A Balancing Act

The Criminal Justice Reform Act of 2018's Impact on the Massachusetts Juvenile Courts

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Abstract

In 2018, the Massachusetts legislature passed the Criminal Justice Reform Act which was the most sweeping criminal legal system reform the state had seen in decades. Between 2018 and 2023, juvenile court has experienced a significant decline in delinquency cases and is sending less youth to carceral settings. This study investigates how these changes have impacted the Massachusetts juvenile court by analyzing state published data and interviews conducted for this research. The interview and data findings point to the challenge of balancing the court's mission of care and rehabilitation with its mandate to protect public safety and hold youth accountable. Despite the improvements that have been made since the passage of the Criminal Justice Reform Act, this study finds the courts are still overwhelmed by cases, unable to provide services to the youth in their courtrooms, and continue to funnel non-white youth into the system at higher rates.

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Introduction

Incarceration, and involvement in the courts more generally, is highly traumatizing; studies have found that "Environmental stressors of living in a correctional setting, such as the bright lights, loud sounds, and the overall powerlessness experienced by incarcerated persons can trigger" trauma responses (Adams et al). When youth are funneled out of these systems, they can avoid the highly traumatic experiences associated with incarceration. Research has spurred many states, including Massachusetts, to initiate reforms in their approach to juvenile justice. In 2016, 13,583 youth were introduced to the Massachusetts juvenile court system because of delinquent activities. Seven years later, this number had been reduced by 26% to 10,047. This significant shift in youth involvement in the Massachusetts legal system over the past several years is due in part to reforms passed in 2018 by the Massachusetts legislature. These reforms have impacted youth involvement at all stages of the court process including applications for complaint, arraignments, and adjudications. Thanks in part to the reforms initiated in 2018, the numbers coming out of Massachusetts seem promising for improving youth well-being in the Commonwealth.

Many of these changes coincide with public pushes and legislative action in favor of less punitive legal practices against juveniles and young adults who participate in illegal activities. In 2018, the Massachusetts legislature passed the Criminal Justice Reform Act of 2018 (CJRA) which included sweeping reforms for adult and youth criminal prosecution. These reforms appear to have had significant impacts on the court system and how youth are caught up by and funneled through it. While many of the bill's focal points relate to adult justice matters, it made several important changes to youth-related issues. These included raising the age of majority from 7 to 12 years old (which is the international age standard), decriminalizing certain low-level

offenses, limiting shackling in juvenile court and solitary confinement in Department of Youth Services (DYS) facilities, authorizing additional diversion pathways for youth (especially first-time offenders) and creating the Juvenile Justice Policy and Data Board (JJPAD) to evaluate the juvenile justice system ("Criminal Justice Reform Act of 2018: A Path Forward for Youth Justice"). Five years after the passage of this bill, it appears to have made an impact as the number of youth in DYS custody has decreased and there is an established practice for ongoing evaluative research into the juvenile system.

The additional diversion options are an especially important reform when thinking about how the court operates. The flexibility of diversion options created an additional level of autonomy for Judges, District Attorneys, prosecutors and other actors within the juvenile court. As a result, these street-level bureaucrats became the policy makers when given increased levels of discretion (Brodkin). Despite certain improvements in the process, the CJRA has not been able to overcome the long-standing inequalities that permeate the legal system. By placing diversion options in the hands of individual court officials, the Massachusetts legislature created an indeterminate policy that only becomes fixed within the context of each local juvenile court. This leaves space for the separate courts to continue to try, convict, and incarcerate youth of color at higher rates than their white peers. Although individual actors implementing these new policies may not be acting on specific, conscious biases, the existing structures that lead to the over-policing and control of youth of color still exist. The Criminal Justice Reform Act of 2018 has provided a strong starting point for juvenile courts across the Commonwealth but its structure perpetuates the racial discrimination that has come to define much of the legal system. To accomplish the goals of the CJRA, the Commonwealth must prioritize overcoming racial discrimination and geographic differences within juvenile court.

This paper looks at the statewide trends between 2016 and 2023 as well as how racial and geographic differences have influenced the implementation of this reform. Part one will focus on establishing the history of the juvenile justice system. This will include a history of juvenile justice in Massachusetts and an overview of the juvenile court's operation today. Part two will provide an overview and analysis of the current literature on youth involvement in the juvenile justice system with a specific eye toward research on the highest-risk youth for juvenile justice involvement. Part three will focus on the methods of the study. The quantitative analysis section will focus on state and county-level data. Part four will analyze the results of findings and make conclusions about how the Massachusetts juvenile court is perpetuating inequality, through specific policy and rules and individual actors. Finally, the paper will conclude with policy recommendations.

Background and Historical Context

This section discusses the guiding principles of the juvenile justice system, illustrates a brief history of juvenile justice in Massachusetts, and gives a detailed account of the current juvenile court system. It places Massachusetts juvenile court in conversation with national and adult trends over time to highlight the close connection the systems maintain. As part of the research, I conducted interviews with judges and members of the Youth Advocacy Division of the Massachusetts Public Defender's Office. These interviews provide important context for how the current juvenile court system operates. The information gained from my interviews will also be used to support my findings and policy recommendations. Although this background section is distinct from the formal analysis and discussion sections, the historical context of the legal system is extremely important to understand my findings. It establishes the systems and

understanding in which the findings are derived from and policy recommendations can be implemented in.

The juvenile court is distinct from other court systems. It handles a wide range of cases including delinquency, youthful offender, care and protection, and Child Requiring Assistance cases. The court's stated mission is:

> "to protect children from abuse and neglect and promote opportunities for children to reside in safe, stable, permanent family environments whenever possible, to strengthen families when their children are in need of services, to rehabilitate juveniles, to protect the public from delinquent and criminal activity while holding offenders accountable and addressing the harm suffered by the community and the victim, and to decide all cases fairly and impartially with dedication, integrity and professionalism." ("About the Juvenile Court")

This mission illustrates the range of needs juvenile court is responsible for. On the delinquency side, the statement requires courts to carefully balance care for the child with accountability and public safety. The juvenile justice system has always struggled to uphold its mission of rehabilitating youth while also supporting the legal system's focus on punishment and public safety. Over the past century and a half that the juvenile correction centers have existed, the strategy and focus have shifted innumerable times. Depending on how public pressure swings, the system either focuses on treatment and care or public safety and control ("About the Juvenile Court"). The easiest way to track the shifting mission of the court is through the sentences youth receive. Although the Department of Youth Services, and its predecessors, is distinct from juvenile court, the ideologies of the two organizations are closely linked and can be used as a proxy for court sentiments.

In 1846, Massachusetts created the first juvenile correction center in the country. Before this, children and adults were tried and incarcerated together. The Commonwealth began separating youth from their adult counterparts because they believed "that juveniles were more likely to be rehabilitated than adults were and therefore, should not be treated within adult institutions" ("DYS - History of Youth Services"). The juvenile correction centers began as schools for youth with a wide range of charges against them, not only criminal charges but also wayward youth, runaways, and others. The institutions operated independently and each was guided by a board of trustees. These early carceral facilities established the paternalistic ideology that continues to guide the juvenile justice system (PD-2/28). The Boston Juvenile Court was established in 1906 to give judges more autonomy with how they could charge youth (Grossman, i). The paternalistic nature of the juvenile court still exists today, and the current shifts in policy reflect attempts to give judges and court officials even more options beyond adult sentencing guidelines. Although the historic and modern courts appear to have a shared ideology, the implementation of their mandates has shifted significantly over the years.

