

Transparency, Equity and “Just Facts” An Act improving juvenile justice data collection (S.1386;H.2141 – Lead sponsors Sen. Creem and Rep. Tyler)

Are We Using Resources Efficiently to Protect Public Safety & Improve Youth Outcomes?

Sound juvenile justice policy must be based on comprehensive, uniform, reliable and publicly accessible data. Effective public policy cannot be based on instinct or anecdote; rather, it must be based on solid information that enables policy-makers and practitioners to identify and quantify problems in the system, propose and implement solutions and then evaluate whether the solutions are, in fact, effective.

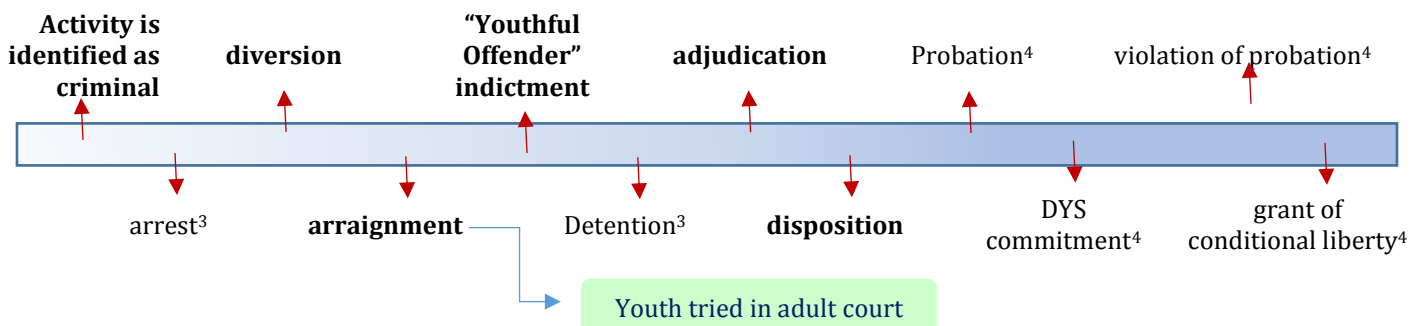
Massachusetts currently fails to collect crucial data at most of the significant decision points in the juvenile justice system, and it has no policy and data oversight commission to analyze and evaluate the effectiveness of the system. As a result, taxpayers are blindly funding a system without adequate metrics to assess its fairness or effectiveness, a system that has a profound effect on kids, families and communities.

Massachusetts also has one of the worst racial disparities in the country – having the 4th worst racial inequity in juvenile incarceration. National research has found that these disparities cannot be adequately explained by differences in offending, but are more likely driven by differences in enforcement and processing.¹

Disparities not only cause the worst burdens of the juvenile justice system to fall disproportionately on children of color, they can actually increase recidivism on their own. Young people “*may be more likely to accept responsibility for less serious offenses early in the process if they perceive delinquency proceedings to be fair and transparent and any sanctions imposed to be proportionate to their offenses*”²

Using data – at both the system and individual level – can have a large impact. Data allows system leaders to see disparities where they occur and to identify and to evaluate policies or practices that may inadvertently drive children deeper into the system.

The Missing Facts



The Missing Facts

How many minority youth are formally charged with committing a crime in Massachusetts?

We don't know. Aggregate data is available to the Court but not shared, despite the fact that arraignments are considered to be one of the best measurements of juvenile delinquency.

How do district attorneys use their discretion to divert or indict youth?

We don't know. Diversion is a useful tool for sifting out less serious cases that can be resolved informally, while indictment is intended for the most serious cases with the most serious consequences. Aggregate data about whether both of these critical decisions are being made consistently or fairly is not reported or shared publicly.

How many youth who are charged in court are actually found to be delinquent?

We don't know. While the Court's data system is capable of producing this data, it is not routinely aggregated or made public. The one year that this data was publicly available (in 2009) indicated only 11% of cases charged in court ended in a delinquency adjudication.

How many youth are given "adult" sentences?

We don't know. Sentencing children as if they were adults is a profoundly serious decision with potentially devastating consequences, but there is no way to know how often this is happening, or whether it is happening fairly or appropriately. While the Court system is capable of producing this data, they choose not to do so or to share it if they do.

Are young people and public safety better off through young people's system involvement?

We don't know. National research shows that system involvement tends to worsen outcomes. Massachusetts does not track education, housing, health and recidivism data for the 93% of youth who enter our Juvenile Court system but are never formally committed to DYS custody.

While **39 other states** have been able to comply with federal law requiring the collection of data on race and ethnicity at each decision point in the juvenile justice system, Massachusetts is failing to collect this data risking the loss of federal grants which can fund important prevention and intervention programs.

¹ Richard J. Bonnie et al. (eds.). [Reforming Juvenile Justice: A Developmental Approach](#). National Research Council of the National Academies (2013), 233.

² [Reforming Juvenile Justice](#), 130.

³ Most large urban municipal police departments are able to collect basic demographic data, with an exception of Lawrence.

⁴ Massachusetts' Probation Service and Department of Youth Services are models of agencies collecting and sharing aggregate data on youth in their care and generally make other data available upon request.



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