Transparency, Race Equity and “Just Facts”
An Act improving juvenile justice data collection

“Youth of color are still disproportionately represented at every level of the juvenile justice system... [and] the disparity between white youth and youth of color has actually increased [after the Criminal Justice Reform Act of 2018]”

MA Juvenile Justice Policy and Data Board

MA has Pervasive and Worsening Racial and Ethnic Disparities in Juvenile Justice
Massachusetts’ has one of the worst racial disparities for youth incarceration in the country despite more than a decade of reforms to reduce the pretrial detention of youth. While youth of color make up only 35% of the youth population in Massachusetts, they represent 68% of those arrested, 79% and 75% who are detained or committed to the Department of Youth Services (DYS), respectively.

Black youth in Massachusetts are 6.1 times and 10.1 times as likely as white youth to be detained and committed to DYS, respectively, and Latinx youth are 4.9 times and 8.9 times more likely than white youth to be detained and committed to DYS, respectively. A national comparison study found that MA has the 9th worst Black-white disparity and the 1st worst Latino-white disparity in the country.

These disparities have actually worsened over time; with the result that the “fairness” that is necessary to a functioning justice system is increasingly under threat. These disparities cannot be adequately explained by differences in youth behavior but related to different policing and court processing practices in communities of color.

Massachusetts currently fails to report crucial data at some of the most significant decision points in the juvenile justice system. As a result, we know that Black and Latinx youth are incarcerated at higher rates, but lack the transparency on the key decision points leading to that point. 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.

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”
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 and judges 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 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 legal 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 96% 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.

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