It was not until 1948 that the Commonwealth concentrated the operations under the Division of Youth Services, which was part of the Department of Education. This marked a shift toward more structure and consistency across the Commonwealth. This marks another source of tension for the juvenile justice system: flexibility and local autonomy versus structure and state-wide regulation. The early state-run operations were riddled with mismanagement problems and faced high staff turnover rates. This led to ever-changing leadership and guiding principles.

The next major change to the system was in 1969 when the Division of Youth Services was replaced by the Department of Youth Services which was a separate agency under the Executive Office of Health and Human Services ("DYS - History of Youth Services"). The early

leadership of this department was committed to reform. Their priorities included closing the training schools which were the institutional settings that mixed youth with various charges, creating more treatment centers, and increasing community-based programs. This was a short-lived movement and by 1979, the department succumbed to public pressure and began to incarcerate youth with more serious offenses. This mirrors trends across the country in the 80s and 90s. The high levels of violence in the 80s and 90s led policymakers to increase police presence, especially in urban areas, and incarcerate people at much higher rates. In the 1980s, DYS began reopening secure facilities but also expanded group homes, outreach, and tracking programs and created the Commonwealth's first day treatment program.

The 1990s furthered this move toward more punitive responses, and Massachusetts was not able to avoid the push for policing and incarceration that swept across the country. According to Patrick Sharkey, a sociologist and criminologist from Princeton, in the 1990s, "more than sixty thousand new [police] officers were hired over the course of the decade" and based on research by Steven Levitt this may account "for somewhere between 10 and 20 percent of the crime drop that occurred during that decade" (Sharkey, 47). The policymakers in Massachusetts followed similar trends and shifted away from the continuum of care models that were developed by DYS in the 70s and even the treatment-based carceral settings of the 80s. The "tough on crime" ideology led to a national spike in the number of youth in adult prisons and jails. This was in part driven by "the fabricated 'superpredator' theory that described young Black boys as especially dangerous" (Nellis).

Since the mid-90s, the juvenile justice system has shifted back toward more community-based sentencing and rehabilitative practices. Nationally, the number of youth incarcerated in adult facilities was on the decline by the early 2000s and resulted in an 83% drop

by 2021 (Nellis). The decreasing number of youth being sent to adult facilities reflects a stronger commitment to treatment and care that guides youth-focused legal systems. Massachusetts has also done this by expanding mental health services for youth, increasing pre-trial detention options, and creating diversion and detention alternatives for youth after their cases ("DYS - History of Youth Services").

Today, juvenile courts still struggle to balance their mission but in recent years have shifted toward care and treatment. The court handles a wide variety of cases, all of which are housed within one courtroom. The types of cases are: delinquency, youthful offender, care and protection, and child requiring assistance ("Mass. General Laws c.119 § 52"). This paper primarily focuses on delinquency cases and the policies and practices that guide their progression through the court.

Case Type	Description
Delinquency	Cases involving "a child between 12 and 18 years of age who commits any offense against a law of the commonwealth" not including civil infractions, or violations of municipal ordinances or town-laws punishable by fine or less than 6 months incarceration ("Mass. General Laws c.119 § 52").
Youthful Offender	Cases involving youth between 14 and 17 years of age who have committed a felony offense and have a previous DYS commitment, committed certain firearm offenses, and/or committed an offense involving threat or infliction of serious bodily harm ("DYS - Juvenile Justice Legal Issues").
Care and Protection	Cases involving reports of abuse and/or neglect of children by parents. The cases are most often filed by Child Protective Services.

	These cases can result in the removal of children from their parents and being placed in foster care ("Care and Protection Proceedings in Juvenile Court").
Child Requiring Assistance (CRA)	Cases involving parents, guardians or school officials requesting help from the court to supervise a child ("Child Requiring Assistance Cases").

The basic progression of a delinquency case is:

1. Youth is arrested because they are suspected of committing a crime. This may include being taken into custody or given a summons to appear in court.
2. An Application for Complaint is filed in court. The complaint is filed with the Clerk magistrate who will review the case and determine how to proceed.
3. If the clerk determines that there is probable cause, they will file a delinquency complaint.
4. The District Attorney then decides whether or not to bring charges against the youth. The DA will formally charge the youth at the Arraignment, at which time they can plead "delinquent" or "not delinquent".
5. The trial then proceeds, mostly as a normal case would but with slightly more flexibility in the types of things that can be entered into evidence (PD-1/31). The defense attorney can bring up circumstances and explanations that would not be allowed in adult court. The judge imposes a disposition at the end of the trial. Common dispositions include being put on probation or being committed to the Department of Youth Services.

This is the basic procedure as laid out in the Mass. General Laws c.119. Two important aspects of the Massachusetts juvenile court that make it unique from others is that it conducts full jury trials and all youth have the right to an attorney (PD-1/31). Youth are assigned an attorney when

their case is filed. Public defenders are provided through the Youth Advocacy Division (YAD) of the MA public defender's office as well as private contractual attorneys (PD-2/28). This means that in most cases, youth do not have an attorney during the clerk magistrate review. In some cases, YAD attorneys will become involved earlier, especially if the child has been involved with the court previously. Not having an advocate at this early stage can place youth at a disadvantage, but does not prevent them from diversion later in the process. The actual procedure varies case-by-case because of the diversion and more flexible sentencing options that are available in the juvenile courts ("Overview of the Massachusetts juvenile justice system").

One of the most significant indications of Massachusetts's support for more rehabilitative practices is the 2018 Criminal Justice Reform Act, mentioned in the introduction to this paper. The 2018 Criminal Justice Reform Act amended the Mass. General Laws c.119 which governs juvenile court. These policy changes were aimed at decreasing the number of children in the court system. The most significant changes to the operation of the courts come from the authorization of diversion for most offenses. An important thing to note about this reform is that it authorizes, and creates opportunities but for the most part, does not mandate specific actions or decreases in youth-court interactions.

Juvenile Justice Specific Changes by the	2018 Criminal Justice Reform Act
Minimum age to be charged	Raised the age that a child can be charged in delinquency cases from 7 to 12 years old. This places Massachusetts in line with international standards for child rights.
Decriminalization of some offenses	Non-violent school-based offenses, and first-time violations of certain low-level offenses are no longer criminal offenses

Juvenile Justice Specific Changes by the	2018 Criminal Justice Reform Act
Diversion options	Authorized additional diversion options for judges to use pre-arraignment.
Record expungement and data privacy	Created opportunities to expunge records for delinquency cases and keep youthful offender data private.
Shackling and confinement	Prohibited indiscriminate shackling of youth in court and use of room confinement in detention centers.
Parent-Child Privilege	Created parent-child privilege so parents cannot be forced to testify against their children
Juvenile Justice Policy and Data Board	Created the Juvenile Justice Policy and Data Board to "evaluate juvenile justice data collection and reporting, recommend strategies to reduce racial and ethnic disparities, study the implementation of statutory changes including raising the age to under 21 and make recommendations on childhood trauma leading to juvenile justice involvement"

("Criminal Justice Reform Act of 2018: A Path Forward for Youth Justice").

Diversion
Diversion is when a defendant is provided with an alternative pathway to the typical court system. This often involves law enforcement and/or court officials outlining requirements for suspects or defendants to complete to avoid court proceedings. In Massachusetts, police, juvenile probation, clerk-magistrates, and schools through police can refer youth to diversion services instead of pursuing formal charges against them. If youth are sent to court, diversion options are still available to them through judicial diversion which can occur any time before formal arraignment.

