

Arrests of youths under age 21 down in MA, but racial disparities worse

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Executive Summary

Massachusetts arrest data from 2013-2022 show that (1) **arrests among emerging adults are continuing to decline** and would stay below 2013 juvenile arrest levels if 18–20-year-olds were included in the juvenile system, and (2) decreases in arrest rates were larger for white youths than Black or Hispanic/Latinx youths, **increasing racial disparities** in youth arrest rates. Most youth arrests were for low-level offenses, such as simple assault, a misdemeanor, or Group B offenses, which include infractions such as disorderly conduct and drunkenness. As criminal legal involvement, particularly in the adult system, can carry long-term consequences that prevent young people from reaching key developmental milestones that lead to desistance (e.g., employment), Massachusetts must act to alleviate growing racial disparities driven largely by arrests for low-level offenses and reduce the criminal legal system’s disproportionate harming of youth of color.

Introduction

Massachusetts experienced a dramatic reduction in juvenile and emerging adult arrests over the past 10 years. Contrary to the narrative about surges in youth crime, federal data show a 67 percent decrease in arrests of those under age 21 across the state between 2013 and 2022. As the Massachusetts legislature contemplates bills that would raise the upper age of juvenile court jurisdiction and expand the age range of its juvenile justice system,¹ it is particularly important to consider these trends in arrests to inform the planning and implementation of reforms.

The following report uses federal data provided by the National Incident Based Reporting System (NIBRS) to track two critical measures of arrests across time.² First, we assess overall arrest rates to show that youth arrests are decreasing across all categories of offenses. Second, we document that these decreases in arrests are exacerbating existing racial inequalities within the criminal legal system. We use these findings to advocate for

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¹ Massachusetts’ House Bill 1710 and Senate Bill 942, entitled “An Act to promote public safety and better outcomes for young adults,” are identical.

² Data gathered from https://ma.beyond2020.com/ma_public/Browse/BrowseTables.aspx

incorporating measures of harm reduction within any pending reform of the juvenile justice system to mitigate the disproportionate impact of arrests and confinement on youth of color across Massachusetts. By adopting policies such as raising the age of criminal majority, the Commonwealth can reduce harms including adult incarceration and longstanding criminal records within a group where youth of color are starkly over-represented.

Emerging Adult Arrests Decreased Dramatically in MA Since 2013

Over the last 10 years, the number of arrests among all youth under 21 dropped significantly.³ This is true for those who were processed in the juvenile system since 2013 (youths prosecuted for alleged offenses committed before their 18th birthday), and 18–20-year-olds (up to the 21st birthday). While there was a slight increase in youth arrests between 2021 and 2022, fewer youths under age 21 were arrested in 2022 than the total number of just under 18-year-olds arrested in 2013.

