

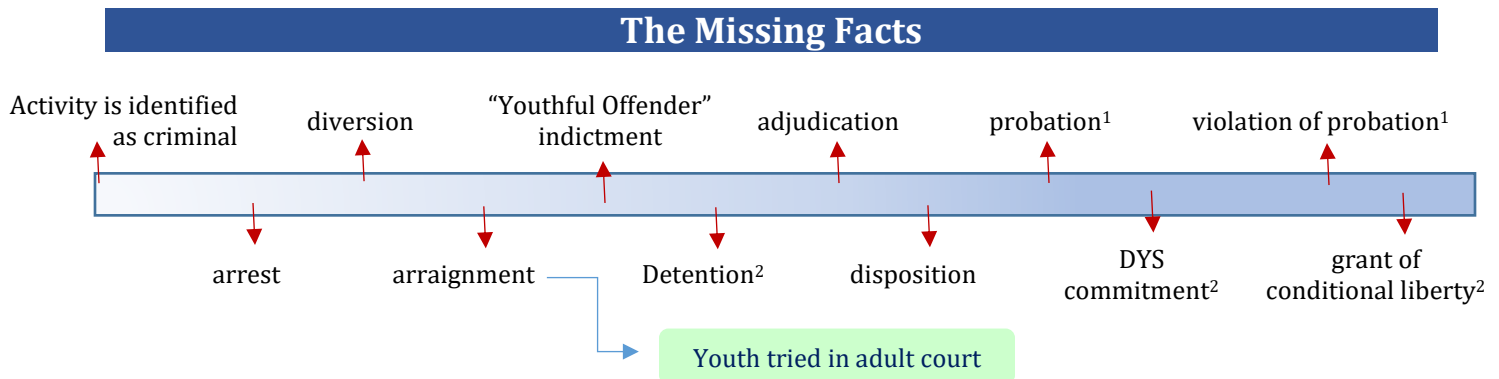
Transparency, Efficiency and “Just Facts”: Are Resources Used Efficiently to Protect Public Safety and Improve Youth Outcomes?

An Act improving juvenile justice data collection (S.1290 & H.2489)

Lead Sponsors – Senator Cynthia Creem and Representative Carolyn Dykema

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.



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 (2009) indicated only 11% of cases charged in court ended in a delinquency adjudication.

¹ Probation produces some data on its probationers, but it is limited and not regularly published or shared.

² DYS produces and shares regular detention and commitment data, and generally makes other data available upon request.

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 **46 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.

An Act improving juvenile justice data collection directs the Office of the Child Advocate to devise an instrument to collect basic, non-identifying statistical data on youth at each key point of contact in the justice system. All stakeholders in the juvenile justice system—including the police, courts, district attorneys and the Department of Youth Services —would be required to report this data and make this information available to the public.

This bill would also create a **Juvenile Justice Policy and Data Commission** to evaluate policies related to the juvenile justice system, oversee the collection and dissemination of aggregate data regarding the system, and study the implementation of any major statutory changes to the juvenile justice system, including the expansion of juvenile jurisdiction. This Commission would ensure the juvenile justice “feeder systems” – child welfare, education and mental health systems– are represented. The Commission would:

- Examine the current data collection processes to remove inefficiencies and facilitate the coordination of information sharing between state agencies and the courts;
- Identify and evaluate racial and ethnic disparities within the juvenile justice system and recommend ways to improve the system's fairness;
- Evaluate the impact of any legislation that alters the functioning of the juvenile court
- Monitor quality and accessibility of diversionary programs available to children and youths
- Study the justice-involvement of youth who are also involved in child welfare or mental health systems;
- Review appropriations necessary to accomplish any goals or suggested policy changes identified by the Commission.

Given lawmakers' obvious commitment to juvenile justice reform, the Commission would be a useful tool. It could synthesize state data, national research and evidence from the experience of other states. Ongoing reforms would be guided by leading edge knowledge, producing smart policy that will benefit communities, youth and taxpayers.



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