Diversion is outlined in Section 54 of the Mass. General Laws c.119. The changes made in 2018 authorized diversion up to the point of arraignment which means that police, clerks, district attorneys, and judges are all allowed to divert youth out of the formal court system. If a

youth is brought to court and the judge is the one diverting the child, "The proceedings of a child who is found eligible for diversion shall be stayed for 90 days unless the judge determines that the interest of justice would best be served by a lesser period of time or unless extended under subsection (f)." If the District Attorney chooses to divert a child before the judge they "may divert any child for whom there is probable cause to issue a complaint, either before or after the assessment procedure set forth in subsection (b), with or without the permission of the court and without regard to the limitations in subsection (g)." Subsection (g) says a child cannot be diverted if "indicted as a youthful offender, charged with violation of 1 or more of the offenses enumerated in the second sentence of section 70C of chapter 277, other than the offenses in subsection (a) of section 13A of chapter 265 and sections 13A and 13C of chapter 268, or if the defendant is charged with an offense for which a penalty of incarceration greater than 5 years may be imposed or for which there is a minimum term penalty of incarceration or which may not be continued without a finding or placed on file. Diversion of juvenile court charges under this chapter shall not preclude a subsequent indictment on the same charges in superior court."[1] This means that although there are some exceptions, the vast majority of cases are eligible for diversion but it is up to judges, DAs, clerks, and police officers to use them ("Mass. General Laws c.119 § 54A").

After a child has been diverted, they will have certain conditions that must be met. "If the conditions of diversion have not been met, the child's attorney shall be notified prior to the termination of the child from diversion and the judge may grant an extension to the stay of proceedings if the child provides good cause for failing to comply with the conditions of diversion" ("Mass. General Laws c.119 § 54A"). There is also significant flexibility in the types

[1] *More information on the specific charges that cannot be diverted can be found in the state law. For more information visit: https://malegislature.gov/Laws/GeneralLaws/PartIV/TitleII/Chapter277/Section70C.*

of conditions judges can set, how they track them and whether they will extend the diversion program or not.

Although the courts are authorized to offer diversion programs, there is not a statewide program. The current model combines formal and informal diversion programs which can be administered by police, clerk magistrates, district attorneys, and judges. In this way, the Criminal Justice Reform Act outlined some specifics of charges that could be eligible for diversion but did not provide further details on when it should be used or in what ways, instead leaving it up to court officials to decide ("Information about juvenile diversion"). The result has been a patchwork of diversion programs across the Commonwealth which operate independently and with limited oversight despite the existence of the Juvenile Justice Policy and Data Board.

Literature Review

The existing research on the juvenile justice system is multifaceted and varied, much like the system itself. Given the system's long-term impact on individual youth, their families, and the larger community, extensive research has been conducted on the development of the juvenile justice system. The current model used nationally is a reflection of the larger trends in incarceration policy and the criminal legal system. The juvenile justice policy often acts like "a kind of cycle (Bernard & Kurlychek, 2010) or pendulum (Snyder & Sickmund, 1999) where policy and practice sway back and forth between two conflicting impulses. [...] [D]ominant ideology of juvenile justice is constantly shifting between a focus on a punitive approach and a focus on treating or rehabilitating them" (Artello et al. 2). This conflict is evident in the statutes that govern most juvenile courts and highlights the underlying challenge the system faces. Much of the literature situates punishment and rehabilitation as conflicting missions, indicating that punishment is not a method of helping youth. Even if courts are trying to do what is best for

youth, they have a mandate that allows them to quickly shift to more punitive measures. This was seen in the 1970s as United States federal criminal legal policy shifted toward incarceration and criminalization. In fact, “by the end of the 1970s, the United States had the highest youth incarceration rate of any industrialized nation as a result of this uniquely punitive approach to urban social programs.” (Hinton, 808). The shift toward punitive responses to youth delinquency resulted in the mass incarceration of youth and young adults, many of whom served long sentences or recidivated. It targeted Black and Brown youth, especially in low-income urban communities. Most literature acknowledges that the criminal legal system disproportionately incarcerates youth of color. Many point to the War on Drugs and tough-on-crime policies of the 1970s and 1980s as the origin of this; others tie it back to the Jim Crow Era policies aimed at controlling Black communities (Hinton) (“Rethinking Prison as a Deterrent to Future Crime”). One scholar draws a direct line between the War on Poverty and the War on Crime, specifically identifying that “Whereas the British Parliament’s decision to treat delinquency as a family program placed preventive responsibilities in the hands of local children’s committees and social workers, the U.S. government made law enforcement responsible for prevention programs and imbued social services with punitive powers” (Hinton, 809). Under this distribution of responsibilities, the organizations that would seemingly exist to support youth and families can be a source of punishment or even violence.

Much of the literature that looks at the past development of the juvenile justice system is focused on the disproportionate impact the system has on youth of color. Between 1990 and 2005, there were 5 large-scale literature reviews, all of which found the vast majority of their studies identified racial disparities. All of the reviews included studies that identified racial discrimination, specifically finding that “although research provided some evidence for racial

differences in offending, the '. . .evidence is incontrovertible that, in most jurisdictions studied, race differences in offending alone are insufficient to explain minority overrepresentation in the juvenile justice system'" (Spinney et al. 575). There are two theoretical frameworks that underpin research on disproportionate minority contact, often abbreviated to DMC. The first is differential offending which "argues that the source of differential justice outcomes and the overrepresentation of minority youth in the juvenile justice system results from the greater involvement of minority youth in more (or different) crimes or in more serious crime" (Spinney et al. 576). The second is differential selection which "argues that minority youths are more likely than White youths to suffer harsher consequences at each stage of the juvenile justice decision-making process because the system treats minority youths differently (and more punitively)" (Spinney et al. 576). The most recent DMC literature review was conducted on studies from 2001-2014 and included 107 studies. 84 of those found that "race effects existed in the processing of minority youth, at least for some minority youth, in some locations, at certain localities, for certain offenses. Of the 84 studies that found race effects, 16 studies reported race effects that negatively affected minority youth compared with White youth, while 68 reported mixed results (meaning the studies found negative race effects for some minority youths or at some processing points but not others)" (Spinney et al. 581). A notable finding from this comprehensive literature review was that "Studies, for example, that included analysis of earlier decision points in the juvenile justice system (including arrest, detention and referral) found overwhelmingly that there was some racial disadvantage to minority youth. However, fewer studies of later decision points (adjudication, probation, secure confinement, waiver to/from adult court and disposition in adult court) found racial disadvantage to minority youth" (Spinney

et al. 589). This study highlights the breadth of research being done on the juvenile justice system and provides strong insight into the complexities of the legal system as it involves youth.

Youth with criminal legal system involvement also experience high levels of mental illness and substance abuse. The literature focused on this issue is closely connected to the DMC research outlined above. A literature review from 2017 found that "over two-thirds of juvenile justice involved youth have a mental health diagnosis or need and that over 20% have a mental health disorder that could be diagnosed as serious" ("Racial Disparities in Juvenile Justice Referrals to Mental Health and Substance Abuse Services" 7). Furthermore, "a preponderance of the literature finds that racial disparities in the juvenile justice system exist not only at traditionally studied juvenile justice system decision points such as referral to court and placement in a secure detention center, but also among referrals to mental health and substance abuse services" ("Racial Disparities in Juvenile Justice Referrals to Mental Health and Substance Abuse Services" 9). These findings indicate the depth of the racial inequities that permeate the juvenile justice system.