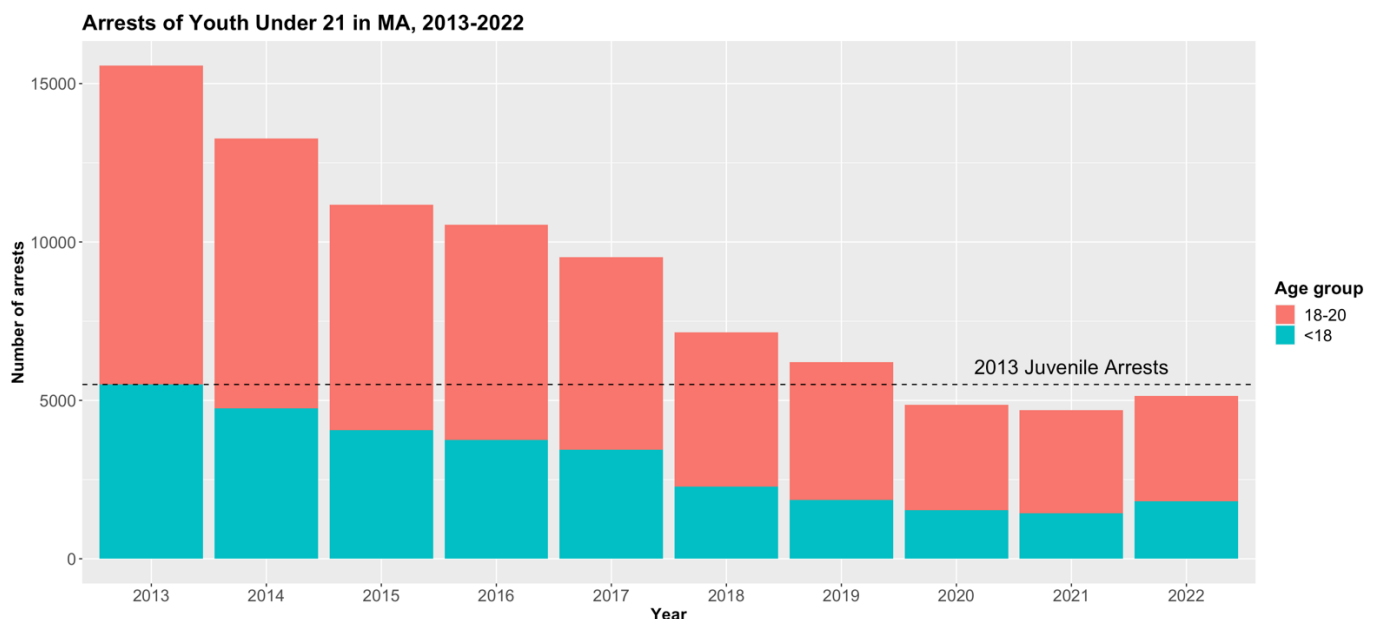


Figure 1: Arrests of youth under 21 Massachusetts from 2013 to 2022. Prepared by the Columbia Justice Lab using data from NIBRS.

Most Emerging Adult Arrests in MA were for Low-Level Offenses

Drops in arrests occurred across almost all categories of offenses for youth under 21. NIBRS groups offenses based on whether they are against a person, property, or society, and whether they fall into the Group B category, which are minor level offenses such as drunkenness or trespassing. Crimes against people range from simple assault, a misdemeanor, to homicide. Crimes against property include offenses such as theft, robbery or fraud. Crimes against society include drug offenses, weapons violations, or other offenses without a direct victim, such as gambling.

³ We chose to start analyzing data in 2013. By this time youth arrests had already decreased significantly from peaks that occurred during previous years. Therefore, we are not comparing more recent data to a previous high point in arrests, but instead looking at 2022 in comparison to a time when youth arrests were already decreasing. To demonstrate trends from previous years, figure one is replicated in the appendix.

Arrests for crimes against people decreased by 45 percent among 18- to 20-year-olds between 2013 and 2022, while decreasing by about 56 percent among those under age 18. The largest decreases for both groups were in arrests for minor Group B offenses, which decreased by over 70 percent among youth under age 18 and 18-to 20-year-olds.

