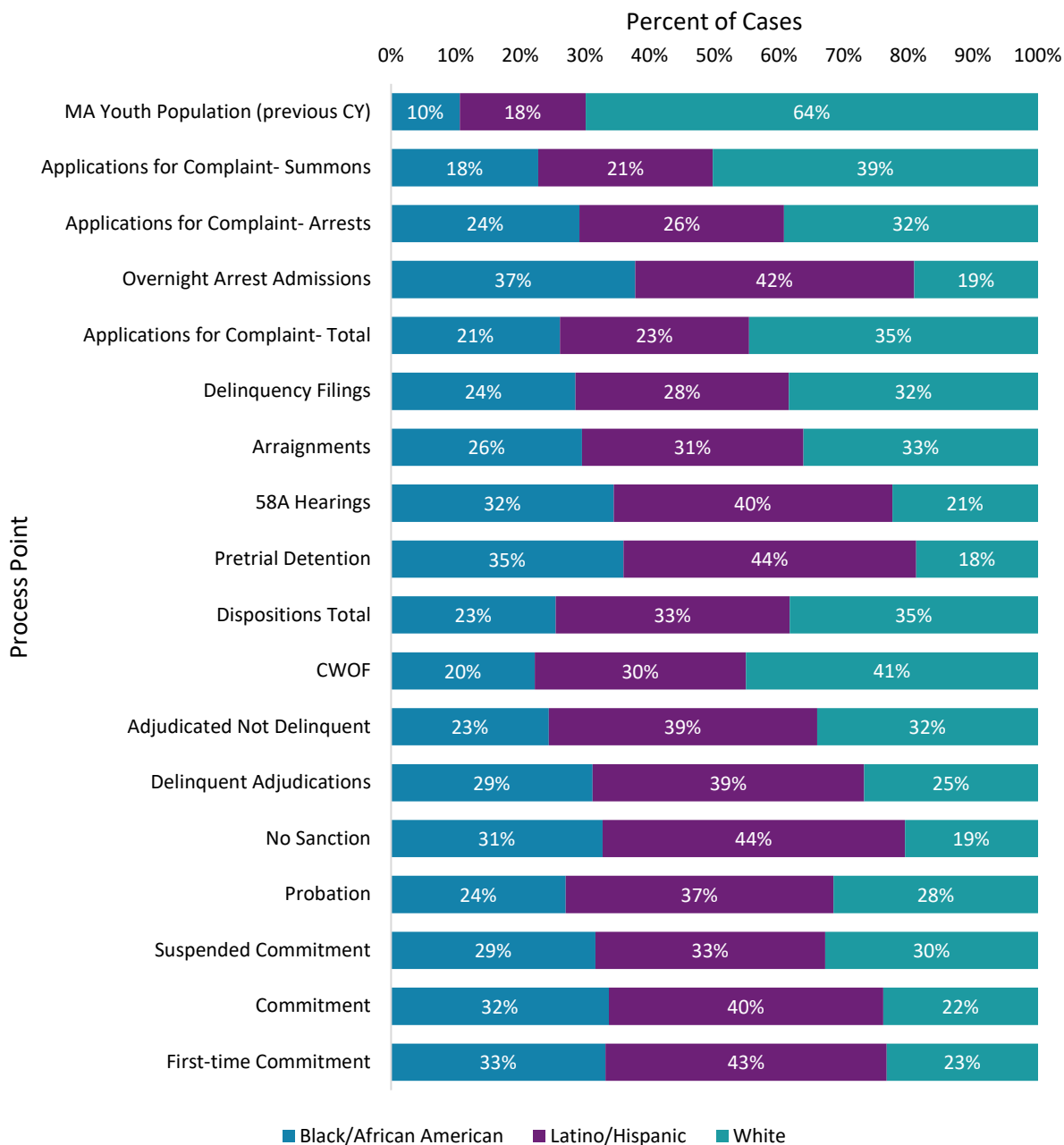
¹⁵⁴ JJPAD statutory mandate includes the requirement that the Board report analysis of the: "(iii) the identification and evaluation of any gender, racial and ethnic disparities within the juvenile justice system and recommendations regarding ways to reduce such disparities" <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

How Does the JJPAD Data Subcommittee Measures Disparities?

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

1. **Rate of Change**—compares year-to-year changes for each race category. For example, there was a 25% increase in the number of arraignments for Black/African American youth from FY22 to FY23.
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 1.15 times (i.e., an overrepresentation) more Black youth at the delinquency filings stage compared to the application for complaint stage.
3. **Relative Rate Index (RRI)***— compares the observed rate of disproportionality for white youth to the observed rate of disproportionality for youth of color after adjusting for “base” population rates, using either data on the demographics of all Massachusetts youth as identified by the U. S. Census, or the demographic breakdown of the youth at an earlier stage of the juvenile justice process. RRIs greater than 1.0 indicate an increased likelihood of involvement for people of color at that point. RRIs less than 1.0 indicate a decreased likelihood of involvement for people of color at that point. For example, Latino youth were 2.79 times more likely to experience an overnight arrest admission than white youth.

Figure 87:
FY23 MA Juvenile Justice Process Points by Race/Ethnicity



Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/> ; Summons, arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research

Disparities lessened across some juvenile justice system process points from FY22 to FY23. Unfortunately, much of the improvement in the disparity rate is due to an increase in white youth admissions/cases rather than a decrease in Black or Latino youth involvement. In other words, changes to the historical *underrepresentation* of white youth at certain process points is fueling the improvements in disparities compared to any reduction in the *overrepresentation* of Black and Latino youth.

For example, in FY22 Black youth were 1.23 times more likely and Latino youth were 1.14 times more likely than white youth to be arraigned. In FY23, Black youth were 1.10 times more likely and Latino youth were 1.10 times more likely than white youth to be arraigned. This is a reduction in disparities. However, rates of change show arraignments increasing across all race categories. Arraignments for white youth increased most steeply (40% increase for white youth compared to 25% for Black youth and 31% of Latino youth). **This means the reduction in disparities between white youth and Black and Latino youth is due to an increase in white youth being arraigned rather than a decrease in Black or Latino youth being arraigned.**

Compared to pre-CJRA implementation, the decrease in system use overall has largely been driven by a decrease in white youth admissions' more so than decreases in admissions for Black and Latino youth.

Table 8: Relative Rate Index (RRI)*— Black/African American Youth			
Point (white youth comparison/base population)	FY18	FY22	FY23
Applications for Complaint- Summons (MA Youth Pop)	2.97	2.55	2.98
Applications for Complaint- Arrests (MA Youth Pop)	4.70	5.50	4.89
Overnight Arrest Admissions (Applications for Complaint- Arrests)	1.71	2.59	2.66
Applications for Complaint- Total (MA Youth Pop)	3.71	3.60	3.85
Delinquency Filings (Applications for Complaint- Total)	1.14	1.36	1.27
Arraignments (Delinquency Filings)	1.03	1.23	1.10
58A Hearings (Arraignments)	1.00	1.79	1.88
Pretrial Detention (Arraignments)	1.54	2.40	2.34
Dispositions Total (Arraignments)	1.01	0.70	0.81
CWOF (Arraignments)	0.79	0.49	0.60
Adjudicated Not Delinquent (Arraignments)	1.18	0.77	0.88
Delinquent Adjudications (Arraignments)	1.52	1.18	1.42
No Sanction (Adjudicated Delinquent)	1.28	0.81	1.37
Probation (Adjudicated Delinquent)	0.65	0.71	0.74
Suspended Commitment (Adjudicated Delinquent)	1.60	2.10	0.83
Commitment (Adjudicated Delinquent)	0.99	1.09	1.22
First-time Commitment (Adjudicated Delinquent)	0.87	2.03	1.22
Relative Rate Index (RRI)*— compares the observed rate of disproportionality for white youth in a given year to the observed rate of disproportionality for youth of color that same year after adjusting for “base” population			

rates (in parentheses, above), 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, in FY23 Black youth were 4.89 times more likely to experience an arrest than white youth.

Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/> ; Summons, arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research

Table 9: Relative Rate Index (RRI)*— Hispanic/Latino Youth

Point (white youth comparison/base population)	FY18	FY22	FY23
Applications for Complaint- Summons (MA Youth Pop)	1.77	1.69	1.93
Applications for Complaint- Arrests (MA Youth Pop)	3.46	3.14	2.89
Overnight Arrest Admissions (Applications for Complaint- Arrests)	1.50	3.24	2.79
Applications for Complaint- Total (MA Youth Pop)	2.47	2.20	2.35
Delinquency Filings (Applications for Complaint- Total)	1.24	1.44	1.31
Arraignments (Delinquency Filings)	1.16	1.14	1.10
58A Hearings (Arraignments)	1.10	1.90	2.03
Pretrial Detention (Arraignments)	1.71	2.59	2.55
Dispositions Total (Arraignments)	0.88	0.83	1.00
CWOF (Arraignments)	0.73	0.72	0.77
Adjudicated Not Delinquent (Arraignments)	1.42	1.05	1.29
Delinquent Adjudications (Arraignments)	1.19	1.06	1.66
No Sanction (Adjudicated Delinquent)	0.70	0.65	1.45
Probation (Adjudicated Delinquent)	0.72	0.84	0.84
Suspended Commitment (Adjudicated Delinquent)	1.33	1.00	0.69
Commitment (Adjudicated Delinquent)	1.43	1.46	1.14
First-time Commitment (Adjudicated Delinquent)	1.18	2.62	1.19

Relative Rate Index (RRI)*— compares the observed rate of disproportionality for white youth in a given year to the observed rate of disproportionality for youth of color that same year after adjusting for “base” population rates (in parentheses, above), 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, in FY23 Latino youth were 2.89 times more likely to experience an arrest than white youth.

Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojjdp.gov/ojstatbb/ezapop/> ; Summons, arrest, application for complaint, delinquency/youthful offender filings, arraignments, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research

Table 10: Percent change (FY22-FY23) by Race/ethnicity

Process Point	Black/African American	Latino/Hispanic	White
Applications for Complaint- Summons	4%	1%	-11%
Applications for Complaint- Arrests	20%	24%	35%
Overnight Arrest Admissions	27%	10%	39%
Applications for Complaint- Total	13%	12%	5%
Delinquency Filings	21%	18%	21%
Arraignments	25%	31%	40%
58A Hearings	18%	25%	25%
Pretrial Detention	9%	15%	25%
Dispositions Total	29%	41%	25%
CWOF	49%	37%	36%
Adjudicated Not Delinquent	-29%	-19%	-30%
Delinquent Adjudications	15%	56%	6%
No Sanction	40%	150%	-24%
Probation	12%	47%	0%
Suspended Commitment	-33%	59%	56%
Commitment	41%	34%	17%
First-time Commitment	22%	25%	87%

Source: Summons, arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research

AC-Summons = applications for complaint initiated by court summons, AC-Arrests = applications for complaint initiated by custodial arrest, ONA = over night arrest, AC = application for complaint, DF = delinquency filing, CWOF = continued without a finding, Adj. ND = adjudicated not delinquent, Adj. Del. = adjudicated delinquent, SS commitment = suspended commitment to DYS

Table 11: Percent Change (FY18-FY23) by Race/ethnicity

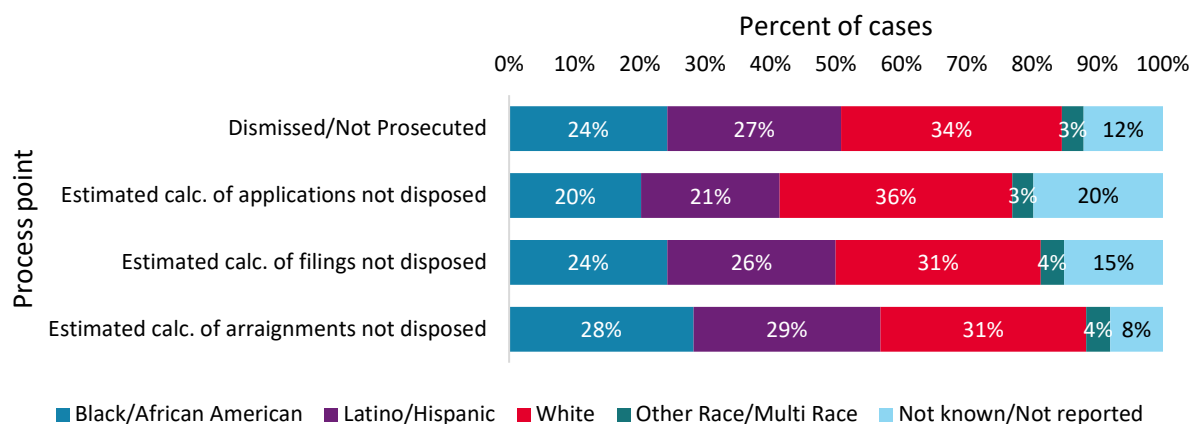
Process Point	Black/African American	Latino/Hispanic	White
Applications for Complaint- Summons	-10%	1%	-18%
Applications for Complaint- Arrests	-4%	-20%	-16%
Overnight Arrest Admissions	-44%	-44%	-68%

Applications for Complaint- Total	-6%	-11%	-18%
Delinquency Filings	-8%	-17%	-27%
Arraignments	-12%	-11%	-35%
58A Hearings	118%	70%	-15%
Pretrial Detention	-15%	-34%	-59%
Dispositions Total	-34%	-26%	-39%
CWOF	-33%	-27%	-36%
Adjudicated Not Delinquent	-58%	-60%	-59%
Delinquent Adjudications	-32%	-19%	-46%
No Sanction	-45%	25%	-60%
Probation	-28%	-12%	-50%
Suspended Commitment	-58%	-50%	-36%
Commitment	-1%	-25%	-37%
First-time Commitment	7%	-9%	-40%

Source: Summons, arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research

AC-Summons = applications for complaint initiated by court summons, AC-Arrests = applications for complaint initiated by custodial arrest, ONA = over night arrest, AC = application for complaint, DF = delinquency filing, CWOF = continued without a finding, Adj. ND = adjudicated not delinquent, Adj. Del. = adjudicated delinquent, SS commitment = suspended commitment to DYS

Figure 88:
FY23 MA Juvenile Justice System Process Points by Race/Ethnicity



This estimate is derived from the difference between the number of fact-finding hearings for each race category in FY23 compared to the number of applications/filings/arraignments for each race category as a percent of applications/filings/arraignments for each race category in FY23. Data is reported in the aggregate each year, and the Board is unable to track individual applications through the fact-finding stage. Data is reported based on the date of the application for complaint and the date of the fact-finding hearing. Some applications for complaint filed

at the end of a fiscal year do not result in fact-finding hearing until the following fiscal year. Therefore, the percentage reported here is an estimate.