The literature on the juvenile justice system also identifies an increase in childhood poverty as a driver of disproportionate youth incarceration and a factor in the call for reform. According to a 2015 study, "From 2007–2013, the growth of adolescents living in poverty increased by a fourth and those living near poverty grew another 13%" (Artello et al., 3). Increased risk for incarceration is also associated with failure at school and interaction with child protective services or the Department of Child and Family Services (Artello et al., 4) ("Literature Review: Intersection of Juvenile Justice and Child Welfare Systems"). Much of the research that focuses on multi-system youth tries to predict and explain the risk factors associated with having involvement in both juvenile justice and child welfare systems. This is most often done by

looking at existing numbers and trying to retrospectively identify factors that may predict involvement. Some studies tracked youth beginning at their entry into the child welfare system and followed them through that system (Park). Both types of studies have found that youth in foster care are arrested and detained at higher rates than other youth populations and face a higher risk of continued involvement with the legal system. Girls, LGBTQ+ youth, and Black and Native American youth are more likely to be dually involved than other youth in the child welfare system ("Literature Review: Intersection of Juvenile Justice and Child Welfare Systems").

The research also identifies networks as an important aspect of childhood involvement with the legal system. This includes peer networks that can act as a catalyst for delinquent behavior and family networks that can act as deterrents. A 2021 study performed a network analysis of peer networks in schools to identify key players in delinquency. Their model predicts that removing key players from the network would have a wide-reaching effect on delinquent behavior (Lee et al. 856). The social networks that encourage youth rule-breaking could be one method by which policymakers and communities could prevent delinquency.

Familial networks are more complicated. Navigating the legal system is complicated for people of any age, but especially for youth with charges against them. In many cases, parents could be helpful to both their child and the court but the court process often removes much of their power as parents. In many cases, "Parents whose children are involved with the courts must cede some of their authority to the state in order for the juvenile justice system to act as the functional equivalent of the parent under the *parens patriae* doctrine" (Pennington, 901). Parents' authority over their children is taken on by the court, thereby limiting their role during one of the most crucial moments of their child's life. This comes as a shock to many parents and

changes their perception of the court. The 2015 case study by Lisa Pennington followed two mothers whose children were going through the court system. Both entered "the legal system wanting to engage with the process, expecting they [would] have an important role in their child's case because of their status as parents" but concluded that the system had taken away their power and in doing so the court harmed their child (Pennington, 907). Both gained a distrust of the criminal legal system that had not been present before their children's cases. The literature about other regulation systems, including the adult court, the police, and the child welfare system, agree that the impact of going through the system can lead to diminished faith in the system (Geller and Fagan).

Diversion Literature

An important subset of the literature for this thesis is the research on diversion programs. The peer-reviewed academic research on this is very limited. There is limited data available on youth diversion at all levels of the criminal legal system, often stemming from the localized nature of many programs and the informality of other programs. A systematic review of police-initiated diversion programs conducted in 2018 faced similar issues. Despite this, they were able to conduct the analysis and find mixed results. Based on their research it appears that "police -led diversion modestly reduces future delinquent behavior of low-risk youth relative to traditional processing" (Wilson et al. 28). Furthermore, the early diversion options may have positive impacts on a child's success in other systems including school (Wilson et al. 31). The overall results of this review are supportive of police diversion.

A study of prosecution-led diversion programs from 2021 found that "the literature in this field is replete with technical reports (Piza et al. 2020) but contains a shockingly small number of published, academic studies by independent researchers." Additionally, "the technical reports

produced by program insiders tend to report more cost-savings and lower rates of recidivism than comparable studies by independent researchers" (Wright Levine, 343). This lack of academic research makes it challenging to determine the effects of these diversion programs. There is some evidence to support the use of diversion programs but also a fear that many prosecutor and police-led diversion programs may be unnecessarily widening the reach of the state because they can place youth under surveillance without a full trial (Wright Levine 345) (Wilson et al. 11).

Given the lack of research and data available on diversion programs, there is not a clear data-driven conclusion about the impact of diversion programs. Anecdotally, it seems that there is support for these programs, which have been gaining popularity across the US since the mid-2000s. This marks a return to a more reform-driven model like the one originally developed in the 1970s.

Methods

These findings are based on an analysis of state-provided data and supported by interviews I conducted. Taking a mixed methods approach helps construct a better understanding of how the 2018 CJRA was implemented and the impact it has had in the first five years. Racial disparities and discrimination are common themes in legal system research and reform. This research adds to the existing literature by looking at how the policy has differentially impacted white versus non-white and white versus Black youth. The interviews conducted specifically for this research provide insight into how these disparities may have arisen and the challenges that court actors face.

Qualitative

The qualitative analysis aims to answer the question: How has individual discretion, especially within diversion options, led to differential treatment of youth between juvenile court

jurisdictions? Each interview provided a better understanding of how the court officials feel about diversion and other recent policy changes. The interviews center on establishing why judges do this work, how they view themselves within the system, and what they think of the youth and families they interact with.

A total of five people were interviewed for this study. Three were judges and two worked in the public defender's office.[2] The first round of interviews came from a connection I have with a judge in Worcester. She provided the initial contact information for the four juvenile court judges from whom I requested interviews; three responded and I interviewed them. This sample included judges from various regions of the Commonwealth, which is important to reflect the regional differences in Massachusetts. The second round of interviews was with members of the Public Defender's office. For these interviews, I emailed several people from various PD offices across the Commonwealth and set up one interview. That interviewee also connected me to another person from the YAD. Between the five interviews I conducted, they represented work in four different counties, including urban and suburban areas of the Commonwealth. Some of the interviewees had rural areas in their jurisdictions but I was not able to interview anyone from the western part of the Commonwealth that is significantly more rural.

Quantitative

The quantitative data used in this study comes from the Juvenile Justice Policy and Data Board (referred to as the JJPAD). They publish annual reports and maintain a Tableau site with yearly statistics for the different stages of the justice process. Most data can be broken down by race, gender, and age; some are available by region. The data sets in this research were compiled from the data visualizations made public on Tableau by the Massachusetts Trial Court,

[2] I received an IRB exemption for this study because I was interviewing subjects in their professional capacity. I received verbal consent from all of my participants. They have been anonymized in order to protect their privacy. The judges are J-interview date, the public defenders are PD-interview date.

Department of Research and Planning. Some were directly downloaded but most were transcribed from the visualizations into a .csv file. These numbers were also cross-referenced with the Annual Reports by the JJPAD.[3] There are some variations in our numbers but all are similar. This could be attributed to the fact that we pulled the data at different times.

Because all of the data is only available at the aggregate level, typical statistical analysis could not be conducted. Instead, the analysis relies on visualizations and qualitative commentary on trends. This involves looking at the differences between racial groups at various points of the court process including applications for complaint, arraignments, and adjudications. The applications for complaint highlight who is being funneled into the judicial system. The arraignment analysis shows whether judges are pursuing cases against different racial groups at different rates. Finally, the adjudications analysis will highlight whether youth are being kept in the system longer depending on race.

There is very little pre-2018 data, and the only data that is available is not broken down by demographics or geography. This is a challenge for other kinds of analysis but for this research, 2018-2023 was sufficient.

Another important complication in my data is the influence of COVID-19 on the functions of the court system. There is limited research available on the pandemic's impact on the court system but since most cases were deferred or not tried, I believe some of the significant decline in cases seen in 2021 can be attributed to the Commonwealth's COVID-19 response. This makes it more difficult to make confident conclusions about the CJRA's impact but not impossible. The analysis includes pre-COVID and post-COVID restrictions periods which can help mitigate the complications from 2020 and 2021 data.