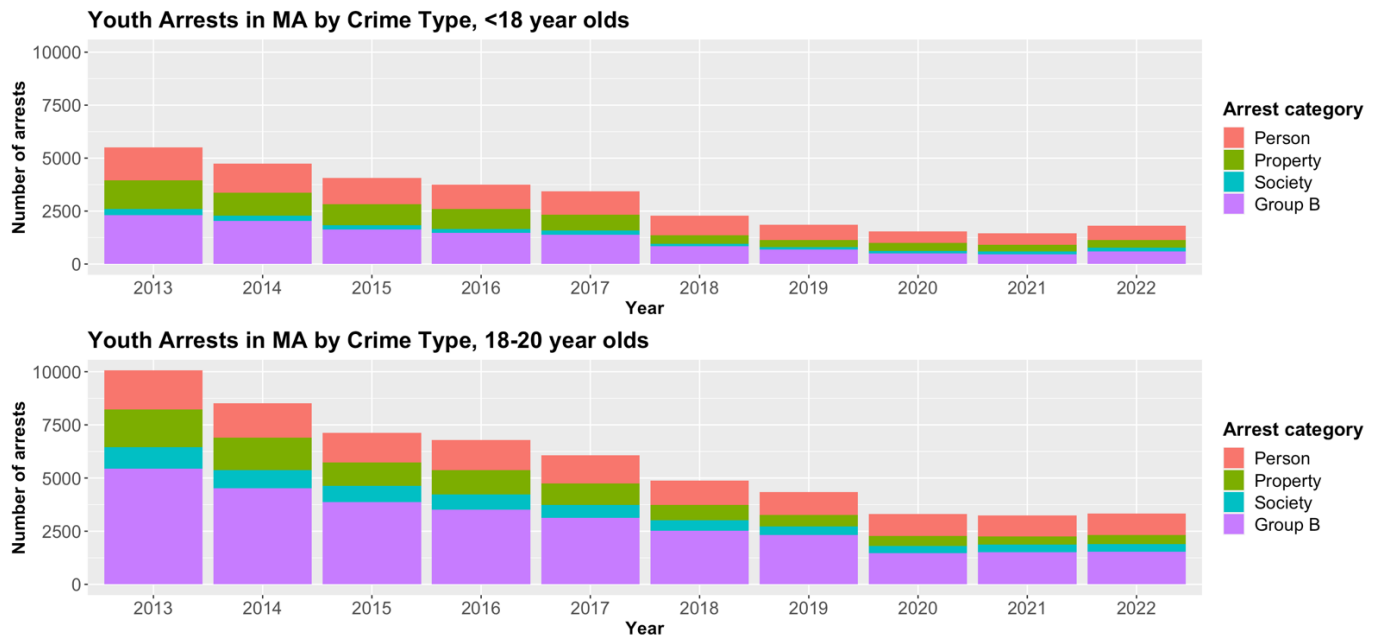


Figure 2: Youth arrests in Massachusetts by NIBRS crime categories. Figure prepared by the Columbia Justice Lab using NIBRS data.

While 18–to 20-year-olds had higher counts of overall arrests than those under age 18, the types of offenses they were arrested for were proportionally similar. About 20 percent of arrests among those under age 18 in 2022 were for violent offenses, whereas 16 percent of arrests among 18–to 20-year-olds were for violent offenses. Both under 18- year-olds and 18- to 20-year-olds had the same three most common offenses: Other Group B Offenses (minor level offenses), Simple Assault (a misdemeanor), and Aggravated Assault (a felony).

Racial Inequalities in Arrests are Increasing Among Youth in MA

Arrests did not decrease uniformly across racial and ethnic groups. Where white youth under age 21 saw an 80 percent decrease in their number of arrests between 2013 and 2022, arrests among Black youths under age 21 decreased by only 40 percent in the same period, and by about 50 percent among Hispanic/Latinx youths. These trends were similar among under age 18 and 18–to 20-year-olds.

These differing rates of change exacerbated racial inequalities in arrest rates: Black youth accounted for only 8 percent of the population under age 21 in Massachusetts⁴ but accounted for about 17 percent of all arrests among youth under age 21 in 2013. While their population share remained at about 8 percent, Black youth accounted for 25 percent of all youth under

⁴ Data gathered from data.census.gov/mdat.

age 21 arrests in 2022. Hispanic/Latinx youth are also overrepresented in arrests. They accounted for 15 percent of the general population under age 21 in 2013 and 20 percent in 2022. However, Hispanic/Latinx youth accounted for 19 percent of arrests among youth under age 21 in 2013 and 30 percent of arrests of youth under age 21 arrests in 2022.