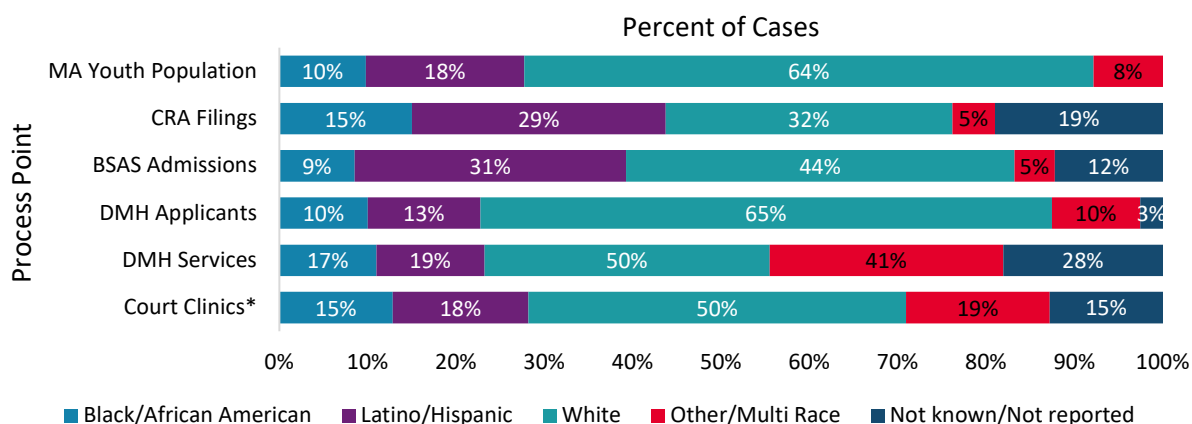
Source: Application for complaint, delinquency/youthful offender filings, arraignments, and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

Additionally, cases involving white youth accounted for 34% of all dismissed/not prosecuted cases in FY23, while cases involving Black and Latino youth accounted for a smaller portion of dismissed cases (24% and 27% respectively).

As the Board pointed out in its 2022 Annual Report, the point at which a youth's case is dismissed/diverted matters, and the earlier case dismissals/diversion happens, the better. Similar to FY22, however, Black and Latino youth had a higher percentage of their cases dismissed post arraignment than pre-arraignment, while white youth had a higher percentage of their cases dismissed pre-arraignment. This suggests missed opportunities to divert Black and Latino youth earlier on in the Juvenile Court process.

Data on the race/ethnicity distribution for other systems is provided in the chart below. In general, white youth are far more represented in the data for these systems than the juvenile justice system, but disparities between white youth and youth of color are less stark than in the juvenile justice system.

Figure 89:
FY23 Other State Resources by Race/Ethnicity



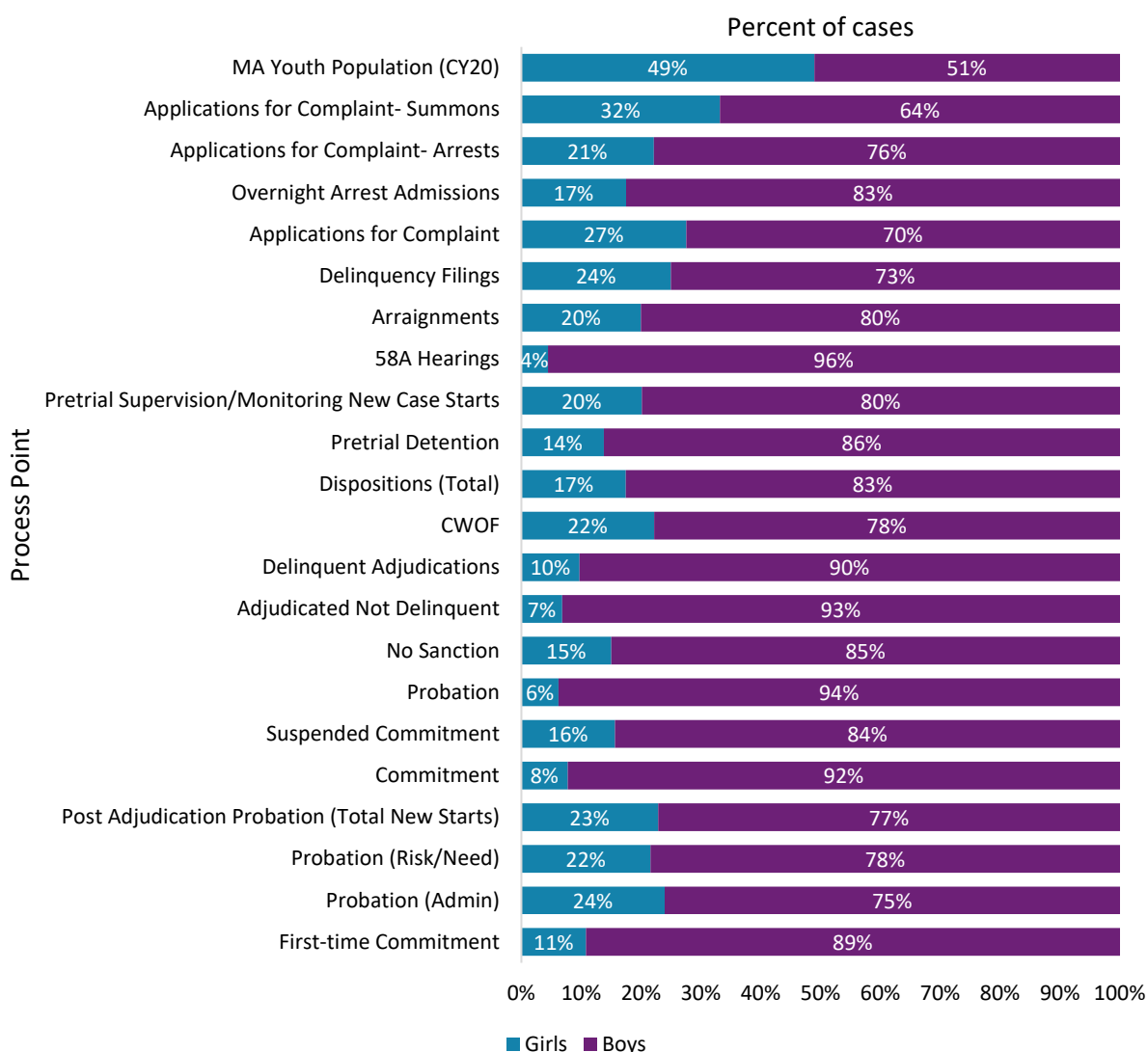
Source Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/>; CRA data retrieved on 10/23/23 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity>; BSAS admissions provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services; DMH applicants and services data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming; Juvenile Court clinic referrals data provided to the OCA by the Department

of Mental Health's Forensic Services.* Juvenile Court Clinic race data will not total 100% since Latino/Hispanic youth are counted across race categories and as a separate ethnicity category.

Gender

Consistent with prior years, the overwhelming majority of cases processed in the state's juvenile justice system involve boys.

Figure 90:
FY23 Juvenile Justice System Process Points by Gender Distribution

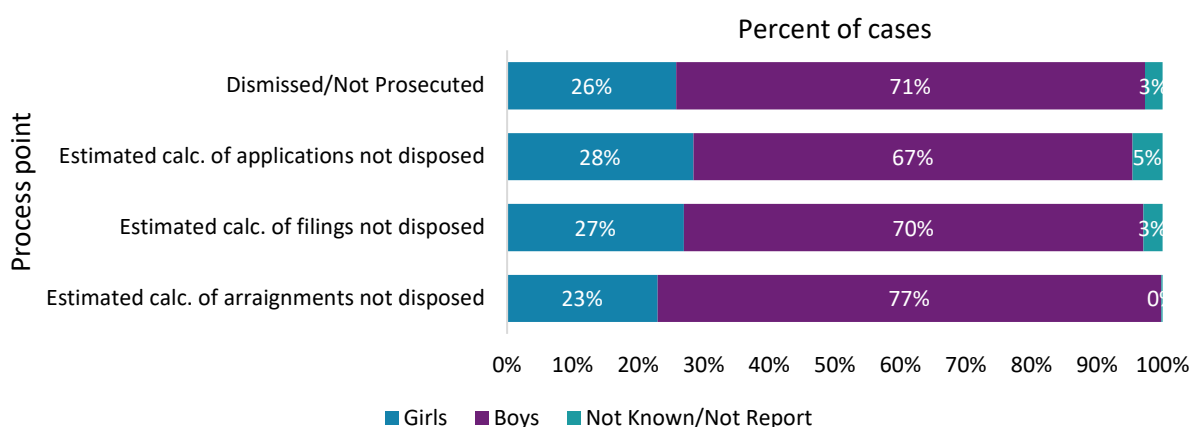


Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojjdp.gov/ojstatbb/ezapop/> ; Summons, arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest

admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research ; Probation data provided to the OCA by MPS' Research Department

Compared to their application for complaint rates, girls are slightly less likely to have their case dismissed compared to boys. Based on the calculated estimates of which cases ultimately do not reach plea or trial, girls account for more of the cases diverted/dismissed earlier on in the system process.

Figure 91:
FY23 Estimated Dismissals/Diversion by Case Processing Point & Gender

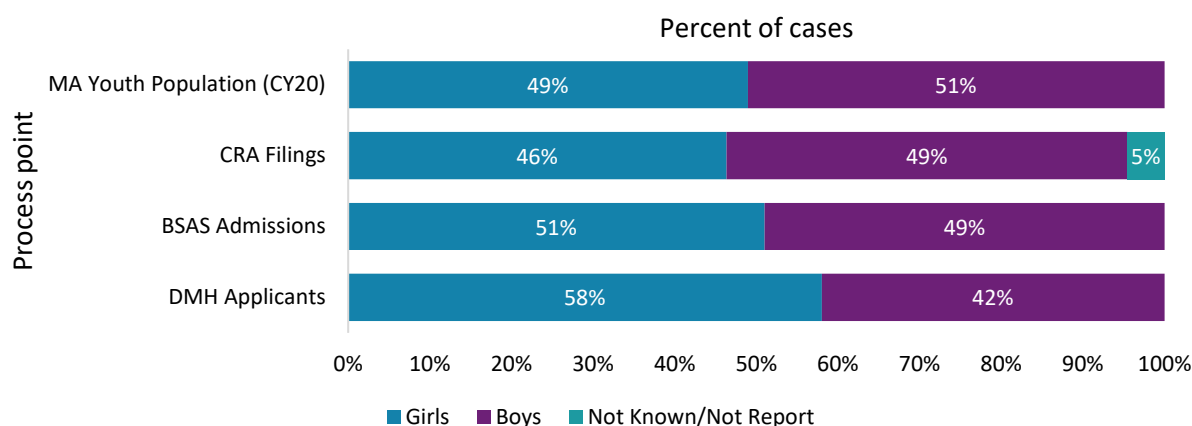


This estimate is derived from the difference between the number of fact-finding hearings for each race category in FY23 compared to the number of applications/filings/arraignments for each race category as a percent of applications/filings/arraignments for each race category in FY23. Data is reported in the aggregate each year, and the Board is unable to track individual applications through the fact-finding stage. Data is reported based on the date of the application for complaint and the date of the fact-finding hearing. Some applications for complaint filed at the end of a fiscal year do not result in fact-finding hearing until the following fiscal year. Therefore, the percentage reported here is an estimate.

Source: Application for complaint, delinquency/youthful offender filings, arraignments, and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

Compared to the juvenile justice system, girls are far more represented in individuals served by other state resources.

Figure 92:
FY23 Other Resources by Gender



Totals may not equal 100% due to missing data and inconsistencies in reporting.

Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/>:

CRA data retrieved on 10/23/23 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity> ; BSAS admissions provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services ; DMH applicants and services data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming; Juvenile Court clinic referrals data provided to the OCA by the Department of Mental Health's Forensic Services

LGBTQ+ Youth

DYS reports the sexual orientation, transgender status, and intersex status of youth in their care and custody.¹⁵⁵ Six percent (n=47) of pretrial detention admissions were for youth who identified as LGBTQ+.¹⁵⁶ As the MA LGBTQ+ Youth Commission has highlighted in recent reports, this is below national estimates.¹⁵⁷ The underrepresentation of LGBTQ+ youth detained pretrial in Massachusetts may be a positive sign – or it may be due to underreporting of detained youth who may decide not to disclose their gender identity or sexual orientation status at intake.