[3] More details of the data sources can be found in Appendix A.

Despite the challenges in this data, when combined with the qualitative interview findings and background knowledge from other researchers and policy theorists, the findings of this study are significant and require deeper investigation.

Findings

The findings of this research indicate that the CJRA and other shifts have had a significant impact on the number of youth passing through juvenile court on delinquency charges. Less youth are entering the system and more are being funneled out at earlier points. The CJRA appears to align with court officials' desire to help the youth passing through their courtrooms. In some cases this looks like incorporating more research on youth brain development and overall needs into their trials (J-11/30). Despite these decreases in caseloads and increased focus on care by individuals, the recent changes have not been able to overcome many of the challenges the court faces. A lack of resources makes it almost impossible for court officials to offer the kinds of services they believe would help youth they see in their courtrooms. Additionally, the racial disparities in processing and diversion appear to be more pronounced in the years following the CJRA. The findings below detail how court officials are trying to balance care with accountability in their cases, and the challenges they face in doing so. The state-level data analysis highlights the racial disparities in implementation and mark a major shortcoming of the 2018 reform.

Interview Findings

Altruistic Intentions and Attitudes Among Court Decision Makers

Based on my interviews the court officials' desire to help and look out for youth was key to ensuring they could navigate the complexities of this court system. All of my interviewees emphasized their commitment to the court's mission and appeared to have altruistic motivations.

One judge pointed to these altruistic motivations saying the uniqueness of juvenile courts is all about “trying to get to the best interest of the child. I would like to think that's where the rules came from” (J-12/12). This highlights one of the most significant differences between the adult and juvenile systems. The public defender I spoke with mentioned “juvenile court is based upon this idea that it's rehabilitative, first and foremost, and punitive, only secondary, and whereas, you know, District Court in superior court, it's purely punitive” (PD-1/31). The court is expected to consider both of these interests which can stand at odds with each other depending on the case and the beliefs of the parties involved. One judge I interviewed stated that “one of the challenges in the juvenile court is the conflict that exists between the notion of due process and the notion of best interests” (J-11/21). The challenges facing juvenile court decision-makers are distinct from many adult court settings because of the mission of the court. The emphasis on rehabilitation and care was brought up frequently in my interviews as a major strength of the system.

The two members of the public defender’s office that I interviewed both spoke to the challenges they have faced as a result of the dual mission. One mentioned that not all court actors have the same motivation or understanding of the court that the people I spoke with had. He said, “I've often lamented the fact to our appellate unit that like nobody takes section 53 seriously. [...] [F]or instance, there are still people on a day to day basis that we'll call these criminal cases” (PD-1/31). Section 53 lays out the rules and regulations of the Massachusetts Juvenile Court. He believed that the existing regulations are sufficient to keep all people on the same mission and focused on the best interests of the youth in court, but not always properly enforced.

The other public defense staff member I spoke with pointed out the paternalistic nature of the court system and the dangers that can come from this. In some circumstances, she saw judges and others acting like, “I'm giving this to you as a gift, but like, you really need to learn your

lesson [...]. I've been in circumstances in which I found that to be particularly offensive for kids who are accused of doing something minor with a police officer." (PD-2/28). She seemed to speak more to the realities of how the attitudes may come across to youth who interact with the court system. Although the court decision-makers may be motivated by a desire to help youth, it can come across as paternalistic and allow court actors to overstep the stated role of the court. The paternalism that undergirds the juvenile system can both help and harm youth by providing them with resources while simultaneously entrenching them more deeply in the court system, which can be a re-traumatizing experience for youth and their families (Adams, et al.).

Adolescent Development and Brain Science in the Court

Another recurring theme in the interviews was an increasing use of adolescent development research in juvenile court settings. The science of youth brain development is increasingly informing how court officials make decisions. One judge included this theme in her response to court actors' motivations saying, "I'd like to think that my colleagues [...] do have an understanding of [...] young adults. [...]There's been a lot about adolescent brain development, so I do think that there's some considerations that we give to cases that maybe aren't necessarily as emphasized in adult courts" (J-11/30). The flexibility to account for this can help improve the outcomes and experiences of youth in juvenile court. Brain science specifically could improve the sentences that judges give out. For one judge, the new scientific evidence has had a significant impact on sentences and cases overall. He said "there's studies about brain science and kids and how brains aren't developed until the age of 25 years old. [Youth] just can't really be responsible for their actions at 15-, 16-years-old. And that's all fairly new. It wasn't [that way] when I first started and a little bit before, you know, we had kids getting locked up on shoplifting" (J-12/12). The shift toward more scientific-backed procedures has, in many cases,

helped decrease the number of youth being funneled into the legal system and sentenced for small crimes.

Brain development is not used to inform cases in every courtroom. One public defense interviewee said that defense attorneys have "traditionally thrown out facts about what adolescent development is, and the fact that our clients are in the midst of it assuming it'll create a better outcome without actually directing the court what to do with that information. I think that has led to the courts being like 'so you're saying that they're more likely to take a risk? Well, then I'm going to put them on probation for longer.' [....] Where I practiced, I would have never in my life been like, 'they're more prone to risk taking.' The judge would be, like, 'fantastic. That's why I'm putting them in jail'" (PD-2/28). Brain development research does not have the same impact in every courtroom. This highlights the geographic difference between the jurisdictions. Different courts respond to arguments differently and change how successful any policy adjustment might be. Something that has worked in one region of the Commonwealth may not work in others for many reasons, but one important driver of these differences appears to be how decision-makers respond to changes.

Resource Deficit

The third interview finding I would like to highlight is the comments my interviewees made about the resource deficit they face. Although they have been given increasingly flexible sentencing and diversion options in recent years, they are still limited by the programs that are available to them. Across all of my interviews, the issue of limited service providers was a central concern. There are two main schools of thought on this: courts should provide services, and services should be linked to other community organizations.

Courts today have some access to state-run mental health and substance abuse facilities for youth. Judges across the Commonwealth are faced with cases involving youth who need care but are unable to provide it in any meaningful way because of limited funding. The number of beds is so limited that one judge said "Whatever the number of section 35 beds are, that exist in the entire Commonwealth of Massachusetts. We could use that many beds in every county" (J-11/21). This then raises the question, what can the court do about the rising number of drug and mental health-related cases they are hearing? The existing options are limited and often mirror other carceral settings because youth are sent there against their will.

In other cases, judges will be able to refer youth to services but the barriers to entry for the families are too high. For example, a judge explained a situation in which he was referring youth to a service as a requirement of their diversion but very few were actually enrolling. The judge and the court could not determine what was going on until they had been trying to use the service for months. Eventually they realized, "but what we didn't know at the outset, [is that] it's $65. [...] These kids don't have six. The family doesn't have $65." (J-12/12). This lack of resources is impacting both youth's ability to voluntarily and involuntarily get the care they need or want.

The court's struggle with limited resources may not be something that can be solved within the court system. One interviewee pointed this out saying:

> "It would be nice for people to be able to access care and support and services in the community when they want to. [...] So I think it would be nice to have more. Just more services in general, like more places for kids to turn that aren't surveilled, that aren't run by police that actually connect them with things they want to do, like, most kids I know would love to work. [...] I haven't met a kid that's like, I'm not interested in working. Like

> I literally never met a kid that said that. So no, I would go out on a limb and say, you're less likely to get blackout drunk several times a week, if you feel good and slightly independent and empowered by having a job." (PD-2/28)

The court cannot provide a child with a job, all they can do is try to mandate that they get one. But if the issue lies with lack of access to opportunities, making it a requirement will not change the child's situation. Based on this, the solution to the court's problems may lie outside this system. Not all agree with this sentiment, especially when the court decision-makers are driven by a desire to help, but it seems to have a growing support base.