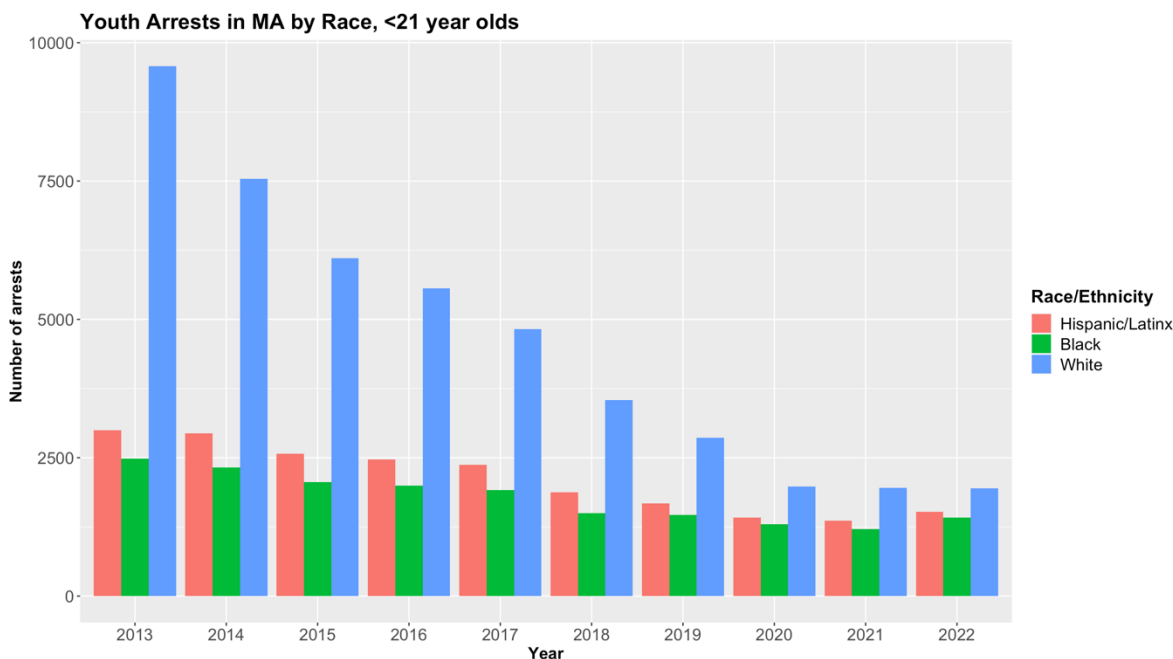


Figure 3: Racial disparities in arrests of youth under 21 in Massachusetts. Figure prepared by the Columbia Justice Lab using NIBRS data.

Racial Inequalities in MA Youth Arrests are Driven by Unequal Treatment

There is overwhelming evidence that racial differences in arrest rates cannot be explained solely by differences in criminal behavior.⁵ For example, national self-reported drug use is similar across different racial and ethnic groups,⁶ however in 2022 white emerging adults in Massachusetts accounted for only one-third of all drug arrests, despite accounting for over half the population of residents under age 21. While Black youth were less than 10 percent of the state’s population under age 21, they comprised one-third of all drug arrests in 2022. The over-representation of Black and Hispanic/Latinx youth in drug arrests has increased over the past 10 years.⁷

⁵ National Academies of Sciences, Engineering, and Medicine. (2022). Reducing racial inequality in crime and justice: Science, practice, and policy.; Gelman, A., Fagan, J., & Kiss, A. (2007). An analysis of the New York City police department’s “stop-and-frisk” policy in the context of claims of racial bias. *Journal of the American statistical association*, 102(479), 813-823.; Bobo, Lawrence D., and Victor Thompson. "Unfair by design: The war on drugs, race, and the legitimacy of the criminal justice system." *Social Research: An International Quarterly* 73.2 (2006): 445-472.

⁶ SAMHSA. (2021). Key Substance use and Mental Health Indicators in the United States: Results from the 2020 National Survey on Drug Use and Health.

⁷ For further discussion on the role of youth drug arrests in legal system involvement and widening racial and ethnic disparities EAJP produced two additional reports. See (1) Siringil Perker, S., & Chester, L. E. (2021). The justice system and young adults with substance use disorders. *Pediatrics*, 147(Supplement 2), S249-S258 or (2)