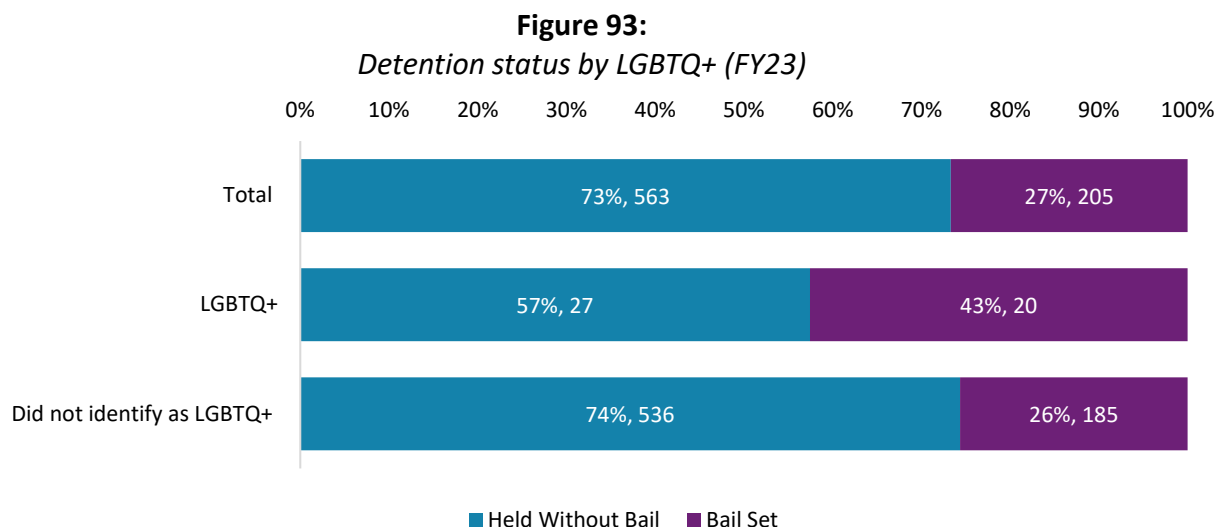
Regardless of whether there is over- or underrepresentation of LGBTQ+ youth detained in Massachusetts, the reasons *why* youth who identify as LGBTQ+ are detained differ compared to those youth who do not. Of the 768 detention admissions, youth who identified as LGBTQ+ were held on cash bail more frequently than youth who did not identify as LGBTQ+.

¹⁵⁵ Currently, DYS is the only juvenile justice system entity that collects and reports data on sexual orientation and gender identity/transgender/intersex status.

¹⁵⁶ For the purposes of this report, sexual orientation and gender identity data is aggregated into one category due to low individual case counts and to protect youth confidentiality.

¹⁵⁷ [Massachusetts Commission on LGBTQ+ Youth](https://www.mass.gov/doc/mclgbtgy-annual-recommendations-fy-2024-0/download). Report and Recommendations Fiscal Year 2024. <https://www.mass.gov/doc/mclgbtgy-annual-recommendations-fy-2024-0/download>

Of the 185 first-time commitments to DYS, 4% (n=7) were for youth who identify as LGBTQ+.



Source: Data provided to the OCA by DYS' Department of Research

Youthful Offender Cases

A youthful offender case involves a youth between 14 and 18 years old who is indicted by a grand jury for allegedly committing an offense against a law of the Commonwealth which, if they were an adult, would be punishable by imprisonment in state prison and who meets any of the following criteria:¹⁵⁹

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

District attorneys may choose to present certain juvenile cases to a grand jury, whose role is to decide whether there is enough evidence to charge the youth with the crime alleged and whether the crime and/or the youth meets the criteria necessary for the youth to be indicted as a youthful offender. If the grand jury determines there is sufficient evidence to charge the youth with the crime alleged and that the youth meets youthful offender criteria, they issue an “indictment” accusing the youth of specific offenses and a separate indictment accusing the youth of being a youthful offender.¹⁶⁰

¹⁵⁹ As defined in [M.G.L c119 §52](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52): <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

¹⁶⁰ 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>

If the grand jury determines the youthful offender criteria have been satisfied, the district attorney may continue to proceed against the youth as a youthful offender; however, if the grand jury determines that there is insufficient evidence to indict a youth for the crime alleged, youth are discharged from proceedings. While it is unlikely, the case may proceed via the delinquency system process. 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)

In FY23, there were:

- 121 youthful offender case indictments, up 20% from FY22,
- 123 youthful offender case arraignments, up 29% from FY22,
- 73 youthful offender cases that resulted in a CWO, delinquent adjudication or guilty adult sentence, up 35% from FY22
- 5 youthful offender cases that were adjudicated not delinquent/not guilty, down 80% from FY22

If the youth is “found to be a youthful offender,” the court may impose one or a combination of the following sanctions:

- commit the youth to DYS until age 21
- a suspended commitment to DYS until age 21
- any adult sentence including a sentence 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 complete their commitment, the case may conclude; if not, the youth may be sentenced to an adult facility.¹⁶¹

Data on sanctions for Youthful Offender Cases is provided in the “Sanctions” section in this report.

¹⁶¹ 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.

County

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 coming from a given county at each process point. The percentage of the Massachusetts youth population (12-17-year-olds only) that lives in each county is presented as a point of comparison.

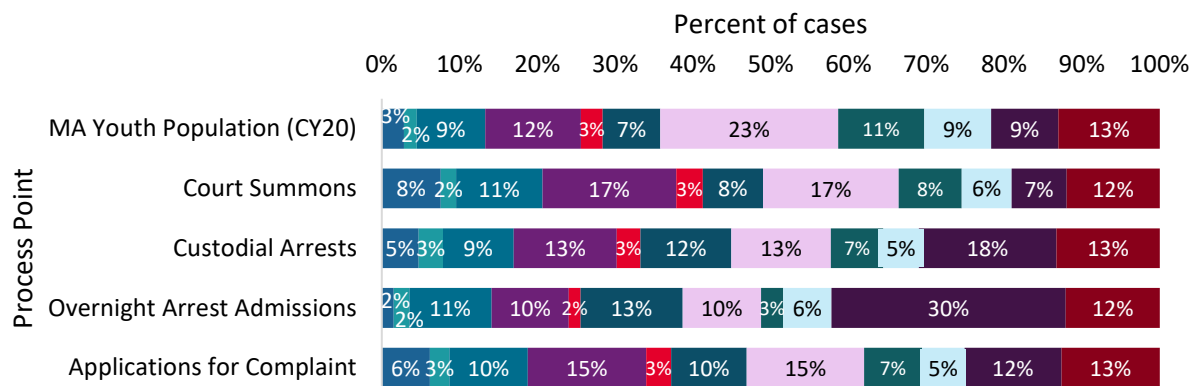
Initial Stage

Figure 94, below, reports the percent of cases at the initial stages of the state's juvenile justice system that come from each court county.

Compared to the population of 12–17-year-olds in that county:

- Barnstable, Berkshire, Hampden, Suffolk, Essex and Bristol accounted for larger shares of the state's applications for complaint in FY23.
 - Barnstable, Essex, and Hampden counties had disproportionately more applications for complaint than other counties.
 - Berkshire and Suffolk counties had disproportionately more applications for complaint initiated by arrests in FY23, but not by summons.
 - Bristol county had disproportionately more applications for complaint initiated by summons, but not by arrest.
- Almost a third of all overnight arrest admissions come from Suffolk County: three times the county's youth population and 1.6 times the percent of arrests the county accounts for in the state.

Figure 94:
FY23 Intial Stages Data by Court County



	Applications for Complaint	Overnight Arrest Admissions	Custodial Arrests	Court Summons	MA Youth Population (CY20)
Bar.	619	9	242	377	13,529
Ber.	254	12	158	99	7,834
Bri.	1,014	63	463	552	41,564
Ess.	1,528	59	673	855	58,260
F/H.	321	9	155	170	13,370
Ham.	977	78	595	384	35,032
Mid.	1,516	60	652	868	108,218
Nor.	746	17	342	404	52,551
Ply.	552	37	233	319	40,679
Suf.	1,250	179	900	351	40,955
Wor.	1,270	72	676	596	61,746

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/> ;
Summons, arrest, and application for complaint data retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ;
Overnight arrest admissions data provided to the OCA by DYS' Department of Research

Pretrial

Figure 95, below, reports the percent of cases that come from each court county at each process point throughout the pretrial phase of the state's juvenile justice system.

Compared to the percent of applications for complaint in that county:

- Essex, Hampden, and Suffolk accounted for a larger share of delinquency filings/youthful offender indictments in the state. This means that a higher percentages of cases are moving from application for complaint to delinquency filing in these three counties as compared to other counties.

Compared to the percent of delinquency filings/youthful offender indictments in that county:

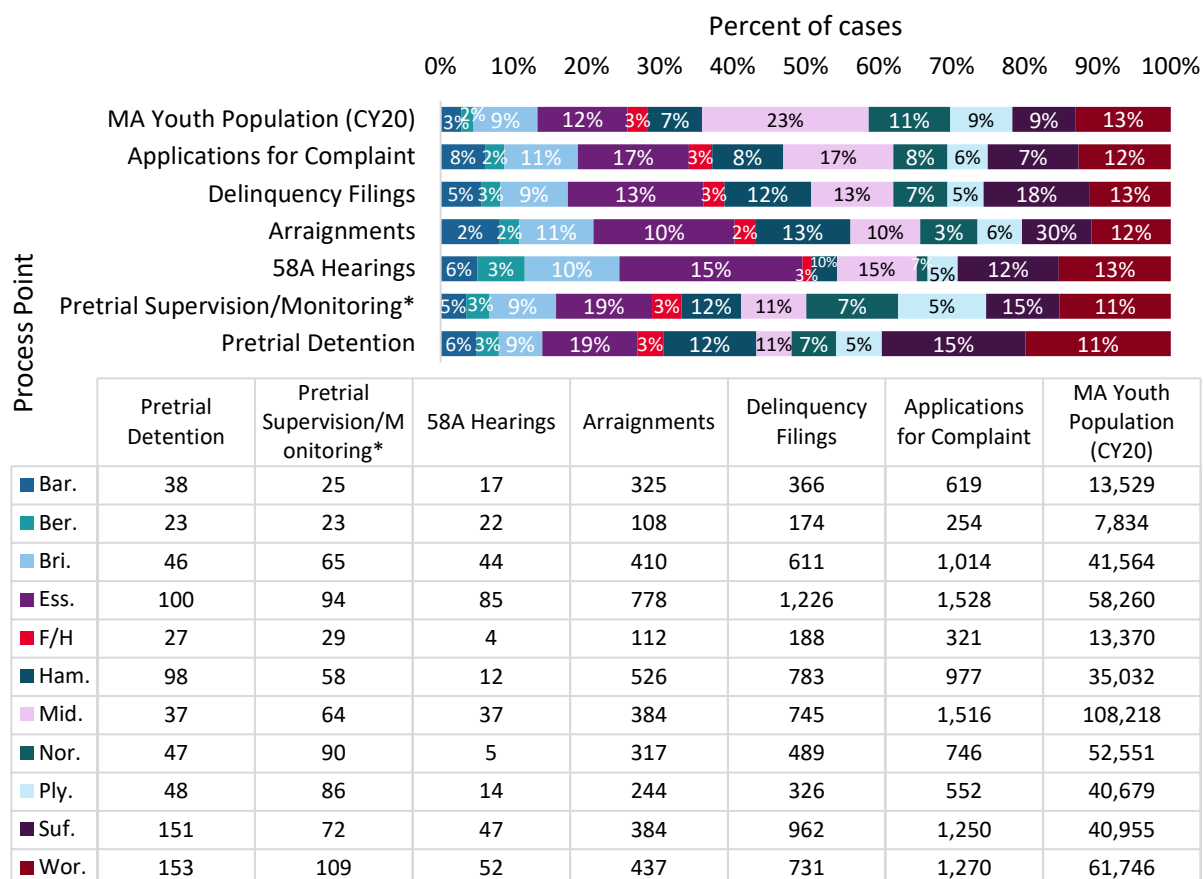
- Barnstable, Bristol, Hampden, Norfolk, and Plymouth accounted for a larger share of arraignments in the state. This means that a greater percentage of cases are moving from delinquency filing to arraignment in these five counties as compared to other counties.

Compared to the percent of arraignments in that county:

- Franklin/Hampshire, Norfolk, Plymouth, and Worcester account for a larger share of the state's new pretrial monitoring and supervision cases. This means that a greater percentage of arraigned youth are being placed on pretrial monitoring and supervision in these counties compared to other counties.
- Franklin/Hampshire, Suffolk, and Worcester counties account for a larger share of the state's pretrial detention admissions. This means that a greater percentage of arraigned youth are placed in pretrial detention in these counties as compared to other counties.

A quarter of all 58A Hearings heard in the state come from Essex County, despite making up 19% of the state's arraignments and 12% of the youth population.