Potential Geographic Disparities in Implementation

Another important topic that came up in my conversations was the regional differences in the implementation of CJRA and court policy more generally. As stated by one interviewee: "There's limitations, obviously in the statute for what a judge can divert. But generally, I think it exposes a little bit more of the justice by geography issue in Massachusetts. And the racism that we pretend isn't here." (PD-2/28). The connection between geography and race is important because youth of color can often be victims of both racial and geographic discrimination.

In Boston, judges rarely use their diversion powers because the DA will preemptively divert cases (J-11/30). This willingness to ask for diversion varies county by county or courtroom by courtroom. Another judge, based in central Massachusetts, stated "the movement towards diversion, that's everything. Now, like I said, 75% of my cases are asking for diversion" (J-12/12). Many regions of the Commonwealth are turning to diversion but not in the same ways. Practitioners in the southern part of the Commonwealth, such as Bristol and Plymouth counties, expressed frustration with their DAs at times. Because the CJRA did not make specific mandates, the way diversion is being used seems to vary significantly. Any policy that is passed,

especially one like the CJRA that permits but does not mandate court actions, will be implemented by the people working in court. Understanding their motivations and focus is important to understanding how the policy will be implemented but quantitative analysis is also important to reveal what differences actually exist. This is an area that needs to be investigated further.

Quantitative Data Findings

Trends in Data

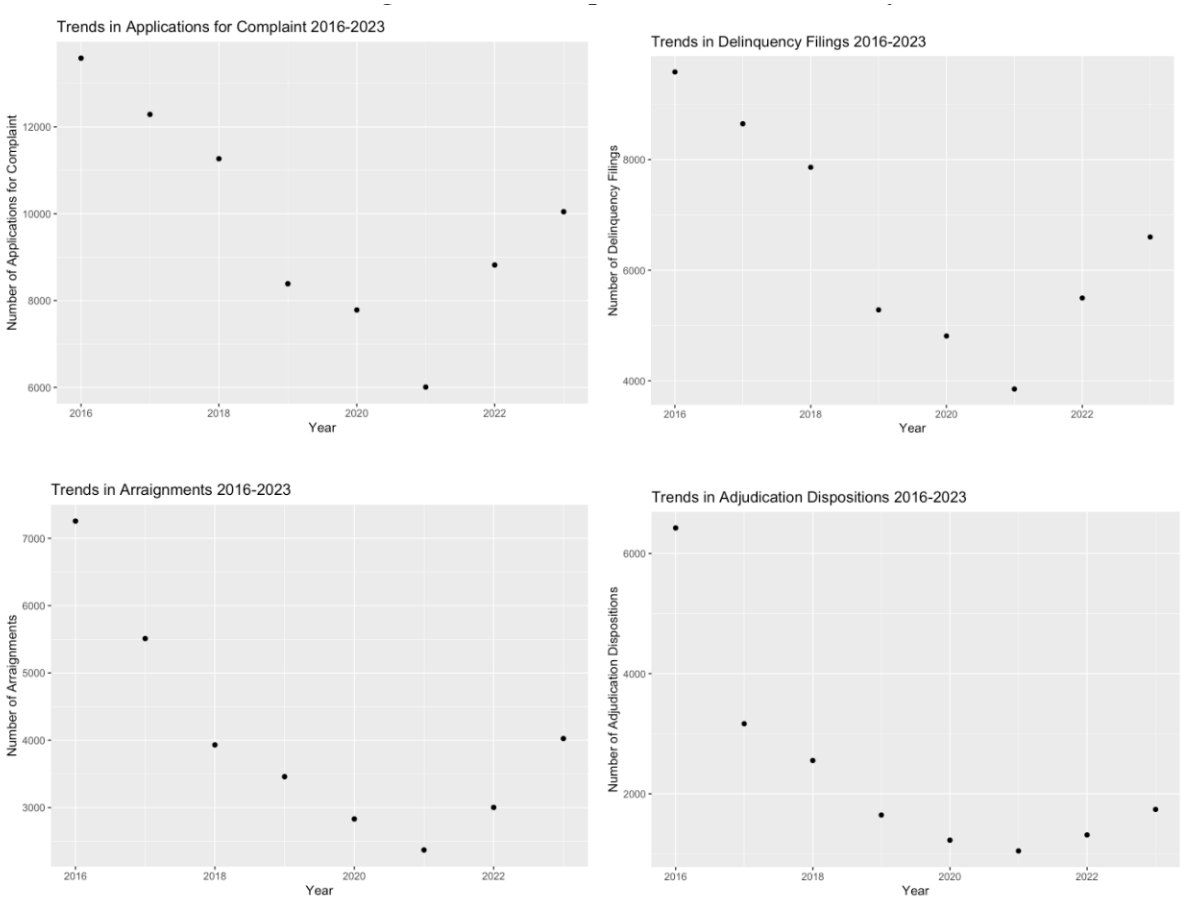
The rates of youth involvement at every level of the court system have decreased over the past 5 years. These changes are shown in Figure 1. The most significant changes occurred from 2018-2021. There are significant decreases between 2018 and 2019 in the number of Applications for Complaint and Delinquency filings. This reflects a change in how police, clerks, and district attorneys are acting but does not have specific implications for how judges are acting. This is interesting because judges are the group most explicitly impacted by the CJRA.

There appears to be an increase in court involvement post-2021 which may be connected to the loosening of COVID-19 restrictions. Notably, the adjudication dispositions, meaning the youth was found delinquent or not delinquent, rose least drastically over the later period, post-2021. The rate of adjudication per application for complaint stayed steady after 2019 and is much lower than it was before 2018. This indicates that there was a long-running impact on how cases were tried and adjudicated following the reform. Despite the increases following the pandemic, the court actors continued to funnel youth out of the system at about the same rate as they did in the first two years following the CJRA.

An important consideration for me when analyzing the impact of the CJRA is that the rates of youth involvement in court were trending downward before the 2018 reform. Legislative

action does not occur in a vacuum and the legislature was likely responding to existing public pressure to push youth out of the juvenile courts, instead of furthering their involvement.

Table 1: Trends in Youth Involvement in Juvenile Court 2016-2023



Racial Disparities in Implementation

My interviews and background research indicated that there may have been important differences in how youth of different races are treated by the legal system. The Sentencing Project found that Black youth were 13.7 times more likely than white youth to be placed in custody in Massachusetts ("Black Disparities in Youth Incarceration"). Furthermore, the Center for Juvenile Justice finds that "While youth of color make up roughly 33% of the youth population in Massachusetts, they are just under 40% of those arrested, 60% of those arraigned,

66% of those detained pre-trial or because of a probation violation, and 68% of those committed to the Department of Youth Services (DYS).” (“JJ System Overview Race Matters”). My research digs deeper into this and explores at what stages this is most extreme and how the CJRA has influenced the racial composition of the delinquency cases.

As laid out in the background section, there are many points throughout the court system at which a case can be dropped or youth can be deferred. I will be analyzing three points: applications for complaint, arraignments, and adjudications, to highlight differences between pre- and post-CJRA implementation. By using three points of interaction, I avoid bias that may have come from using just one and can more clearly see where the most significant differential treatment of youth of different races is occurring.