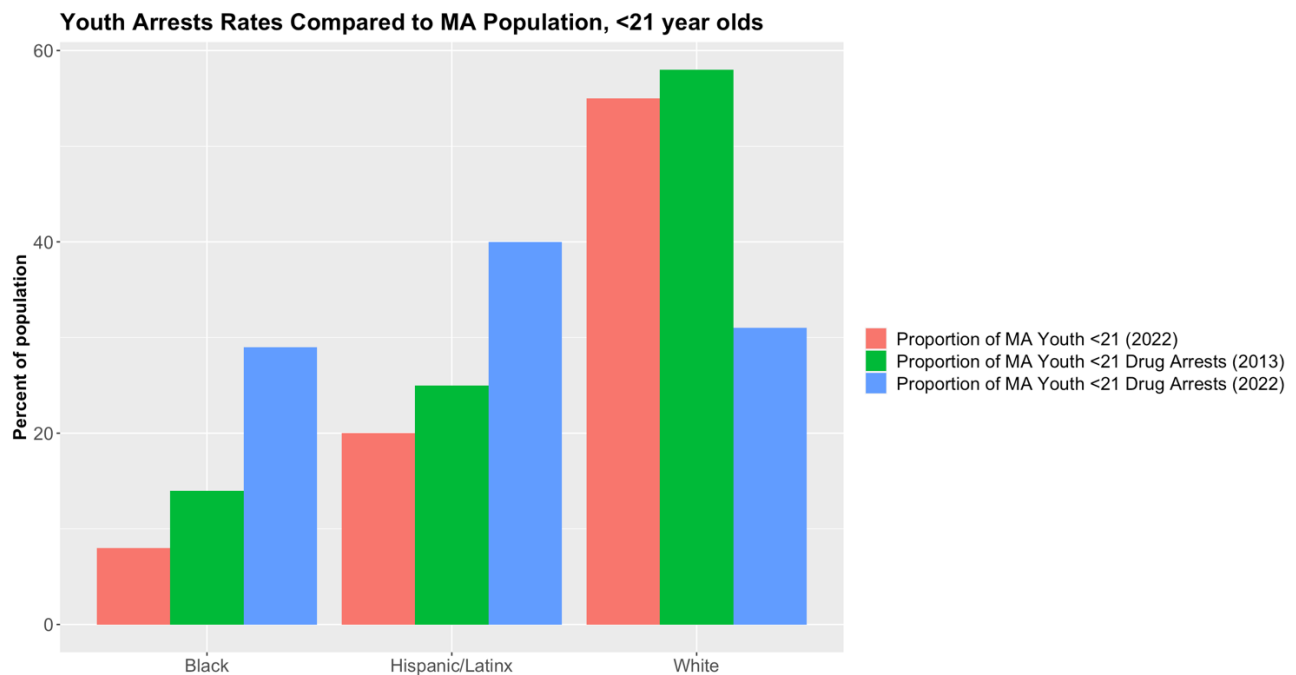


Figure 4: Comparison of arrest shares and population shares for youth under age 21 in Massachusetts by race/ethnicity. Black and Hispanic/Latinx youth remain over-represented in drug arrests compared to their share of the MA youth population. Figure prepared by the Columbia Justice Lab using data from NIBRS and the MA Census

Racial disparities in arrests become starker further into the criminal legal system and impact MA residents of all ages. A study of the Massachusetts criminal legal system found that Black and Hispanic/Latinx people charged with drug violations were more likely to be incarcerated and to serve longer sentences than white people facing the same charges, even when controlling for such factors as criminal history and charge severity.⁸

“On-View” Arrests Decreased Sharply across MA

National Incident-Based Reporting System (NIBRS) data distinguishes between “on-view” arrests, where an officer witnesses a crime and makes an immediate arrest, and “taken into custody” arrests, where someone is arrested due to a warrant or for a crime not seen by an officer. Over the last decade, three quarters of all arrests of youth under age 21 were on-view arrests. Additionally, on-view arrests accounted for most of the decreases in arrests since 2013, where in-custody arrests decreased only slightly over the last decade.

Perker, S. S., & Chester, L. (2017). Emerging adult justice in Massachusetts for a Massachusetts specific assessment.

⁸ Bishop, E. T., Hopkins, B., Obiofuma, C., & Owusu, F. (2020). Racial disparities in the Massachusetts criminal system. *Criminal Justice Policy Program, Harvard Law School*.