Figure 95:
FY23 Pretrial Data by Court County



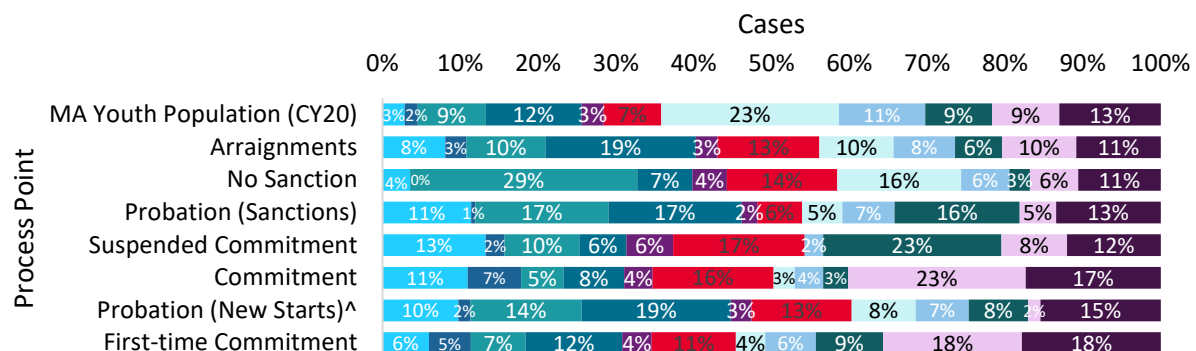
County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester *Pretrial monitoring and supervision data will not equal state total as some cases supervised by the statewide pretrial unit and not a court county. Source: Massachusetts population data retrieved from EZAPOPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/> ; Application for complaint, delinquency/youthful offender filings, arraignments,, and dangerousness hearings data retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions data provided to the OCA by DYS' Department of Research ; Probation data provided to the OCA by MPS' Research Department

Sanctions

Figure 96, below, reports the percent of cases across the sanction options of the state's juvenile justice system that come from each court county. Data is unavailable for county-level breakdowns for each of the fact-finding disposition outcomes (CWOs, cases adjudicated delinquent, cases adjudicated not delinquent). Therefore, comparisons between process points should not be made. However, there are some noteworthy findings:

- Bristol county accounted for 29% of all cases resulting in “no sanction” across the state, despite making up just 10% of the arraignments in the state.
- Most cases resulting in a probation sanction stem from Barnstable, Bristol, Essex, Suffolk, and Worcester.
- Plymouth County accounts for nearly a quarter of suspended commitment sanctions.
- Suffolk County accounts for nearly a quarter of commitment sanctions, despite making up 10% of arraignments in the state.
 - Worcester and Suffolk County each account for 18% of first-time commitments, followed by Essex and Hampden counties (12% and 11% of the state’s first-time commitments, respectively).

Figure 96:
FY23 Sanctions by Court County



	First-time Commitment	Probation (New Starts)^	Commitment	Suspended Commitment	Probation (Sanctions)	No Sanction	Arraignments	MA Youth Population (CY20)
Bar.	11	127	24	11	22	4	325	13,529
Ber.	10	20	15	2	1	0	108	7,834
Bri.	13	186	12	8	33	33	410	41,564
Ess.	23	249	17	5	33	8	778	58,260
F/H.	7	35	8	5	4	5	112	13,370
Ham.	20	167	34	14	11	16	526	35,032
Mid.	7	107	6	0	10	18	384	108,218
Nor.	12	89	8	2	13	7	317	52,551
Ply.	16	99	7	19	31	3	244	40,679
Suf.	33	21	50	7	9	7	384	40,955
Wor.	33	201	38	10	26	12	437	61,746

County Key: Bar. = Barnstable (including Barnstable, Dukes and Nantucket), Ber. = Berkshire, Bri. = Bristol, Ess. = Essex, F/H. = Franklin & Hampshire, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester

^Probation (New Starts) data will not equal state total as some cases supervised by the statewide pretrial & admin units and not a court county. Source: Massachusetts population data retrieved from EZAPOPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/> ; Arraignments and sanctions data retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court’s Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; First-time commitments data provided to the OCA by DYS’ Department of Research ; Probation data provided to the OCA by MPS’ Research Department

Appendix A: FY23 Data Indicating Impact of *An Act Relative to Criminal Justice Reform*

Table 12: <i>An Act Relative to Criminal Justice Reform</i> Data	
Juvenile Justice Provision	FY23 Data
Raised the lower age of criminal responsibility from age 7 to age 12	Based on available data to the Board, it appears this part of the law is having its intended effect. • 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 complaint 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 increasingly using other state systems. For example, in FY23, there were 231 CRA admissions for youth under the age of 12, a 23% decrease from the 299 CRA admissions in FY18. • 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.
Removed Juvenile Court jurisdiction for violations of local ordinances and first, low-level misdemeanor offenses including disorderly conduct	Data is not reported in a way for the Board to determine the number of violations of local ordinances before or after the Criminal Justice Reform Act implementation, or data reporting the number of youth cases diverted for first time offenses. Based on available data, it appears this part of the law is having its intended effect. However, as the report demonstrates, recent trends indicate a reverse of the downward trajectory: • Applications for complaint for <i>public order</i> offense types (including “violations of local ordinances” pre-2018 reforms) have decreased 70% since FY18. Pre-Criminal Justice Reform Act, <i>public order</i> offenses made up 9% of the applications for complaint, but by FY23, they made up 3% of the applications. However, there has been an increase in

	applications for complaint for public order offense types each of the past two years. (Data breakdowns provided starting on pg. 48 of the Annual Report.) • Applications for complaints with underlying <i>misdemeanor</i> offenses have declined 15% since FY18, but have increased each of the past two years. (Data breakdowns provided starting on pg. 39 of the Annual Report.) • Dispositions of all types (i.e., CWOFS, delinquent and not delinquent) with underlying <i>misdemeanor</i> offenses have declined 42% since FY18, but have increased each of the past two years. (Data breakdowns provided starting on pg. 72 of the Annual Report.)
Decriminalized “disturbing lawful assembly” and “disorderly conduct” offenses for students under 18 when in school or at school events	Data is not reported to the Board in a way that disaggregates offenses that happen at a school from offenses that happen elsewhere. Based on available data, it appears this part of the law is having its intended effect. However, as the report demonstrates, recent trends indicate a reverse of the downward trajectory: • Applications for complaint for <i>public order</i> offense types (including “disturbing lawful assembly” and “disorderly conduct” pre-2018 reforms) have decreased 70% since FY18. However, there has been an increase in applications for complaint for public order offense types each of the past two years. (Data breakdowns provided starting on pg. 48 of the Annual Report.) • There is no evidence suggesting youth committing these offenses have received Habitual School Offender petitions in the Child Requiring Assistance (CRA) system instead of being processed through the delinquency system. Habitual School Offender filings have decreased 39% since FY18. The number of Habitual School Offender Petitions has increased since the pandemic. (Data breakdowns provided starting on pg. 98 of the Annual Report.)
Authorized Juvenile Court judges to divert some youth pre-arraignment	Based on available data to the Board, it appears this part of the law is having its intended effect. • In FY23, an estimated 83% of applications for complaint, 74% of delinquency filings, and 57% of arraignments did not resolve in a plea/trial. In FY18, 77% of applications, 68% of filings and 53% of arraignments did not resolve in a plea/trial. Together, this data suggests diversion has increased pre-arraignment. (Data breakdowns provided starting on pg. 94 of the Annual Report.)
Removed the requirement that police departments contact Probation when there is a written request to detain a child overnight	Based on available data to the Board, it appears this part of the law is having its intended effect. • ONA admissions are down 52% since the CJRA, which changed overnight arrest procedures, was passed. (Data breakdowns provided starting on pg. 44 of the Annual Report.)

Note: Due to continuous data updates, do not compare the information in this report to any prior statistics.

Source: FY18 data retrieved from the JJPAD Board's FY22 Annual Report; FY23 Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments, CRA petitions, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>

Appendix B: 2020 Policing Act, Juvenile Justice Provisions

Table 13: 2020 Policing Act Juvenile Justice Provisions

Juvenile Justice Related Provision	2023 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	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. As a result of a state-led commissions, in February 2022, a model SRO MOU was released by EOPSS and DESE with minimum standards for all school districts with an SRO to follow.¹⁶²
Mandating School Resource Officer (SRO) trainings to include specific components as outlined by statute	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. The 2020 Policing Act took that concern into consideration and included a requirement that the Municipal Police Training Committee (MPTC) establish an in-service training for SROs. Since 2021, the MPTC has hosted 5 SRO trainings under this guidance. Training topics included the role of the SRO, childhood trauma, youth engagement, information sharing, and diversion strategies.¹⁶³ The 2020 law also added a certification process for SROs. The certification process is being managed by the Massachusetts Peace Officer Standards and Training

¹⁶² [Massachusetts Model School Resource Officer Memorandum of Understanding \(SRO-MOU\) Review Commission](https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission) (2022). School Resource Officer Memorandum of Understanding. <https://www.mass.gov/model-school-resource-officer-memorandum-of-understanding-sro-mou-review-commission>

¹⁶³ Click [here](#) for a copy of the SRO training agenda: <https://www.mass.gov/doc/jpad-board-september-28-2021-meeting-presentation/download>

	(POST) Commission. At the time of this report, the POST Commission has drafted certification standards and heard public comments.
Expanding the expungement eligibility for youth with up to two delinquent adjudications and allowing for expungement of multiple charges related to a single incident	Massachusetts Probation Services (MPS) is unable to report data on expungement that would allow the Board to determine the impact of this portion of the law.
Limiting circumstances in which a school department may report any information to local police departments relating to a student or student's family from its databases that may indicate gang activity/affiliation	The model SRO MOU Commission includes this provision of the law in the model MOU to be disseminated and used by all schools and police departments.

Appendix C: Diverted Cases by Offense Type and District Attorney Office (CY2022)

Table 14: Diverted Cases by Offense Type and District Attorney Office (CY2022)											
Diversion Case Type 1/1/2022 - 12/31/2022	Ber.	Bri.	C&I.	Ess.	Ham.	Mid.	Nor.	NW.	Ply.	Suf.	Wor.
Animal Cruelty	0	0	0	0	1	4	0	0	0	Not reported	0
Child Abuse	0	0	0	0	0	5	1	0	0		3
Child Pornography	0	0	0	26	0	2	1	0	8		0
Crimes Involving Property	20	14	42	108	127	613	96	20	40		25
Crimes Involving	0	0	0	5	16	59	2	11	4		2

Administr ation of Justice											
Crimes Against Morality	0	0	0	16	6	0	4	0	0		0
Crimes Against Person	45	20	49	200	174	671	26	2	8		100
Crimes Against Public Policy	0	4	0	44	16	134	3	5	8		0
Crimes Against Public Order	8	5	26	66	6	98	4	12	0		17
Domestic Violence & 209A Violations	0	1	0	2	8	46	0	0	0		56
Drugs (c.94C)	1	0	10	2	6	69	1	22	0		2
Elder and Disabled Persons Abuse	0	0	0	3	0	33	0	0	1		3
Firearms (c.140)	0	1	0	1	14	8	1	0	1		0
Homicide	0	0	0	0	0	0	0	0	0		0
Motor Vehicle-	4	4	13	42	44	80	4	24	6		40

related (c.90)											
Sexual Assault	0	0	0	2	1	7	1	0	0		0
Total	78	49	140	517	419	1829	144	96	76	459	248
Source: District attorney diversion data comes from the Legislature's website which makes publicly available the Massachusetts District Attorneys Association's report providing prosecution data to the state (pursuant to item 0340-2100 of Chapter 24 of the Acts of 2021): https://malegislature.gov/Bills/192/SD2939 County Key: Ber. = Berkshire, Bri. = Bristol, C&I. = Cape and Islands (including Barnstable, Dukes and Nantucket), Ess. = Essex, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, NW. = Northwestern (including Franklin & Hampshire), Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester											

Table 15: District Attorney Arraigned and Diverted Cases by DAO (CY21-CY22)				
DAO	CY21		CY22	
	Arraignments	Diverted	Arraignments	Diverted
Ber.	164	53	290	78
Bri.	792	24	930	49
C&I.	284	265	383	140
Ess.	782	255	1,229	517
Ham.	591	317	852	419
Mid.	913	1,898	1,205	1,829
Nor.	580	113	505	144
NW.	309	71	305	96
Ply.	590	127	892	76
Suf.	455	867	2,259	459
Wor.	1,377	233	1,441	248
State Total	6,837	4,223	10,291	4,055
Source: District attorney diversion data comes from the Legislature's website which makes publicly available the Massachusetts District Attorneys Association's report providing prosecution data to the state (pursuant to item 0340-2100 of Chapter 24 of the Acts of 2021): https://malegislature.gov/Bills/192/SD2939 County Key: Ber. = Berkshire, Bri. = Bristol, C&I. = Cape and Islands (including Barnstable, Dukes and Nantucket), Ess. = Essex, Ham. = Hampden, Mid. = Middlesex, Nor. = Norfolk, NW. = Northwestern (including Franklin & Hampshire), Ply. = Plymouth, Suf. = Suffolk, Wor. = Worcester				

Appendix D: Additional Juvenile Justice System Data Tables

Table 16: 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.	

