

# Massachusetts Coalition for Juvenile Justice Reform

## Transparency, Race Equity and “Just Facts”

*An Act improving juvenile justice data collection*

*Lead sponsors Sen. Creem and Rep. Vargas (S.931/H.1802)*

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*“Across Massachusetts, the number of youth entering and moving through the juvenile justice system has gone down substantially over the past four years as a result of a variety of statutory and agency reforms, including provisions of An Act Relative to Criminal Justice Reform (2018). Despite these steps forward, disparities in the number of youth of color coming into contact with the juvenile justice system remain stubbornly high overall. This is the case even as overall use of the system across the board has declined most years.”*

[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 36% of the youth population in Massachusetts, they represent 67% of juvenile arrests, 83% of all pretrial detentions and 75% of commitments to the Department of Youth Services (DYS) in FY2022.

**Black youth in [Massachusetts](#) are 14.4 times and 7.1 times as likely as white youth to be detained and committed to DYS, respectively, and Latinx youth are 9.3 times and 5.4 times more likely than white youth to be detained and committed to DYS, respectively, relative to their population in the Commonwealth. Massachusetts now has the 11th worst [Black-white](#) disparity and we continue to lead the nation with the worst [Latiné-white](#) disparity for incarceration in the country.**

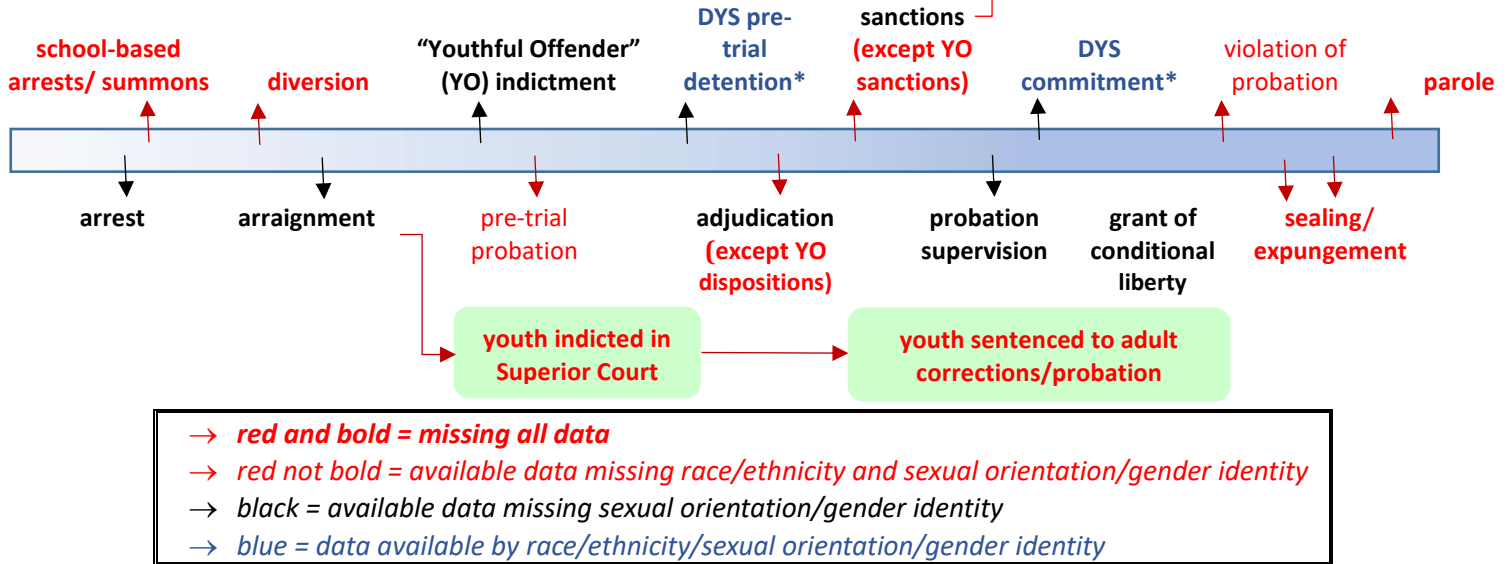
Both federal and state mandates require the juvenile system to reduce racial disparities with data collection and reporting a first step to addressing these disparities. These disparities cannot be adequately explained by differences in youth behavior but related to [different policing and court processing](#) practices in communities of color. While the Commonwealth has made improvements in being able to provide this data, there are still missing data that could help policymakers understand why those disparities exist, and craft informed policy recommendations to reverse those trends.

**Though there have been improvements in recent years, Massachusetts continues to fail at reporting crucial data at some of the most significant decision points in the juvenile justice system.** The creation of the [Juvenile Justice Policy and Data Board](#) has driven much of this improvement in Massachusetts’ data reporting on at key decision points, but significant gaps persist. For example, while we know that Black and Latiné youth are incarcerated at higher rates than White youth, there continues to be a lack of transparency on the key decision points leading to that outcome and the resulting disparities in the harshest consequences of the system. With these key data available, system leaders can see disparities where they occur and to identify and to evaluate policies or practices that may drive children deeper into the system.

## The Missing Facts

**Why are there racial disparities in the juvenile justice system?**

We know that disparities exist in police practices, in arraignment decisions by prosecutors and detention and sentencing decisions by judges. The data we have [can explain](#) some, but not all disparities, and that gap is around practices that may be contributing to inequities. Policy makers can look at disparities at each decision point to pursue concrete policy changes at those decision-making points.



### How many LGBTQ youth are charged with committing a crime in Massachusetts? How do they fare in the juvenile legal system?

*We don't know.* National data suggests that LGBTQ youth are twice as likely, and LGBTQ youth of color (estimated to be [85% of LGBTQ youth in the juvenile system](#)) are four times more likely to be incarcerated in the juvenile system than their non-LGBTQ counterparts. Despite these facts no juvenile justice system agency –except the Department of Youth Services – reports sexual orientation/gender identity of the youth in their jurisdiction.

### How do district attorneys and judges use their discretion to divert youth?

*We don't know.* Diversion is a useful tool for sifting out less serious cases that can be resolved informally. Aggregate data about whether these critical decisions are being made consistently across District Attorney Offices or courthouses or fairly across youth is not reported or shared publicly a reality that was exposed in a [recent report](#) by the Massachusetts Office of the State Auditor.

### How many youth are given “adult” sentences?

*We don't know.* Exposing children to adult sentences 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 are not publicly reporting this data.

### 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](#).

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