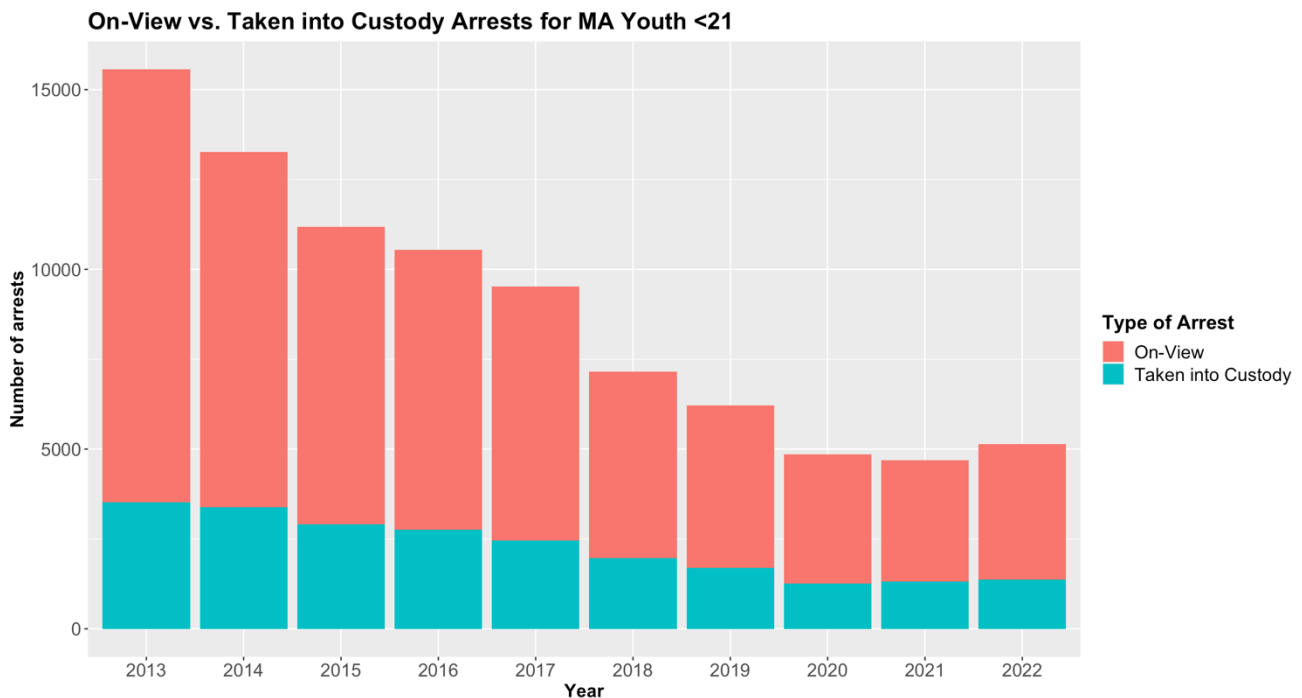


Figure 5: Youth arrests in Massachusetts between 2013 and 2022 by the type of arrest that occurred. Figure prepared by the Columbia Justice Lab using NIBRS data.

Eighteen to 20-year-olds accounted for a larger proportion of in-custody arrests than youth under age 18, but 18-to 20-year-olds also saw more significant decreases in the percent of custody arrests over the last 10 years than those under age 18. The number of in-custody arrests of youth under age 18 in 2013 was just below the number of in-custody arrests of youth under age 21 in 2022.⁹ Also, similar to overall arrest trends, white youth saw the largest decreases among in-custody arrests, while decreases were more modest among Black and Hispanic/Latinx youth since 2013.

Juveniles in Massachusetts receive specific protections when taken into custody, such as limiting the time they are allowed to be held in a police station and being held in a licensed juvenile facility. These protections are not extended to youth charged with an offense at age 18 or over. The racial disparities in custody arrests leave youth of color aged 18 and over disproportionately exposed to harms of detention in the adult criminal legal system.

⁹ Under 18 arrests in 2013 include 7-17-year-olds. Under 21 arrests in 2022 include 12-20-year-olds.

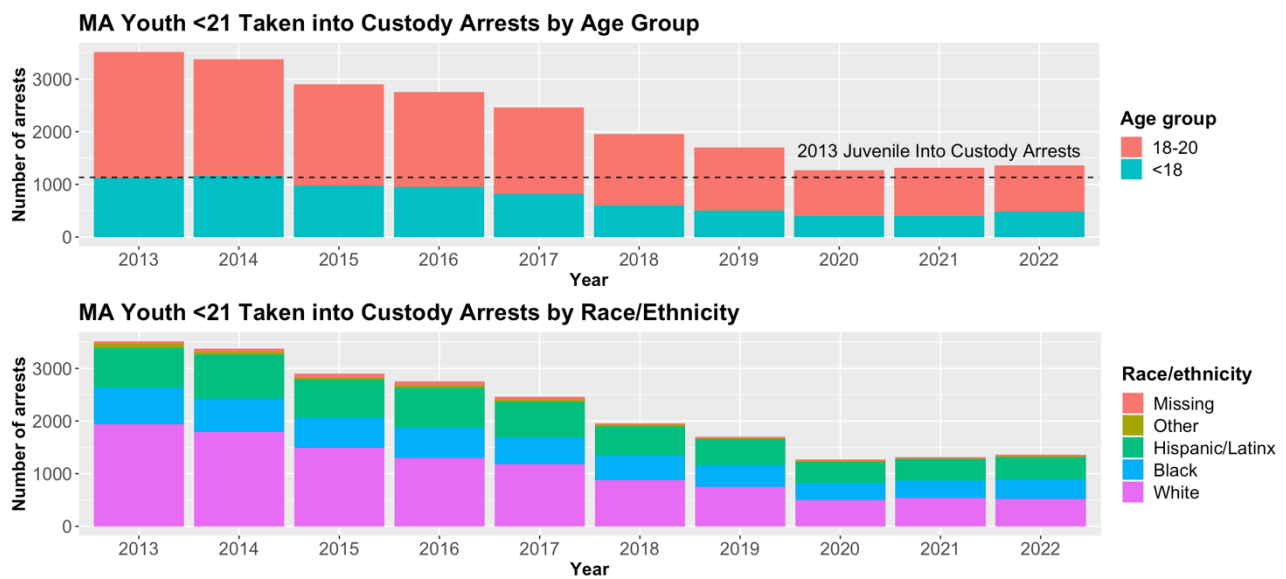


Figure 6: Youth taken into custody arrests in Massachusetts between 2013 and 2022, comparing trends in age and race/ethnicity. Figure prepared by the Columbia Justice Lab using NIBRS data.