Table 17: 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

Table 18: DYS ONA Primary Language Spoken at Home

Language	# FY23	% FY23
English	414	70%
Spanish	58	10%
Haitian Creole	11	2%
Portuguese	6	1%
Cape Verdean	5	1%
Other/(No Data)	101	17%
Total	595	100%
<i>Source: Data provided to the OCA by DYS' Department of Research</i>		

Table 19: DYS Detention Primary Language Spoken at Home

Language	# FY23	% FY23
English	718	93%
Spanish	30	4%
Portuguese	9	1%
Other (American Sign Language, Armenian, Haitian Creole)	6	1%
Cape Verdean	5	1%
Total	768	100%
<i>Source: Data provided to the OCA by DYS' Department of Research</i>		

Table 20: DYS First-time Commitments Primary Language Spoken at Home

Language	FY23 (#)	FY23 (%)
English	150	81%
Spanish	17	9%
Other (Armenian, Cape Verdean, Haitian Creole, Portuguese)	9	5%
Unknown	9	5%
Total	185	100%
<i>Source: Data provided to the OCA by DYS' Department of Research</i>		

Table 21: Length of Pretrial Detention Stay (LOS) by Population (FY23)

Measure	Total	Specific population of youth in pretrial detention																
		Child Welf.	Sex Assigned at Birth		LGBT Q+	Race/ethnicity*				Offense Type						Offense Severity		
Population	FY23 Detention Releases	DCF	Girls	Boys	LGBT Q+	Hispanic/Latino	Black/ African American	White	All Other	Per	We a.	Pr o.	PO	M V	Dru	L	M	H
N	749	335	108	641	47	326	272	135	7	426	148	97	35	34	9	354	304	91
Mean LOS (days)	69.2	69.3	48.4	72.8	54	72	80.5	41.5	72	65.5	114.2	35.7	58.1	37.1	35.9	53.2	73.4	133.7
Median LOS (days)	35	43	30	36	36	32	46	29	15	33.5	81	28	26	15	26	29	48.5	81.5
Min (days)	1	1	2	1	3	1	1	2	3	1	1	1	3	1	1	1	1	2
Max (days)	1191	702	395	1191	232	1191	1190	395	275	1191	679	122	336	417	96	336	1091	1191
Range (days)	1190	701	393	1190	229	1190	1189	393	272	1190	678	123	333	416	95	335	1090	1189

*Note: race/ethnicity data does not equal total population due to some youth choosing not to self-identify
Source: Data provided to the OCA by DYS' Department of Research
Per.= person, Wea.= Weapons, Pro.=property, MV= motor vehicle, Dru=Drug, L= Low, M= Medium, H= high

Table 22: Pretrial Detention Admissions by PREA "Yes" Responses (FY22-FY23)

Measure	FY22	FY23
History of Physical Abuse	100	113
History of Sexual Abuse	54	69
Sexual Exploitation	13	16
Negative Comments about Appearance	143	188
Negative Comments about Race	82	114
Negative Comments about Religion	11	14
Negative Comments about Sexual Orientation	15	25
Negative Comments about Gender Identity	8	8
Fears About Being Here	30	54
PREA Questions:		
1. Have you ever been physically abused?		

2. Have you ever been sexually abused?
3. Have you ever been engaged in any type of sexual activity in exchange for food, money, a place to stay, drugs, clothing, gifts, safety from physical harm by others , or to avoid arrest?
4. Have people ever made negative comments about your appearance?
5. Have people ever made negative comments about your race?
6. Have people ever made negative comments about your religion?
7. Have people ever made negative comments about your sexual orientation?
8. Have people ever made negative comments about your gender identity?
9. Do you have any fears about being here?

Source: Data provided to the OCA by DYS' Department of Research

Table 23: Pretrial Detention Admissions by MAYSI Score (FY22-FY23)

Fiscal Year	Measure	Normal	Caution	Warning	(No Data)	Total
FY22	Alcohol Drug	494	145	35	2	676
	Angry-Irritable	422	184	68	2	676
	Depressed-Anxious	469	154	51	2	676
	Somatic Concerns	418	227	29	2	676
	Suicide Ideation	587	29	58	2	676
	Thought Disturbance	536	103	35	2	676
FY23	Alcohol Drug	538	163	60	7	768
	Angry-Irritable	445	230	86	7	768
	Depressed-Anxious	514	198	49	7	768
	Somatic Concerns	459	252	50	7	768
	Suicide Ideation	649	35	77	7	768
	Thought Disturbance	547	155	59	7	768

Source: Data provided to the OCA by DYS' Department of Research

Table 24: First-time Commitments PREA "Yes" Responses (FY22-FY23)

PREA Questions	FY22	FY23
History of Physical Abuse	16	25
History of Sexual Abuse	8	16
Sexual Exploitation	3	4
Negative Comments about Appearance	29	38

Negative Comments about Race	25	18
Negative Comments about Religion	4	5
Negative Comments about Sexual Orientation	2	4
Negative Comments about Gender Identity	3	3
Fears About Being Here	4	3
<i>Source: Data provided to the OCA by DYS' Department of Research</i>		

Table 25: First-time Commitments by MAYSI Score (FY22-FY23)						
Fiscal Year	Measure	Normal	Caution	Warning	(No Data)	Total
FY22	Alcohol Drug	101	22	8	12	143
	Angry-Irritable	91	33	7	12	143
	Depressed-Anxious	95	30	6	12	143
	Somatic Concerns	83	40	8	12	143
	Suicide Ideation	120	6	5	12	143
	Thought Disturbance	108	21	2	12	143
FY23	Alcohol Drug	117	37	19	12	185
	Angry-Irritable	107	56	10	12	185
	Depressed-Anxious	124	38	11	12	185
	Somatic Concerns	106	57	10	12	185
	Suicide Ideation	149	11	13	12	185
	Thought Disturbance	137	27	9	12	185
<i>Source: Data provided to the OCA by DYS' Department of Research</i>						

Table 26: Murder Cases <18 years old by Race/ethnicity					
Race/ethnicity	FY19	FY20	FY21	FY22	FY23
Black/African American	2	1	4	1	4
Hispanic/Latino	2	2	7	8	1
Not known/Not reported	0	0	0	1	1
Other race / multi race	0	0	0	1	0
White	0	0	0	1	0
Total	4	3	11	12	6

Source: Data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here:

<https://public.tableau.com/app/profile/drap4687/viz/SuperiorCourtMurderCasesUnderAge18/DfndtCaseCharacteristics>

Table 27: Murder Cases <18 years old by Gender

Gender	FY19	FY20	FY21	FY22	FY23
Girls	0	1	0	1	1
Boys	4	2	11	11	5
Total	4	3	11	12	6

Source: Data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here:

<https://public.tableau.com/app/profile/drap4687/viz/SuperiorCourtMurderCasesUnderAge18/DfndtCaseCharacteristics>

Table 28: Murder Cases <18 years old by Age

Age	FY19	FY20	FY21	FY22	FY23
14	0	0	0	1	0
15	0	1	0	1	1
16	3	1	4	5	1
17	1	1	7	5	4
Total	4	3	11	12	6

Source: Data retrieved 10/27/2023 from the Massachusetts Trial Court's Tableau Public page here:

<https://public.tableau.com/app/profile/drap4687/viz/SuperiorCourtMurderCasesUnderAge18/DfndtCaseCharacteristics>

Table 29: Pretrial Probation Case Starts by Court County

Court County	FY21	FY22	FY23
Barnstable	2	1	0
Berkshire	5	4	14
Bristol	6	14	32
Essex	10	13	17
Franklin/Hampshire	9	12	2
Hampden	5	5	12
Middlesex	33	31	32
Norfolk	2	23	41
Plymouth	2	0	0

Suffolk	1	3	2
Worcester	19	7	2
Pretrial monitoring and supervision Unit	1	0	80
Administrative Supervision Unit	1	55	0
Total	96	168	234
<i>Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research</i>			

Table 30: Pretrial Conditions of Release Case Starts by Court County			
Court County	FY21	FY22	FY23
Barnstable	10	5	25
Berkshire	2	7	9
Bristol	17	20	33
Essex	57	53	77
Franklin/Hampshire	12	16	27
Hampden	88	21	46
Middlesex	13	18	32
Norfolk	28	18	49
Plymouth	55	65	86
Suffolk	39	70	70
Worcester	62	65	107
Pretrial Monitoring and Supervision Unit	216	0	754
Administrative Supervision Unit	39	394	1
Total	638	752	1,316
<i>Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research</i>			

Table 31: Administrative Probation Case Starts by Court County			
Court County	FY21	FY22	FY23
Barnstable	22	56	54
Berkshire	5	10	15
Bristol	43	91	145
Essex	34	111	172
Franklin/Hampshire	14	26	24

Hampden	45	44	87
Middlesex	43	54	64
Norfolk	26	62	67
Plymouth	23	37	51
Suffolk	8	21	5
Worcester	27	49	43
Pretrial monitoring and supervision Unit	0	0	1
Administrative Supervision Unit	0	2	1
Total	290	563	729
<i>Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research</i>			

Table 32: Risk/Need Probation Case Starts			
Court County	FY21	FY22	FY23
Barnstable	23	46	73
Berkshire	2	4	5
Bristol	18	32	41
Essex	27	67	77
Franklin/Hampshire	3	21	11
Hampden	20	30	80
Middlesex	18	34	43
Norfolk	16	33	22
Plymouth	24	47	48
Suffolk	4	30	16
Worcester	59	115	158
Pretrial Monitoring and Supervision Unit	0	0	0
Administrative Supervision Unit	0	0	1
Total	214	459	575
<i>Source: Data provided to the OCA by the Massachusetts Probation Service's Department of Research</i>			

Appendix E: Juvenile Court Clinic Referrals by Reason and Year

Table 33: Juvenile Court Clinic Referrals by Reason (FY17-FY23)							
Referred To JCC For	Statewide Totals						
	FY17	FY18	FY19	FY20	FY21	FY22	FY23
Youthful Offender Eval (c119 §58)	0	*	0	0	0	*	*
Aid In Sentencing Eval	*	0	*	0	*	*	*
Behavioral Health Screening	178	234	325	186	106	257	156
Brief Psychotherapy	39	75	75	106	37	46	34
Care & Protection Eval	101	64	85	46	94	84	34
Case Management	0	0	*	*	63	125	115
Child Requiring Assistance Eval	466	417	462	250	254	350	280
Competence to Proceed Eval	19	*	13	*	14	15	*
Competency and/or Criminal Responsibility Eval	240	209	157	109	128	140	132
Diagnostic Study (c119 §68A)	226	195	174	128	92	115	111
Emergency Mental Health Commitment Eval	*	*	*	*	11	*	*
Medication Consultation	*	*	0	0	0	0	0
Other^	236	118	32	429	507	611	384
Parental Rights Eval	0	0	0	0	0	0	0
Psychological Testing	*	*	12	*	*	*	*
Substance Abuse Commitment Eval	94	84	80	47	70	62	73
Totals	1,611	1,415	1,423	1,330	1,376	1,805	1319
Source: Data provided to the OCA by the Department of Mental Health's Forensic Services							

Appendix F: Department of Mental Health Data by Race/Ethnicity and Area Office

Table 34: DMH FSA Data by Race and Acceptance (FY22-FY23)		
Row Labels	Approved	Denied
FY2022	309	213
Asian / Native American / Pacific Islander	17	19
Black or African American	24	27

Chooses not to self identify/missing/unknown/other	22	13
Hispanic	36	19
Two or More Races	12	12
White	198	123
FY2023	301	209
Asian / Native American / Pacific Islander	20	*
Black or African American	26	25
Chooses not to self identify/missing/unknown/other	13	*
Hispanic	31	34
Two or More Races	18	13
White	193	137
*Data omitted due to cell suppression		
Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming		

Table 35: DMH CYF Services by Race/Ethnicity and Service Type (FY22-FY23)								
Row Labels	Case Management	Day Services	ED Diversion	Flex Services	Intensive Comm. Services	PACT -Y	Statewide Programs	Grand Total
FY2022	520	501	211	2,120	262		*	3,723
Asian / Native American / Pacific Islander	13	13	0	48	11		*	85
Black or African American	42	37	21	320	29		*	449
Chooses not to self identify/missing/unknown/other	59	101	66	764	35		*	1,041
Hispanic	65	61	49	277	29		*	495
Two or More Races	36	39	0	110	24		*	209
White	305	250	75	601	134		*	1,444
FY2023	500	482	396	2,187	259	*	*	3,063
Asian / Native American / Pacific Islander	17	19	15	131	12	*	*	89
Black or African American	41	39	46	366	21	*	*	452

Chooses not to self identify/missing/unknown/other	48	82	65	645	30	*	*	853
Hispanic	68	64	94	312	33	*	*	471
Two or More Races	35	40	18	112	20	*	*	161
White	291	238	158	621	143	*	*	1,046
*Data omitted due to cell suppression Source: Data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming								

Table 36: DMH Applicants by DMH Area (FY23)						
Application Status	Boston	Central	Northeast	Southeast	West	Total
Approve	35	76	56	81	53	301
Denial	30	52	55	64	26	227
Withdrawn	18	53	67	44	33	215
Totals	83	181	178	189	112	743

Appendix G: Bureau of Substance Addiction Services (BSAS) Service Type Definitions

Table 37: Service Type Definitions	
1st Offender Drunk Driver	The Driver Alcohol Education (DAE) programs are available to those individuals who agree to the alternative sentencing, sanction as specified within Massachusetts General Laws for the offense of driving under-the-influence. Specifically, each DAE program participant is provided with a structured group where they receive educational material to help them identify and understand alcohol abuse issues and drinking-and-driving behaviors. While the major focus of these programs is on alcohol, other substances of abuse are also discussed. The program provides 40 hours of services conducted over 16 weeks and includes an assessment, participation in self-help and victim-impact community meetings. <u>Eligibility:</u> Individuals convicted for the first time for drunk driving and who choose this option as an alternative to losing their license or possible incarceration. Referrals are generally made by the adjudicating district court; however, if the client is under 21, the Registry of Motor Vehicles may mandate the offender's participation.