Racial Bias in Youth Introduction to the Court System: Applications for Complaint

Between 2018 and 2023, the number of youth who had applications for complaints filed against them dropped. Application for complaint is the first stage of a delinquency filing. It is most often submitted by a police department and given to the court clerks. Given that this is largely driven by individual police officers and some departmental policy changes, I hypothesized that there would be differences between the rate of change for white versus non-white and Black youth. The trends appear to support this conclusion. In 2018, 38.8% of the applications for complaint were against white youth and 50.4% were against youth who were not white. Over the last five years, the proportion of applications against white youth has decreased while those against non-white youth have grown. By 2023, 35.5% of applications were against white youth and 51.2% were against non-white youth. Chart 1 illustrates the trends since 2018. There was a 16.6% drop in filings against white youth in 2023 compared to 2018. The decrease was only 7.2% for non-white youth.[4] Youth of color were already over-represented in juvenile

[4] The percent changes for other years are outlined in Table 1 below.

court before the passage of the CJRA. One hope for reforms like the CJRA would be to decrease the discrimination that could be occurring. Instead, it seems to have had the opposite effect and is causing a more significant decrease in white youth introduction to the system than non-white youth.

Black youth are a particularly important demographic in this data because they make up such a disproportionate portion of the youth involved in the Massachusetts juvenile justice system ("Black Disparities in Youth Incarceration"). Chart 2 is a visualization of the trends for white versus Black youth. The proportion of applications for complaint against white youth dropped over this period while it appears the proportion of applications for complaint against Black youth remained somewhat constant. This is especially concerning given that Black youth make up less than 14% of the Massachusetts juvenile population but are over 20% of the applications for complaint (Puzzanchera et al.).

Chart 1:

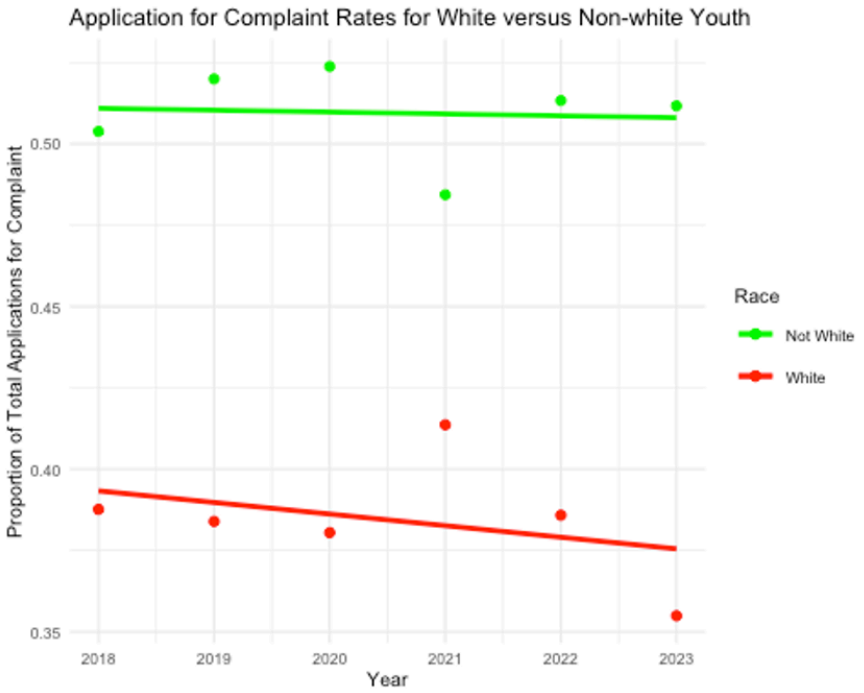


Chart 2:

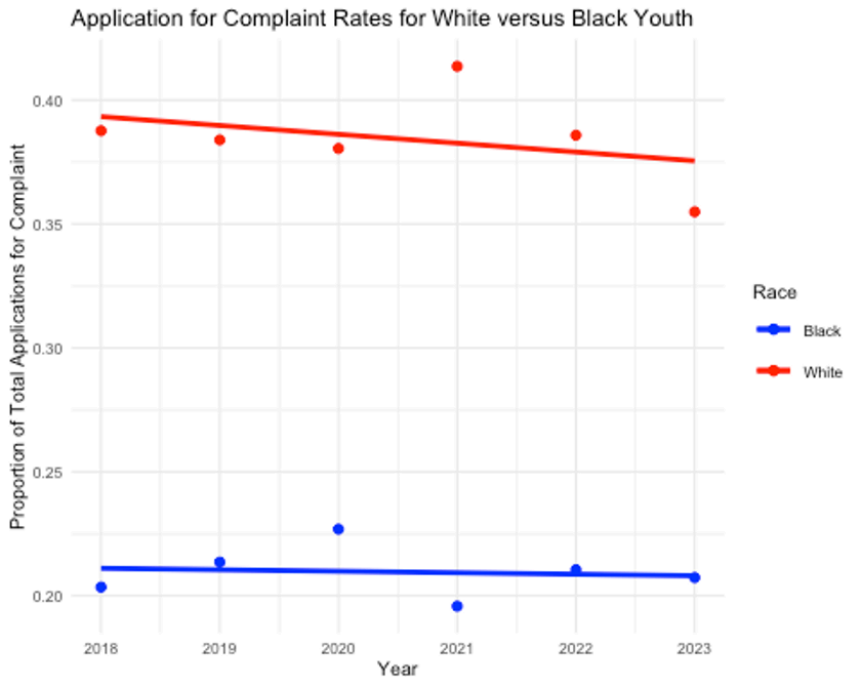


Table 1: Percent decrease in Applications for Complaint since 2018

	2019	2020	2021	2022	2023
White	24.97%	31.03%	42.16%	20.81%	16.62%
Not white	20.75%	25.52%	47.58%	19.89%	9.58%
Black	20.49%	21.65%	47.84%	17.68%	7.22%

Racial Bias in Which Youth Are Tried: Arraignments

At the arraignment stage, white and non-white youth appear to benefit differently from the reform and overall movement toward less court involvement. Based on Chart 3 and Chart 4, it appears that the proportion of arraignments of non-white and Black youth rose over the period. This is most significant for white versus Black youth. The proportion of arraignments that involved Black youth rose from 21.1% to 26% between 2018 and 2023. Non-white youth also

have a higher representation in arraignments following 2018 (58.2% to 60.4%). The proportion of arraignments against white youth dropped from 38.2% to 33% over the same period. There was a 34.9% decrease in arraignments against white youth compared to a 21.8% decrease in arraignments against non-white youth.[5] These findings reflect the Center for Juvenile Justice's findings. Based on this, it appears the CJRA's implementation is increasing racial bias in the courts. Arraignments are determined by the District Attorneys. Although the CJRA did not explicitly change diversion options for DAs, it seems to have expanded the acceptability of using diversion in many cases (J-12/12).

It is also noteworthy that non-white youth appear to be more likely than white youth to have a case continue from an application for complaint to the arraignment stage. In 2023, 51.2% of applications for complaint were against non-white youth but 60.4% of arraignments involved non-white youth. 35.5% of applications for complaint were against white youth while 33% of arraignments involved white youth. This indicates that white youth are more likely to be funneled out of the system prior to arraignment than non-white youth. Whether this is through formal diversion procedures or case dismissals is unclear.

[5] The percent changes for other years are outlined in Table 2 below.