Conclusion

Arrests of young people up to age 21 have decreased significantly in Massachusetts in the last decade. As the Legislature considers bills to raise the upper age of juvenile jurisdiction from the 18th to the 21st birthday, which will allow most youths to be prosecuted and sentenced in the juvenile system (except in the most serious cases), the addition of 18-, 19- and 20-year-olds would still lead to fewer juvenile arrests in Massachusetts than ten years ago.

The decreases in caseloads did not correspond to a decrease in racial disparities. In fact, the disparities are increasing. While the number of arrests dropped across all racial and ethnic groups, white emerging adults experienced more dramatic decreases than youth of color. NIBRS data show that Black and Hispanic/Latinx youth were vastly overrepresented in both the juvenile and adult justice systems in 2022.

Adult prisons and criminal legal structures are punitive and lack the developmentally appropriate programs and services that exist within the juvenile system.¹⁰ While raising the upper age of juvenile court jurisdiction cannot alleviate the racial inequalities perpetuated by disproportionate arrest rates and other systemic inequalities, it does serve to mitigate some harms produced by the criminal legal system, providing a safer and more restorative system for Massachusetts' emerging adults.

¹⁰ Dankoff, Joshua (2023). How to Downsize a System: Querying the Contraction of Massachusetts' Juvenile Legal System and Envisioning Next Steps. *Northeastern University Law Review*.

APPENDIX A: Notes on Data

This analysis uses town and city level arrest data from the National Incident Based Reporting system (NIBRS), which counts the number of arrests and records details about who is arrested for all towns and cities that report to the NIBRS system each year. Between 2013 and 2022 there were about 30 new agencies in Massachusetts that began reporting arrest data to NIBRS. While many of the new reporting agencies were smaller, for example college campus police units, many larger cities in Massachusetts began reporting data during this period. Boston began reporting to NIBRS in 2019, and Lawrence did not report arrest data until 2020. Therefore, results are conservative estimates of drops in arrests as more towns and cities began reporting between 2013 and 2022, adding arrest counts to the statewide totals.

This NIBRS data does not measure the number of people arrested, as an individual can be arrested multiple times within a year. Instead, it measures the number of arrests that occur each year. Also, arrests account for only one pathway into the criminal legal system, though a common one. Caseloads are likely higher than what is shown through arrests, as people can also be summoned directly to court or through court magistrate hearings.

However, additional measures of caseloads follow similar trends to arrest data and declined steadily over the past 10 years. The FBI also disseminates Summary Reporting System (SRS) data on court involvement, which provides fewer details about people who are arrested and what they are arrested for, but includes a wider breadth of incidents and court involvement. The figure below traces youth caseloads in Massachusetts over the past decade using SRS instead of NIBRS, showing that the decreases in overall caseloads extend beyond just arrests.