Clinical Stabilization	Also referred to as 'step down' services, this service type offers 24-hour treatment for people who need a safe and structured setting to support their recovery after detoxification. Services include nursing support, case management, education and counseling, and aftercare planning. These programs help to bridge services between detoxification and rehabilitation programs.
Criminal Justice Diversion	Initiative in which individuals with substance use disorder who are also involved with the criminal justice system are redirected from traditional criminal justice pathways to substance addiction treatment systems.
Intervention	Programs that are designed to intervene with youth who have already begun to use substances and participate in risky behaviors. These programs include activities such as street outreach and youth organizing. This includes programs called Project Amp, Intensive School-Based Intervention, Community Innovation, High School Co-Occurring Response Teams, and Green Care.
Outpatient	Outpatient services provide treatment for adults and adolescents, their families, and/or their significant others who are affected by the use of alcohol or other drugs. Clients are assisted in gaining and maintaining skills for a substance-free lifestyle. Services include assessment and treatment planning, individual, group, and family counseling. <u>Eligibility:</u> Any person with concerns about a substance abuse problem, or a family member/significant other who has concerns about someone else's substance abuse problem. Individual must be medically stabilized and not in need of acute inpatient services.
Recovery Support	Recovery Support Services provide case management services to help link individuals and families to community supports such as self-help, housing, educational/vocational services and employment.
Residential	Youth Residential Programs provide short-term residential rehabilitative services to youth between the ages of fourteen and eighteen years who need a supervised environment to strengthen their recently acquired sobriety. Includes diagnostic, counseling, educational and pre-vocational, recreational, and HIV/AIDS related services. <u>Eligibility:</u> High-risk youth between 14 and 18 years of age who are experiencing emotional/ behavioral, family, developmental and/or social dysfunction as a result of their alcohol and other drug use.
Source: Provided to the OCA by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.	

Appendix H: Bureau of Substance Addiction Services (BSAS) Data

Table 38: Admissions for BSAS Youth (Ages 12-17) by Primary Referral at Disenrollment and Fiscal Year (FY2017-2023)							
Referral at Disenrollment	2017	2018	2019	2020	2021	2022	2023
Referral Not Needed - Assessment Indicates that Client Does Not Require to Enter Formal Treatment	47	31	27	14	20	15	*
Self, Family, Non Medical Professionals	53	49	35	28	26	17	15
BMC Central Intake	0	*	0	0	0	0	0
ATS - Level A	8	11	10	*	*	*	*
Transitional Support Services	*	*	*	*	*	*	*
Clinical Stabilization Services	7	10	9	*	*	*	*
Residential Treatment	171	160	111	55	45	27	18
Outpatient SA Counseling	380	223	189	58	47	45	33
Opioid Treatment	*	*	*	*	*	*	*
Drunk Driving Program	*	0	*	0	0	0	0
Acupuncture	0	0	*	0	0	0	0
Sober House	*	*	*	0	*	0	*
Recovery Support Center	*	9	*	*	*	*	*
Second Offender Aftercare	0	0	0	0	*	*	0
Family Intervention Programs	6	6	6	12	13	13	*
Other SA Treatment	17	15	7	9	11	*	*
Healthcare Professional, Hospital	12	*	6	7	6	*	*
Emergency Room	9	*	7	*	*	*	*
Needle Exchange Program	0	0	0	0	0	*	0
Mental Health Care Professional	13	19	21	37	12	16	14
School Personnel, School Systems	13	9	*	*	*	19	20
Recovery High School	18	9	*	9	6	*	*
Shelter	0	0	*	0	0	0	0
Community and Religious Organizations	0	6	*	0	*	0	0
Drug Court	*	0	0	*	0	0	0
Court - Section 35	*	0	0	*	0	0	0
Pre-Release, Legal Aid, Police	0	0	*	0	0	0	0
Dept. of Probation	*	6	*	*	*	0	0

Dept. of Youth Services	16	9	*	*	*	*	*
Dept. of Children and Families	38	24	22	21	12	13	*
Dept. of Mental Health	*	*	0	0	0	0	*
Dept. of Developmental Services	0	0	*	0	0	0	0
Dept. of Public Health	*	0	0	0	0	0	0
Mass. Rehab. Commission	*	0	0	0	0	0	0
Other State Agency	0	0	*	*	*	*	*
Referral Not Needed - Appropriate Mental Health Clinical Services Already in Place	30	87	67	67	72	57	30
Referral Not Needed - Appropriate Substance Abuse Clinical Services Already in Place	26	37	19	25	20	16	17
Referral Not Made - Client Dropped Out	154	148	109	57	64	81	56
Referral Attempted - Not Wanted by Client	52	50	42	29	14	15	17
Total	1093	932	715	456	389	356	260

Primary enrollments apply to the persons receiving Substance Addiction Services.

Missing/Unknown values for primary referral made at disenrollment, representing 1,834 enrollments, are excluded.

To maintain client confidentiality, the data in cells with counts ≤ 5 are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.

Table 39: Admissions for BSAS Youth (Ages 12-17) by Client County and Referral Source (FY 2017-2023)								
County	Referral Source ^d	2017	2018	2019	2020	2021	2022	2023
Barnstable	Pre-Adjudication	8	9	*	*	0	*	*
	Post-Adjudication	*	*	0	0	0	0	0
	Dept. of Children & Families	*	*	**	*	0	*	0
	All other Referral Sources	36	30	12	7	13	8	11
Berkshire	Pre-Adjudication	9	8	*	*	*	*	*
	Post-Adjudication	*	*	*	*	0	0	0
	Dept. of Children & Families	*	**	*	*	*	0	0
	All other Referral Sources	26	36	10	9	*	*	*
Bristol	Pre-Adjudication	16	12	8	6	7	*	*
	Post-Adjudication	6	6	*	**	0	0	0

	Dept. of Children & Families	19	14	*	*	0	*	*
	All other Referral Sources	77	76	51	42	27	35	22
Dukes	Pre-Adjudication	0	0	0	0	0	0	0
	Post-Adjudication	0	**	**	0	0	0	0
	Dept. of Children & Families	0	0	0	0	0	0	0
	All other Referral Sources	6	*	*	*	0	0	*
Essex	Pre-Adjudication	42	47	34	21	19	11	15
	Post-Adjudication	10	8	11	*	*	0	*
	Dept. of Children & Families	16	17	19	26	**	13	*
	All other Referral Sources	97	118	125	**	68	63	44
Franklin	Pre-Adjudication	*	0	*	0	0	0	0
	Post-Adjudication	7	*	0	*	*	*	**
	Dept. of Children & Families	*	*	0	0	0	*	*
	All other Referral Sources	11	10	*	*	*	*	7
Hampden	Pre-Adjudication	*	9	*	*	*	*	*
	Post-Adjudication	*	*	*	*	*	*	*
	Dept. of Children & Families	*	**	*	6	*	6	8
	All other Referral Sources	48	51	26	14	19	30	14
Hampshire	Pre-Adjudication	*	*	*	0	0	0	*
	Post-Adjudication	*	*	0	*	*	0	*
	Dept. of Children & Families	0	*	0	*	*	*	*
	All other Referral Sources	12	18	*	9	13	*	*
Middlesex	Pre-Adjudication	59	34	32	15	*	10	10
	Post-Adjudication	9	13	*	0	*	0	*
	Dept. of Children & Families	28	43	40	19	10	8	*
	All other Referral Sources	181	148	**	73	79	47	68
Nantucket	Pre-Adjudication	**	0	0	0	0	0	0
	Post-Adjudication	0	0	0	0	0	0	0
	Dept. of Children & Families	0	0	0	0	0	0	0
	All other Referral Sources	*	0	*	0	*	0	0
Norfolk	Pre-Adjudication	12	*	8	8	**	*	*
	Post-Adjudication	*	*	0	0	0	**	**

	Dept. of Children & Families	*	8	*	*	*	0	0
	All other Referral Sources	55	39	43	**	39	16	8
Plymouth	Pre-Adjudication	19	15	*	*	*	*	7
	Post-Adjudication	**	*	*	*	*	0	0
	Dept. of Children & Families	*	11	*	0	*	*	0
	All other Referral Sources	95	**	28	28	22	32	28
Suffolk	Pre-Adjudication	**	9	*	*	*	*	*
	Post-Adjudication	*	7	*	*	0	*	0
	Dept. of Children & Families	11	7	0	*	0	*	**
	All other Referral Sources	101	75	45	38	25	18	24
Worcester	Pre-Adjudication	13	14	10	9	9	7	7
	Post-Adjudication	35	27	9	*	*	*	**
	Dept. of Children & Families	14	21	12	**	6	*	*
	All other Referral Sources	128	107	85	50	**	69	45
Total	Pre-Adjudication	197	166	111	74	57	44	61
	Post-Adjudication	92	75	35	16	13	7	*
	Dept. of Children & Families	104	148	94	74	33	42	**
	All other Referral Sources	875	778	576	375	356	331	281

Primary enrollments apply to the persons receiving Substance Addiction Services.

Out of state and missing values for client county at admission, representing 255 enrollments, are excluded. Missing/unknown values for referral source, representing 2944 enrollments, are also excluded.

To maintain client confidentiality, the data in cells with counts ≤ 5 are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated.

Pre-adjudication includes: Court - Other; Court - Section 35; Court - DUI; Drug Court; County House of Correction/Jail. Post-adjudication includes: Dept. of Probation; Dept. of Youth Services; Pre-Release, Legal Aid, Police

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.

Table 40: Admissions for BSAS Youth (Ages 12-17) by Client County and Gender (FY 17-23)								
County	Gender	2017	2018	2019	2020	2021	2022	2023
Barnstable	Boy	29	31	9	6	9	14	10
	Girl	21	11	12	9	**	*	6
	Transgender (Boy, Girl, Other)	0	0	0	0	*	0	0
	County Total	50	42	21	15	16	**	16

Berkshire	Boy	30	36	14	55	14	37	30
	Girl	10	22	6	50	25	**	42
	Transgender (Boy, Girl, Other)	0	0	0	0	0	*	0
	County Total	40	58	20	105	39	101	72
Bristol	Boy	110	**	51	92	**	81	73
	Girl	116	29	13	**	45	94	**
	Transgender (Boy, Girl, Other)	0	*	0	*	*	6	*
	County Total	226	112	64	121	100	181	173
Dukes	Boy	*	*	0	*	0	0	*
	Girl	*	*	*	0	0	0	0
	Transgender (Boy, Girl, Other)	0	0	0	0	0	0	0
	County Total	**	*	*	*	0	0	*
Essex	Boy	116	129	131	**	90	121	161
	Girl	52	**	**	63	**	102	**
	Transgender (Boy, Girl, Other)	0	*	*	*	*	10	*
	County Total	168	191	192	212	144	233	299
Franklin	Boy	10	**	*	*	*	**	11
	Girl	13	*	0	*	*	17	23
	Transgender (Boy, Girl, Other)	0	0	0	0	*	*	0
	County Total	23	12	*	*	6	30	34
Hampden	Boy	30	54	28	16	24	50	**
	Girl	27	28	8	**	*	**	58
	Transgender (Boy, Girl, Other)	0	0	0	*	**	*	*
	County Total	57	82	36	29	29	98	111
Hampshire	Boy	**	18	7	8	10	6	*
	Girl	*	8	*	*	6	0	*
	Transgender (Boy, Girl, Other)	0	0	0	0	0	0	0
	County Total	17	26	**	**	16	6	7
Middlesex	Boy	192	**	**	87	67	58	**
	Girl	**	74	57	**	41	**	76
	Transgender (Boy, Girl, Other)	*	*	*	*	0	*	*
	County Total	285	239	222	127	108	98	136

Nantucket	Boy	0	0	*	0	*	0	0
	Girl	*	0	0	0	0	0	0
	Transgender (Boy, Girl, Other)	0	0	0	0	0	0	0
	County Total	*	0	*	0	*	0	0
Norfolk	Boy	44	32	38	29	50	9	8
	Girl	34	**	14	10	*	10	**
	Transgender (Boy, Girl, Other)	0	*	0	0	**	0	*
	County Total	78	54	52	39	53	19	15
Plymouth	Boy	**	50	23	**	46	**	59
	Girl	56	47	**	10	35	58	**
	Transgender (Boy, Girl, Other)	*	0	*	*	0	*	*
	County Total	134	97	41	47	81	124	115
Suffolk	Boy	78	76	32	59	26	36	131
	Girl	50	28	15	45	18	42	**
	Transgender (Boy, Girl, Other)	0	0	0	0	0	0	*
	County Total	128	104	47	104	44	78	293
Worcester	Boy	128	110	95	72	74	116	**
	Girl	**	62	25	**	**	110	88
	Transgender (Boy, Girl, Other)	*	0	0	*	*	8	*
	County Total	198	172	120	96	122	234	215
Total	Boy	858	793	595	609	467	600	722
	Girl	**	391	228	291	280	580	752
	Transgender (Boy, Girl, Other)	*	9	9	12	12	37	14
	County Total	1413	1193	831	912	759	1217	1488

Primary enrollments apply to the persons receiving Substance Addiction Services.

Out of state and missing values for client county at admission, representing 255 enrollments, are excluded.

To maintain client confidentiality, the data in cells with counts ≤ 5 are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.

Table 41: Admissions for Transgender BSAS Youth (Ages 12-17) by Transgender Description (FY17-23)

Transgender Description	2017	2018	2019	2020	2021	2022	2023
Male to Female	*	*	*	*	*	*	0
Female to Male	*	6	8	8	*	8	*
Other	0	0	0	0	0	*	*

Primary enrollments apply to the persons receiving Substance Addiction Services.

Missing values for transgender description, representing 59 enrollments, are excluded.

To maintain client confidentiality, the data in cells with counts ≤ 5 are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.

