

October 25, 2023

Joint Committee on the Judiciary
Sen. James Eldridge & Rep. Michael Day

SUPPORT S.931/H.1802
AN ACT IMPROVING JUVENILE JUSTICE DATA COLLECTION

Chair Eldridge, Chair Day, and members of the Joint Committee on the Judiciary:

The ACLU of Massachusetts strongly supports S.931/H.1802, *An Act improving juvenile justice data collection*. The Commonwealth cannot manage what it does not measure. To meaningfully improve outcomes for system-involved youth, and reduce racial and other disparities, we need more detailed data about the operations and impacts of the juvenile justice system.

This legislation would require a uniform method of collection and public reporting of such data, broken down into categories such as age, gender identity, sexual orientation, offense, and outcomes in the system during adjudication. Moreover, this bill directs all stakeholders in the juvenile justice system to report data to the Office of the Child Advocate (OCA), with privacy protections in place for the individual youth. While the bill directs the OCA to issue guidance to agencies, it gives discretion to those individual agencies on how they collect this data.

Thankfully, in the wake of earlier reforms, including *An Act relative to criminal justice reform* (2018), the number of youth moving through the justice system has decreased. Despite this, the number of youth of color coming into contact with the juvenile justice system remains inequitably high. We are seeing an overrepresentation of Black and Latino individuals entering the system compared to their counterparts.¹ Massachusetts has some of the worst racial disparities for youth incarceration in the country.²

The Juvenile Justice Policy and Data Board, created in 2018, has gathered important baseline data on the juvenile justice system in Massachusetts. In coordination with the Office of the Child Advocate and the Executive Office of Technology Services and Security, the JPAD Board launched an interactive website with Massachusetts data. The data shows that Black youth in Massachusetts are 14.4 times and 7.1 times as likely as white youth to be detained and committed to the Department of Youth Services (DYS), respectively.³ Latinx youth are 9.3 times and 5.4 times more likely than white youth to be detained and

¹ Juvenile Justice Policy and Data Board, *Racial & Ethnic Disparities at the Front Door of Massachusetts' Juvenile Justice System: Understanding the Factors Leading to Overrepresentation of Black and Latino Youth Entering the System*, November 2022. Available at <https://www.mass.gov/doc/racial-ethnic-disparities-at-the-front-door-of-massachusetts-juvenile-justice-system-understanding-the-factors-leading-to-overrepresentation-of-black-and-latino-youth-entering-the-system/download>

² The Sentencing Project, *Racial Disparities in Youth Incarceration Persists*, February 2021. Available at <https://www.sentencingproject.org/app/uploads/2022/08/Racial-Disparities-in-Youth-Incarceration-Persists.pdf>

³ Juvenile Justice Policy and Data Board, *Massachusetts Juvenile Justice System*, 2022 Annual Report. Available at <https://www.mass.gov/doc/jpad-2022-annual-report/download>

committed to DYS, respectively, which is the worst Latinx-white disparity in the country.⁴ Moreover, LGBTQ youth are twice as likely to enter the juvenile justice system compared to their non-LGBTQ counterparts, with LGBTQ youth of color four times more likely to enter the same system compared to their non-LGBTQ counterparts.⁵

However, significant gaps in the data still exist. Massachusetts does not track crucial demographic data on the youth who enter the juvenile justice system, including those never committed to DYS custody. We do not know how many youth in Massachusetts are exposed to adult sentences and whether those adult sentences are proportionate. We do not know how many LGBTQ youth are charged with committing a crime in MA, and how they fare in the legal system compared to other demographics. While we understand disparities in the system exist, and that diversion can help, we do not have data on how law enforcement, district attorneys, and judges currently use their discretion.

Without additional information about the roots of these disparities, Massachusetts agencies remain in the dark about how to improve outcomes. Even an entity like the JJPAD Board, which is tasked with looking closely at these issues, is hamstrung in its ability to make informed policy recommendations, making it impossible to develop targeted, responsive reforms.⁶

Data collection is crucial to understanding the factors behind the inequities we are seeing, and what steps we must take to effectively address the inequities. The Commonwealth is already well-positioned to collect consistent data because we have a statewide juvenile court and statewide juvenile correctional agency (DYS). We have the mechanisms to collect and display data, but we need the statutory requirement to report on the gaps in current data.

The ACLU of Massachusetts is far from alone in the conviction that the Commonwealth can more effectively care for our young residents if we were more thorough and methodical in our data collection practices. This bill is heavily supported by members of the Massachusetts Juvenile Justice Reform Coalition, including the Boston and Massachusetts Bar Associations, the Committee for Public Counsel Services, Citizens for Juvenile Justice, GLBTQ Legal Advocates and Defenders, Roca, Inc., and many others.

We urge you to pass S.931/H.1802 to create consistent standards for data reporting that will lead to better-informed juvenile justice policy going forward.

⁴ The Sentencing Project, "Latinx Disparities in Youth Incarceration" Fact Sheet, Josh Rovner, 7/15/21. Available at <https://www.sentencingproject.org/fact-sheet/latinx-disparities-in-youth-incarceration/>

⁵ MA Commission on LGBTQ Youth, *Report and Recommendations for Fiscal Year 2023*, 2022 (p. 104-118). Available at <https://www.mass.gov/doc/mclgbtqy-annual-recommendations-fy-2023/download>

⁶ Juvenile Justice Policy and Data Board, *Improving Access to Massachusetts Juvenile Justice System Data: An Update of the 2019 Report*, March 2022. Available at <https://www.mass.gov/doc/improving-access-to-massachusetts-juvenile-justice-system-data-2022-update/download>