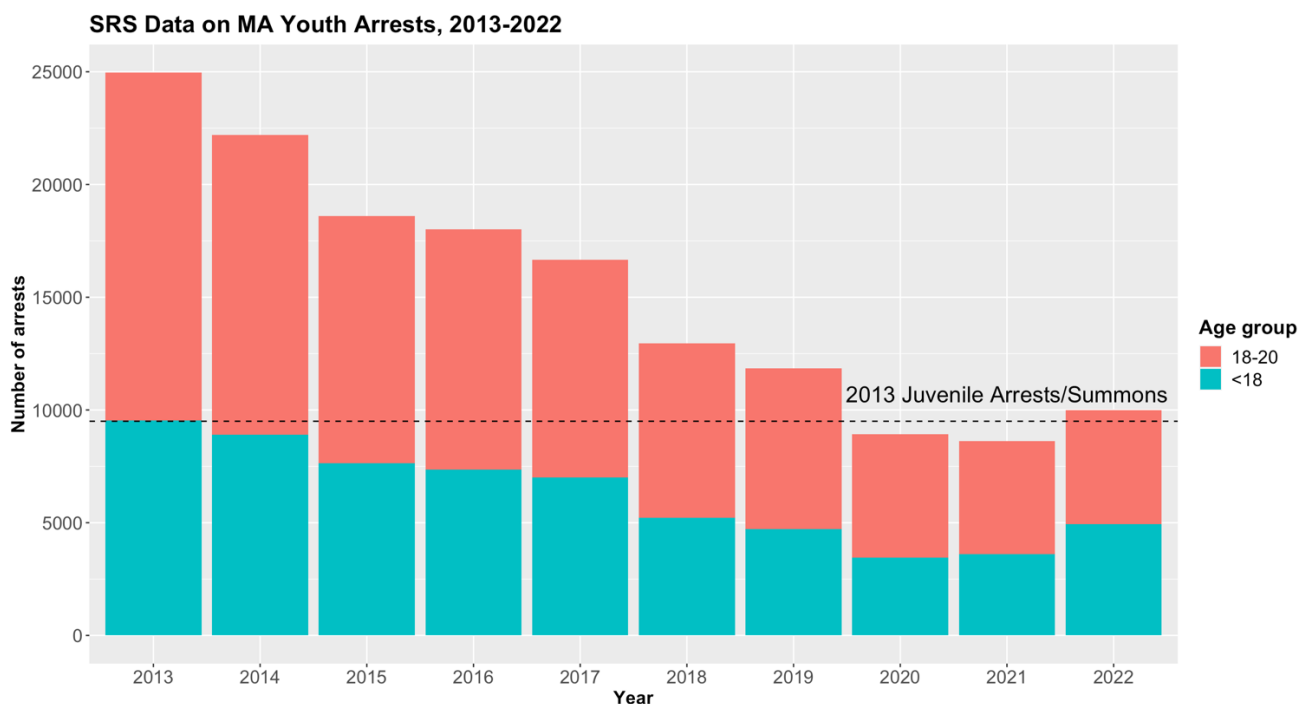


Figure A1: Youth arrests in MA from 2013 to 2022. Figure prepared by the Columbia Justice Lab using Summary Reporting System data.

Additionally, these trends are robust even when looking further back in time. While data is more complete in more recent years, NIBRS data was collected in the years preceding 2013. Youth arrests were significantly higher in the years leading up to 2013, further underscoring the dramatic decreases in youth arrests across Massachusetts in recent years.

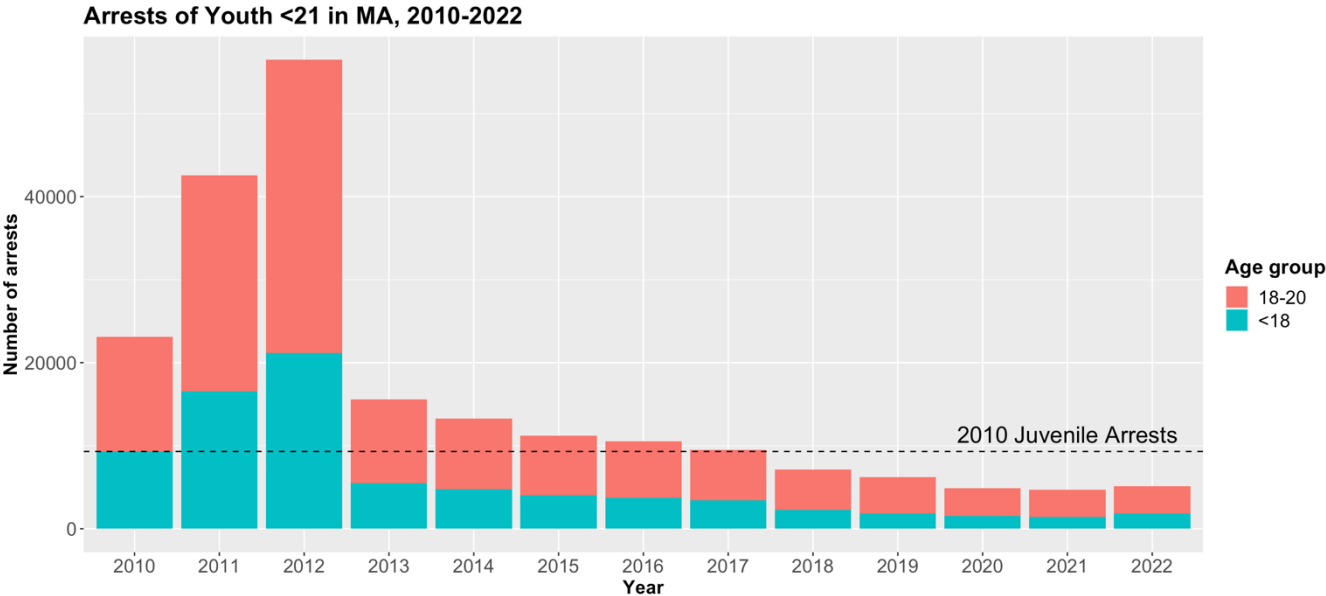


Figure A2: Youth arrests in Massachusetts between 2010 and 2022. Figure prepared by the Columbia Justice Lab using NIBRS data.