Table 42: Admissions for BSAS Youth (Ages 12-17) by Client County and Sexual Orientation (FY 17-23)

County	Sexual Orientation	2017	2018	2019	2020	2021	2022	2023
Barnstable	Heterosexual	46	40	18	12	12	11	12
	Gay, Lesbian, or Bisexual	*	*	*	*	*	*	0
	Other	0	0	*	*	0	0	0
	Refused	*	**	0	0	0	*	*
	Unknown/NA/Missing/Not Collected/Invalid	*	0	0	*	*	*	*
Berkshire	Heterosexual	36	52	29	11	6	*	*
	Gay, Lesbian, or Bisexual	*	*	*	*	0	0	*
	Other	0	0	**	0	**	*	*
	Refused	*	*	0	*	*	*	0
	Unknown/NA/Missing/Not Collected/Invalid	0	0	0	90	32	95	63
Bristol	Heterosexual	95	94	53	48	31	26	19
	Gay, Lesbian, or Bisexual	20	14	9	6	*	9	*
	Other	*	*	0	0	*	*	*
	Refused	0	*	*	0	0	**	*
	Unknown/NA/Missing/Not Collected/Invalid	**	0	**	67	65	143	146
Dukes	Heterosexual	*	*	*	*	0	0	*
	Gay, Lesbian, or Bisexual	*	**	**	**	0	0	**
	Other	0	0	0	0	0	0	0

	Refused	0	0	0	0	0	0	0
	Unknown/NA/Missing/Not Collected/Invalid	*	0	0	0	0	0	0
Essex	Heterosexual	141	152	153	117	82	64	45
	Gay, Lesbian, or Bisexual	13	14	29	9	12	9	11
	Other	*	0	*	**	*	9	*
	Refused	*	*	8	*	*	11	*
	Unknown/NA/Missing/Not Collected/Invalid	10	**	**	83	45	140	234
Franklin	Heterosexual	20	12	*	*	*	**	6
	Gay, Lesbian, or Bisexual	*	0	0	*	*	0	*
	Other	0	0	**	0	*	0	*
	Refused	0	0	0	0	0	*	0
	Unknown/NA/Missing/Not Collected/Invalid	**	0	0	0	0	22	26
Hampden	Heterosexual	51	73	33	16	24	35	20
	Gay, Lesbian, or Bisexual	*	*	*	6	0	*	*
	Other	0	*	**	*	**	*	*
	Refused	0	*	0	0	0	*	*
	Unknown/NA/Missing/Not Collected/Invalid	*	*	0	**	*	59	84
Hampshire	Heterosexual	17	23	8	7	15	6	7
	Gay, Lesbian, or Bisexual	0	*	0	0	0	0	0
	Other	0	0	0	*	0	0	0
	Refused	0	*	0	0	*	0	0
	Unknown/NA/Missing/Not Collected/Invalid	0	0	0	**	**	0	0
Middlesex	Heterosexual	246	197	197	99	81	53	63
	Gay, Lesbian, or Bisexual	28	30	17	8	9	*	9
	Other	0	6	*	*	0	*	*
	Refused	**	*	**	*	6	7	**
	Unknown/NA/Missing/Not Collected/Invalid	*	*	0	17	12	33	53
Nantucket	Heterosexual	*	0	*	0	*	0	0
	Gay, Lesbian, or Bisexual	**	0	**	0	**	0	0
	Other	0	0	0	0	0	0	0
	Refused	0	0	0	0	0	0	0
	Unknown/NA/Missing/Not Collected/Invalid	0	0	0	0	0	0	0

Norfolk	Heterosexual	64	49	40	30	50	16	6
	Gay, Lesbian, or Bisexual	10	*	10	7	0	*	*
	Other	0	0	0	0	0	0	*
	Refused	*	0	*	**	*	0	*
	Unknown/NA/Missing/Not Collected/Invalid	*	**	**	*	*	*	*
Plymouth	Heterosexual	113	75	31	27	26	29	26
	Gay, Lesbian, or Bisexual	17	21	8	*	*	*	*
	Other	**	*	0	*	0	*	*
	Refused	0	0	*	*	0	*	*
	Unknown/NA/Missing/Not Collected/Invalid	*	**	**	15	52	85	79
Suffolk	Heterosexual	115	82	37	35	12	19	17
	Gay, Lesbian, or Bisexual	7	8	*	8	*	*	*
	Other	*	0	*	*	**	*	*
	Refused	0	*	0	*	0	*	*
	Unknown/NA/Missing/Not Collected/Invalid	*	**	*	56	31	55	266
Worcester	Heterosexual	163	156	108	63	**	66	45
	Gay, Lesbian, or Bisexual	30	15	8	*	6	10	10
	Other	*	0	*	0	0	*	*
	Refused	*	*	0	*	*	6	*
	Unknown/NA/Missing/Not Collected/Invalid	0	**	*	28	64	**	156
Total	Heterosexual	1113	1009	705	467	394	334	271
	Gay, Lesbian, or Bisexual	140	119	92	58	36	41	52
	Other	8	10	8	11	6	22	23
	Refused	14	23	20	11	12	35	30
	Unknown/NA/Missing/Not Collected/Invalid	138	32	6	365	311	785	1112

Primary enrollments apply to the persons receiving Substance Addiction Services.

Out of state and missing values for client county at admission, representing 255 enrollments, are excluded.

To maintain client confidentiality, the data in cells with counts ≤ 5 are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated.

Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.

Table 43: Admissions for BSAS Youth (Ages 12-17) by Client County and Race/Ethnicity (FY 2017-2023)

County	Race/Ethnicity	2017	2018	2019	2020	2021	2022	2023
Barnstable	Black, Non-Hispanic/Non-Latinx	*	*	0	0	0	0	**
	Hispanic/Latinx	*	*	*	0	*	*	*
	Other, non-Hispanic/Non-Latinx	*	0	*	*	0	0	0
	White, Non-Hispanic	39	33	16	12	10	13	15
	Multi-Racial, Non-Hispanic/Non-Latinx	*	*	*	*	0	0	0
	Refused/Unknown/Missing	*	*	*	**	*	**	0
Berkshire	Black, Non-Hispanic/Non-Latinx	0	0	0	8	0	8	7
	Hispanic/Latinx	6	12	*	13	*	12	10
	Other, non-Hispanic/Non-Latinx	*	*	0	*	*	*	*
	White, Non-Hispanic	31	38	14	74	29	62	48
	Multi-Racial, Non-Hispanic/Non-Latinx	*	*	*	7	0	14	*
	Refused/Unknown/Missing	0	*	0	**	*	*	*
Bristol	Black, Non-Hispanic/Non-Latinx	6	*	*	12	14	25	17
	Hispanic/Latinx	15	13	10	21	21	64	57
	Other, non-Hispanic/Non-Latinx	6	7	*	*	7	9	6
	White, Non-Hispanic	82	77	45	77	**	67	76
	Multi-Racial, Non-Hispanic/Non-Latinx	9	9	*	*	*	*	8
	Refused/Unknown/Missing	108	*	0	*	*	**	9
Dukes	Black, Non-Hispanic/Non-Latinx	0	0	0	*	0	0	0
	Hispanic/Latinx	0	**	0	0	0	0	*
	Other, non-Hispanic/Non-Latinx	0	0	**	0	0	0	0
	White, Non-Hispanic	7	*	*	**	0	0	**
	Multi-Racial, Non-Hispanic/Non-Latinx	0	0	0	0	0	0	0
	Refused/Unknown/Missing	0	0	0	0	0	0	0
Essex	Black, Non-Hispanic/Non-Latinx	*	9	13	8	*	10	13
	Hispanic/Latinx	31	41	41	74	29	57	94
	Other, non-Hispanic/Non-Latinx	10	7	7	8	7	*	8
	White, Non-Hispanic	117	130	125	**	102	153	168
	Multi-Racial, Non-Hispanic/Non-Latinx	*	*	*	10	*	*	*

	Refused/Unknown/Missing	*	*	*	*	0	7	**
Franklin	Black, Non-Hispanic/Non-Latinx	*	0	0	0	0	*	*
	Hispanic/Latinx	0	*	**	0	0	*	*
	Other, non-Hispanic/Non-Latinx	*	0	0	0	0	*	0
	White, Non-Hispanic	15	11	*	*	6	22	28
	Multi-Racial, Non-Hispanic/Non-Latinx	*	**	0	**	0	*	0
	Refused/Unknown/Missing	0	0	0	0	0	*	*
Hampden	Black, Non-Hispanic/Non-Latinx	*	*	0	*	0	*	6
	Hispanic/Latinx	16	14	8	14	*	43	65
	Other, non-Hispanic/Non-Latinx	*	9	*	*	*	*	*
	White, Non-Hispanic	37	46	22	12	17	42	33
	Multi-Racial, Non-Hispanic/Non-Latinx	0	6	*	0	0	*	*
	Refused/Unknown/Missing	*	*	0	0	*	*	*
Hampshire	Black, Non-Hispanic/Non-Latinx	*	*	0	*	0	0	0
	Hispanic/Latinx	*	*	0	*	*	0	*
	Other, non-Hispanic/Non-Latinx	0	*	0	0	*	0	*
	White, Non-Hispanic	13	18	8	6	13	6	*
	Multi-Racial, Non-Hispanic/Non-Latinx	0	*	0	0	0	0	0
	Refused/Unknown/Missing	0	0	0	*	*	0	0
Middlesex	Black, Non-Hispanic/Non-Latinx	9	23	17	*	*	11	11
	Hispanic/Latinx	32	42	36	18	25	20	36
	Other, non-Hispanic/Non-Latinx	13	12	16.0%	*	*	*	8
	White, Non-Hispanic	219	146	134	93	69	55	58
	Multi-Racial, Non-Hispanic/Non-Latinx	6	9	13	6	*	**	*
	Refused/Unknown/Missing	6	7	6	*	*	8	**
Nantucket	Black, Non-Hispanic/Non-Latinx	0	0	*	0	0	0	0
	Hispanic/Latinx	*	0	0	0	0	0	0
	Other, non-Hispanic/Non-Latinx	0	0	0	0	0	0	0
	White, Non-Hispanic	*	0	0	0	*	0	0
	Multi-Racial, Non-Hispanic/Non-Latinx	0	0	*	0	0	0	0
	Refused/Unknown/Missing	0	0	0	0	**	0	0
Norfolk	Black, Non-Hispanic/Non-Latinx	6	*	7	*	*	*	*

	Hispanic/Latinx	8	*	*	*	*	0	*
	Other, non-Hispanic/Non-Latinx	*	0	*	*	*	*	0
	White, Non-Hispanic	59	42	42	24	40	13	11
	Multi-Racial, Non-Hispanic/Non-Latinx	*	0	0	*	*	6	0
	Refused/Unknown/Missing	**	*	0	0	0	**	0
Plymouth	Black, Non-Hispanic/Non-Latinx	7	*	*	*	10	12	26
	Hispanic/Latinx	7	12	*	*	*	8	11
	Other, non-Hispanic/Non-Latinx	*	*	0	0	*	*	*
	White, Non-Hispanic	113	77	33	38	57	96	65
	Multi-Racial, Non-Hispanic/Non-Latinx	*	*	0	*	9	**	*
Suffolk	Refused/Unknown/Missing	*	0	*	0	**	0	6
	Black, Non-Hispanic/Non-Latinx	15	*	*	25	*	9	37
	Hispanic/Latinx	53	43	24	55	17	42	128
	Other, non-Hispanic/Non-Latinx	*	*	*	*	*	*	7
	White, Non-Hispanic	50	48	15	15	19	23	**
Worcester	Multi-Racial, Non-Hispanic/Non-Latinx	*	0	0	*	*	*	*
	Refused/Unknown/Missing	*	*	*	*	0	*	82
	Black, Non-Hispanic/Non-Latinx	10	13	*	*	*	8	8
	Hispanic/Latinx	38	28	27	12	27	50	48
	Other, non-Hispanic/Non-Latinx	*	*	*	6	*	7	*
Total	White, Non-Hispanic	127	112	79	73	86	145	111
	Multi-Racial, Non-Hispanic/Non-Latinx	12	10	*	*	*	*	*
	Refused/Unknown/Missing	6	**	*	0	*	**	43
	Black, Non-Hispanic/Non-Latinx	66	69	51	71	40	94	127
	Hispanic/Latinx	213	217	154	217	146	297	457
	Other, non-Hispanic/Non-Latinx	53	44	40	36	29	34	42
	White, Non-Hispanic	909	482	538	538	504	697	654
	Multi-Racial, Non-Hispanic/Non-Latinx	43	48	32	37	26	39	26
	Refused/Unknown/Missing	129	33	16	13	14	56	182

Primary enrollments apply to the persons receiving Substance Addiction Services.

Out of state and missing values for client county at admission, representing 255 enrollments, are excluded.

To maintain client confidentiality, the data in cells with counts ≤ 5 are suppressed (primary cell suppression*). Secondary cell suppression (**) is then applied so the values in the primary suppressed cells cannot be calculated. *Source: Treatment statistics prepared by the Office of Statistics and Evaluation, Bureau of Substance Addiction Services, Massachusetts Department of Public Health on 9/14/2023 with data as of 8/5/2023.*

Appendix I: Department of Public Health (DPH) Youth Violence Prevention Programming Data

Table 44: Number of Youth Served per Fiscal Year by Service Model (FY17-23) (Under 18)

	FY17	FY18	FY19	FY20	FY21	FY22	FY23
Primary Violence Prevention (PVP)	5,379	6,651	4,364	3,986	1,354	2,646	7,045
Safe Spaces for LGBTQIA+ Youth (SS)	489	285	313	304	279	2,116	863
Youth-at-Risk Grant (YARG)/ Opportunity Youth (OY)	0*	0+	1,323	1,651	939	624	132
Number of quarters of data missing for the fiscal year (total expected quarters), % quarters missing	0 (104), 0%	0 (100), 0%	82 (232), 35.3%	34 (228), 14.9%	99 (260), 38.1%	0 (260), 0%	0 (208), 0%

Notes:

In FY17, no Youth-at-Risk contracts were funded

+YARG funding was re-established via mini-grants toward the end of FY18, but no process data were collected

Unfortunately, we are unable to provide counts of youth served in each county of Massachusetts. For programs with service areas that span more than one county, we are unable to determine how many youth served are from each location.

