

November 1, 2021

The Honorable Representative Michael S. Day
House Chair, Joint Committee on the Judiciary

The Honorable Senator James B. Eldridge
Senate Chair, Joint Committee on the Judiciary

The Honorable Representative Carlos Gonzalez
House Chair, Joint Committee on Public Safety
and Homeland Security

The Honorable Senator Walter F. Timilty
Senate Chair, Joint Committee on Public Safety
and Homeland Security

Dear Chairs Day, Eldridge, Gonzalez, Timilty, and Committee members,

The Children's League of Massachusetts (CLM) is a statewide non-profit association of over 60 private and public organizations and individuals that collectively advocate for public policies and quality services that are in the best interest of the Commonwealth's children, youth and families. It is through public education and advocacy that CLM promotes the availability, accessibility, and quality of these needed services. Our members, who comprise providers, advocates, and regulators of services, know first-hand the struggles that children and their families face in the Commonwealth.

We are writing to testify **in support of An act improving juvenile justice data collection (H.1795/S.1558)**, which establishes systems to collect accurate, consistent, and comprehensive data on juveniles' contacts with officials in the law enforcement and juvenile justice systems.

Inequitable treatment of children and families is a multi-system issue, and with child well-being and healthy development at risk, the stakes could not be higher. We must actively dismantle the disproportionate treatment of children and families based on race, ethnicity, gender, gender identity, disability status, and economic status throughout state systems, especially those where minority youth are most highly represented and have the most long-lasting effects on a child's life and future.

Juvenile justice is a complex issue that often perpetuates disproportionality and inequities for youth and families of color, many of whom experience the same disproportionate treatment within other public service systems. Better data in this particular area is an important component to improving overall tracking and outcomes for the most vulnerable youth on a wide variety of fronts and across systems.

The legislature has worked hard with advocates over the last several years to address racial inequity and systemic racism in the areas of juvenile justice reform, criminal justice reform, and policing reform – and yet we have a long way to go. According to the Massachusetts Juvenile Justice Policy and Data Board (JJPAD):

“While youth of color make up only 26% of the youth population in Massachusetts, they represent 73% of those arrested, 72%-74% who are detained or committed to the Department of Youth Services (DYS)... 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].”¹

While we have basic data available on juvenile involvement in the criminal justice system, Massachusetts currently fails to report crucial data at many significant decision points. As a result, we know that Black and Latinx youth are incarcerated at higher rates but lack any transparency on the decision points from arrest to incarceration. Better data would allow system leaders as well as advocates to see disparities where they occur and to identify and to evaluate policies or practices that may inadvertently drive children deeper into the system.

Key data and information missing or withheld from reporting on the juvenile justice pathway:

- The full range and breakdown of “criminal” activities that are leading to juvenile arrest
- Use of diversion programs
- How many youth are formally charged with a committing a crime and arraigned
- Use of the “Youthful Offender” indictment option
- How many youth who are charged are actually found “delinquent”
- How many youth are given adult sentences
- Long term outcomes for youth who enter the system but are not ultimately committed to DYS custody, including data on education, housing, health, and recidivism outcomes

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.

¹ Juvenile Justice and Data Policy Board, Early Impacts of “An Act Relative to Criminal Justice Reform” (November 2019)
72-74 East Dedham Street | Boston MA 02118 | p. 617-695-1991 | www.childrensleague.org



Here in Massachusetts, the Office of the Child Advocate (OCA) is the only agency in a position to gather data from the disparate agencies that interact with children, youth, and families and analyze these data in a way that gets to actionable steps for improved services and outcomes. As a member of the DCF data task force, the Juvenile Justice and Data Policy Board, and the Child Trauma Task Force we can confirm that state agencies with overlapping oversight of children and youth, particularly those with different Secretaries, have disparate systems that make it all but impossible to collect, compare, and analyze data across systems to track and understand where disparities are most prevalent, and how involvement in one system affects involvement and outcomes in another. The JJPAD Board noted in 2019 that “reporting of key demographic data is inconsistent across juvenile justice and child-serving entities, which makes it difficult to compare caseload populations from entity to entity and measure any big-picture trends, disparate impact, and/or gaps and challenges across the entire juvenile justice system.”² Without complete and comparable information, we cannot implement corrective action and proactive solutions.

We ask that you vote this bill out favorably and work diligently for its passage without delay.

Sincerely,

Tammy Mello
Executive Director
Children's League of Massachusetts

² Juvenile Justice and Data Policy Board, Massachusetts Juvenile Justice System Annual Report 2020 (November 2020)
72-74 East Dedham Street | Boston MA 02118 | p. 617-695-1991 | www.childrensleague.org