Direct comparisons across the fiscal years should not be made due to the different levels of reporting completeness across the programs.

Source: Data provided to the OCA by DPH's Bureau of Community Health and Prevention (BCHAP)

Table 45: Number of Programs Funded per Fiscal Year (FY17-FY23)

Primary Violence Prevention (PVP)	20	19	24	23	23	23	36
Safe Spaces for LGBTQIA+ Youth (SS)	6	6	8	8	8	8	9
FY17-22: Youth-at-Risk Grant (YARG)/ FY23: Opportunity Youth (OY)	0	0+	28	28	34	34	7

Notes:

YARG funding was re-established via mini-grants toward the end of FY18, but no process data were collected

Source: Data provided to the OCA by DPH's Bureau of Community Health and Prevention (BCHAP)

Table 46: Percent of Youth Served (all ages) by Race/Ethnicity Category (FY23)

American Indian/Alaska Native/ First Nation	0.2%	0.2%	0.5%	-	0.9%	0.8%	0.3%
Asian	6.5%	7.0%	7.3%	-	9.1%	6.2%	3.5%
Black	24.5%	24.8%	23.8%	-	42.5%	30.7%	26.0%
Cape Verdean	-	-	-	-	-	-	1.6%
Hispanic/Latinx	46.0%	46.8%	38.1%	-	53.5%	42.3%	29.0%
Native (indigenous) Hawaiian or Other Pacific Islander	0.1%	0.1%	0.4%	-	7.0%	0.4%	0.1%
White	16.3%	13.6%	16.0%	-	25.9%	19.7%	16.3%
Biracial or Multiracial	-	-	-	-	-	-	8.7%
Other Race (not listed above)	5.4%	6.4%	6.4%	-	11.0%	7.4%	2.7%
Undisclosed/Unknown	2.6%	3.6%	7.7%	-	7.3%	12.2%	18.1%
Number of quarters of data missing for the fiscal year (total expected quarters), % quarters missing	0 (104), 0%	0 (100), 0%	74 (232), 31.9%	26 (228), 11.4%	99 (260), 38.1%	0 (260), 0%	0 (208), 0%

Notes:

- BCHAP race/ethnicity data consists of aggregated counts of all youth served. We are unable to remove youth who are 18 and older from these counts.
- Race/Ethnicity categories are NOT mutually exclusive. Youth may identify in as many categories as apply to their backgrounds, therefore these counts will sum to greater than the corresponding totals on slide 3 and the percentages will sum to greater than 100%
- These race-ethnicity counts do not reflect all youth served by these programs because race-ethnicity information was not recorded for all youth. In some cases, this likely reflected that a program did not know the racial/ethnic self-identification of some of their youth (e.g., youth may not self-report during interactions with staff, may decline to answer in response to a direct intake question, or were unsure of their own ancestry)
- FY23 is the first year Cape Verdean and Biracial or Multiracial were tracked in the reporting system
- *Data broken down by race/ethnicity is not accessible for FY20 because of a combination of MDPH staff turnover and the impacts of the COVID-19 pandemic on both community-based organizations and MDPH.

Source: Data provided to the OCA by DPH's Bureau of Community Health and Prevention (BCHAP)

Table 47: Percent of Youth Served (all ages) by Sexual Orientation/Gender Identity/Transgender Status

Sexual Orientation/Gender Identity/Transgender Status	FY23
Female	34.6%
Male	42.9%
Transgender Female	3.3%
Transgender Male	3.5%
Non-Binary, Gender Non-Conforming, Genderqueer	4.1%
Undisclosed/Unknown	10.6%
Lesbian, Gay, Bisexual, Queer, Questioning, Asexual	26.2%

Notes:

FY23 is the first year that we tracked youth's gender identity, transgender status, and sexual orientation. These counts do not reflect all youth served by these programs because it was not recorded for all youth. In some cases, this likely reflected that a program did not know the gender identity or transgender status self-identifications of some of their youth (e.g., a youth may not self-report during interactions with staff, may decline to answer in response to direct intake questions, or were unsure).

Source: Data provided to the OCA by DPH's Bureau of Community Health and Prevention (BCHAP)

Appendix J: Total Admissions by Process Point (FY18-FY23)

Table 48: Total Admissions by Process Point and Fiscal Year

Process Point	FY18	FY19	FY20	FY21	FY22	FY23
MA Youth Population (previous CY)	*	*	473,738	473,738	473,738	473,738
Application for Complaints-- Summons	5,627	4,831	4,165	3,211	5,037	4,975
Application for Complaints-- Arrests	5,427	3,541	3,620	2,807	3,754	5,089
Overnight Arrest Admissions	1,241	695	639	460	504	595
Applications for Complaint Total	11,268	8,388	7,784	6,010	8,778	10,047
Delinquency Filings	7,860	5,284	4,811	3,853	5,361	6,601
Arraignments	5,348	3,322	2,831	2,370	3,002	4,025
58A Hearings	224	197	223	225	286	339
Pretrial monitoring and supervision New Starts (Total)	*	*	*	734	924	1,550
Pretrial Detention	1,250	893	764	553	676	768
Dispositions	2,554	1,647	1,228	1,049	1,316	1,740

CWOF	1,564	966	700	616	781	1,088
Adjudicated Not Delinquent	111	85	77	40	62	44
Delinquent Adjudications	879	596	451	393	473	608
No Sanction	175	94	74	54	79	113
Probation	261	222	161	121	156	193
Suspended Commitment	163	89	63	57	71	83
Post Adjudication Probation (New Starts)	*	*	737	504	1,022	1,304
Commitment	280	191	153	165	167	219
First-time Commitment	233	195	149	89	143	185
Totals may not match due to cell suppression to protect youth privacy.						
*Data unavailable						
Source: Massachusetts population data retrieved from EZAPOP here: https://www.ojdp.gov/ojstatbb/ezapop/ ; FY18-21 court data retrieved from the JJPAD Board's FY22 Annual Report, FY22 & FY23 court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: https://public.tableau.com/app/profile/drap4687 ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research, Probation data provided to the OCA by MPS' Research Department						

Appendix K: Juvenile Justice System Process Points by Race/Ethnicity Data

Table 49: Juvenile Justice System Process Points by Race/ethnicity (FY23)						
Process Point	FY23 Total	Black/African American	Latino/Hispanic	White	Other Race/Multi Race	Not known/Not reported
MA Youth Population (previous CY)	473,738	46,313	85,050	305,156	37,219	0
Application for Complaints-- Summons	4,975	881	1,045	1,947	164	938
Application for Complaints-- Arrests	5,082	1,208	1,313	1,628	168	765
Overnight Arrest Admissions	595	219	250	111	4	11
Applications for Complaint-- Total	10,049	2,083	2,336	3,566	340	1,724
Delinquency Filings	6,601	1,580	1,828	2,133	246	814
Arraignments	4,025	1,049	1,228	1,329	156	263
58A Hearings	339	107	134	70	10	18
Pretrial Detention	768	269	339	141	9	10
Dispositions Total	1,740	404	575	610	72	79
Delinquent Adjudication	608	175	236	151	24	22

Adjudicated Not Delinquent	44	10	17	14	1	2
CWOF	1,088	219	322	445	47	55
No Sanction	1,740	404	575	610	72	79
Probation	608	175	236	151	24	22
Suspended Commitment	44	10	17	14	1	2
Commitment	1,088	219	322	445	47	55
First-time Commitment	185	61	80	43	0	1
YES Transitions (at age out)	128	43	58	26	0	1
CRA Filings	4,282	642	1,231	1,389	207	813
BSAS Admissions	1,488	127	457	654	68	182
DMH Applicants	528	51	65	330	60	22
DMH Services	3,063	453	471	1,047	326	639

Totals may not match due to cell suppression to protect youth privacy.

Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/>; Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687> ; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research ; CRA data retrieved on 10/23/23 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity> ; BSAS admissions provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services ; DMH applicants and services data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming; Juvenile court clinic referrals data provided to the OCA by the Department of Mental Health's Forensic Services

Appendix L: Juvenile Justice System Process Points by Age

Table 50: Juvenile Justice System Process Points by Age (FY23)

	Total	Under 12	12	13	14	15	16	17	18+	Not known/Not reported
MA Youth Population (previous CY)	779,847	443,203	76,393	77,152	77,719	78,910	81,104	82,460	306,109	0
Applicants for Complaint -- Summons	4,976	0	760	^	1,690	^	1,061	1,378	75	12
Applicants for Complaint -- Arrests	5,096	0	637	^	1,733	^	1,205	1,399	119	3
Overnight Arrest Admissions	595	0	0	80	^^	137	185	193	0	0
Applications for Complaint	10,052	0	403	994	1,437	1,980	2,262	2,774	190	12
Delinquency Filings	6,602	0	229	678	1,029	1,383	1,483	1,628	171	1

Arraignments	4,025	0	488	^	1,438	^	933	1,061	105	0
58A Hearings	339	0	25	^	62	^	94	135	23	0
Dispositions Total	1,740	0	197	0	619	0	400	474	50	0
Adjudicated Delinquent	608	0	44	0	184	0	148	215	17	0
Adjudicated Not Delinquent	44	0	3	0	6	0	8	21	6	0
CWOF	1,088	0	150	0	429	0	244	238	27	0
No Sanction	113	0	6	^	27	^	23	51	6	0
Probation	193	0	15	^	70	^	37	66	5	0
Suspended Commitment	83	0	4	^	26	^	23	25	5	0
Commitment	219	0	19	^	61	^	65	73	1	0
First-time Commitment	185	0	0	7	13	15	52	56	42	0
YES Transitions (at age out)	130	0	0	0	0	0	0	0	130	0
CRA Filings	4,050	231	380	669	972	1,108	599	322	0	0
DMH Applicants	528	^^^	143	385	^^^	^^^	^^^	^^^	^^^	*
DMH Services	3,824	^^^	1,162	1,913	^^^	^^^	^^^	^^^	^^^	*

Totals may not match due to cell suppression to protect youth privacy.

*Data is unavailable

^ Data is reported in the following categories 12-13, 14-15, 16, 17, 18

^^ Data is reported in the following categories 13-14, 15, 16, 17

^^^Data is reported in the following categories 7-12, 13-17

Source: Massachusetts population data retrieved from EZAPOP here: <https://www.ojdp.gov/ojstatbb/ezapop/>; Court summons, custodial arrest, application for complaint, delinquency/youthful offender filings, arraignments,, dangerousness hearings and fact-finding dispositions retrieved between 10/23/ 2023 and 11/14/2023 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687>; Overnight arrest admissions, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research; CRA data retrieved on 10/23/23 from the Massachusetts Trial Court's Tableau Public page here: <https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity>; BSAS admissions provided to the OCA by the Department of Public Health's Bureau of Substance Addiction Services; DMH applicants and services data provided to the OCA by the Department of Mental Health, Child, Youth, and Family Programming; Juvenile court clinic referrals data provided to the OCA by the Department of Mental Health's Forensic Services

Appendix M: Juvenile Justice System Process Points by Gender

Table 51: Juvenile Justice System Process Points by Gender (FY23)

	Total	Girls	Boys	Not Known/Not Reported
MA Youth Population (previous CY)	473,738	231,865	241,873	0
Applicants for Complaint--Summons	4,976	1,578	3,178	220

Applicants for Complaint -- Arrests	5,096	1,095	3,854	147
Overnight Arrest Admissions	595	104	491	0
Applications for Complaint	10,055	2,667	7,006	382
Delinquency Filings	6,602	1,613	4,844	145
Arraignments	4,025	823	3,196	6
58A Hearings	339	15	324	0
Pretrial Supervision New Starts	1,550	312	1,238	0
Pretrial Detention	768	106	662	0
Dispositions Total	1,740	303	1,436	1
Adjudicated Delinquent	608	59	549	0
Adjudicated Not Delinquent	44	3	41	0
CWOF	1,088	241	846	1
No Sanction	113	17	96	0
Probation	193	12	181	0
Suspended Commitment to DYS	83	13	70	0
Commitment to DYS	219	17	202	0
Post Adjudication Probation (New Starts)	1,304	297	1,001	6
Probation (Risk/Need)	575	124	451	0
Probation (Admin)*	729	173	550	6
First-time Commitment	185	20	165	0
YES Transitions (at age out)	130	21	109	0
CRA Filings	4,282	1,984	2,103	195
BSAS Admissions	1,474	752	722	0
DMH Applicants**	528	305	223	0
DMH Services^	3,063	1,535	1,537	0

*Totals may not match due to cell suppression to protect youth privacy. *Due to MPS reporting, administrative probation counts include some pretrial cases. **DMH Applications that are withdrawn are not included ^ Total count is the number of youth served, gender counts are based on services. Gender not reported is omitted. Source: Massachusetts population data retrieved from: <https://www.ojdp.gov/ojstatbb/ezapop/>; Juvenile Court data retrieved btwn 10/23/ 2023 & 11/14/2023 from: <https://public.tableau.com/app/profile/drap4687>; Overnight arrest, pretrial detention, and first-time commitment data provided to the OCA by DYS' Department of Research; BSAS admissions provided to the OCA by the DPH BSAS; DMH applicants and services data provided to the OCA by the DMH, Child, Youth, and Family Programming; Juvenile court clinic data provided to the OCA by the DMH Forensic Services*

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