Chart 3:

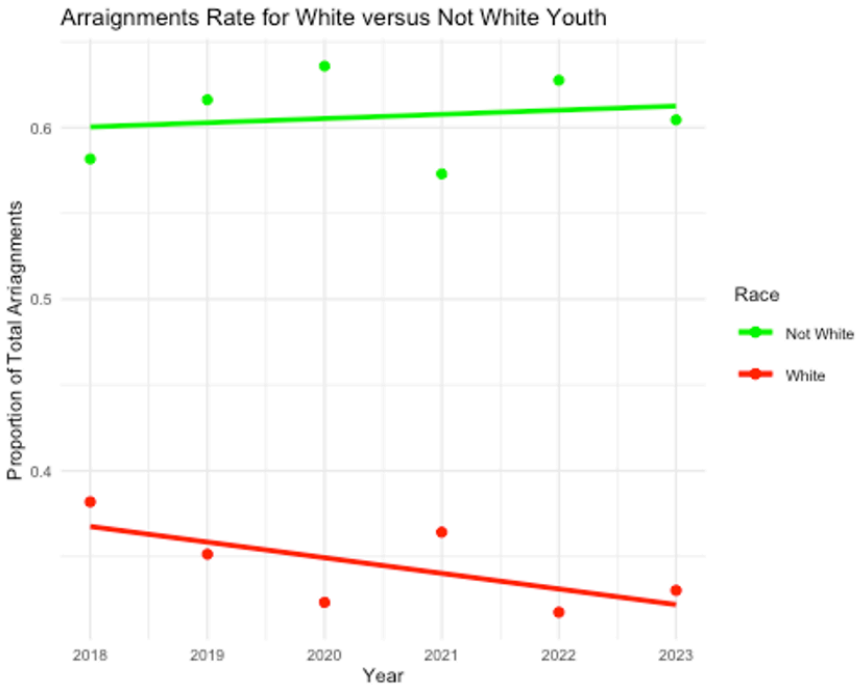


Chart 4:

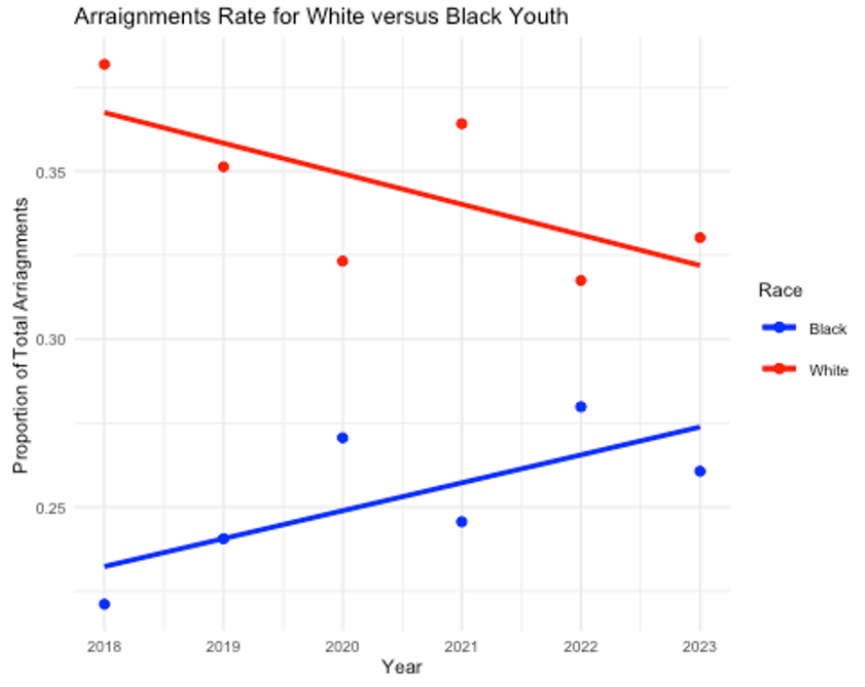


Table 2: Percent decrease in Arraignments since 2018					
	2019	2020	2021	2022	2023
White	42.85%	55.19%	57.74%	53.33%	34.92%
Not White	34.20%	42.14%	56.35%	39.44%	21.79%
Black	32.40%	35.19%	50.76%	28.93%	11.25%

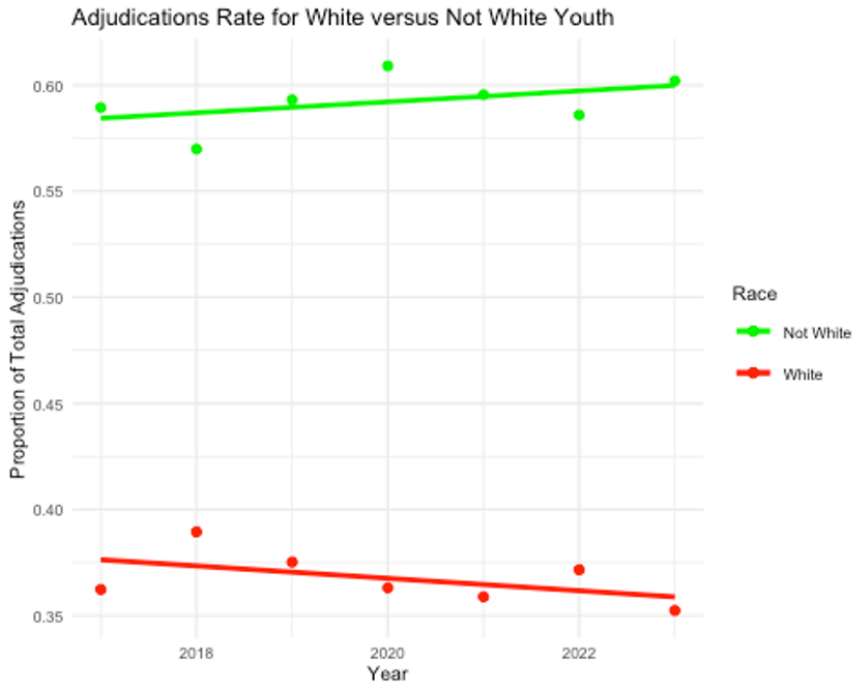
Racial Bias in Sentencing: Adjudications

Adjudication rates are in some ways the least significant of the three points analyzed but there are still some important takeaways. The proportion of adjudications involving white youth dropped from 38.9% to 35.2% between 2018 and 2023. For non-white youth it rose from 57% to 60.2%. Although fewer youth were making it to the adjudication stage by 2023 than pre-CJRA, the rate of change for white versus non-white youth was different. Black youth made up 24% of adjudications in 2018. In 2023, they made up 23.3%. The reform seems to have had a limited impact on adjudication rates for Black youth.

Adjudication decisions are made by judges so this is the point in the system that reveals the most about how CJRA is being implemented. 33% of arraignments involved white youth while 35.5% of adjudications involved this same group. 60.4% of arraignments involved non-white youth while they were 60.2% of adjudications. The proportion of arraignments and adjudications is very close for non-white youth. Black youth actually make up a smaller proportion of adjudications compared to arraignments. They were involved in 26% of arraignments in 2023, but only 23.3% of adjudications. The percent decreases for each were also much closer for white and non-white youth at the adjudications stage. Adjudications against white youth decreased by 39.2% while those against non-white youth decreased by 30.0%. Black

youth adjudications decreased by 34.6%.[6] This indicates that Black youth are being diverted out of the court system by judges at higher rates than other non-white youth. It is possible they are being diverted out at similar rates to white youth. Between arraignment and adjudication, judges are in some cases correcting for racial discrimination that may have occurred earlier in the system but more analysis would need to be conducted to confirm this.

Chart 5:



[6] The percent changes for other years are outlined in Table 3 below.

Chart 6:

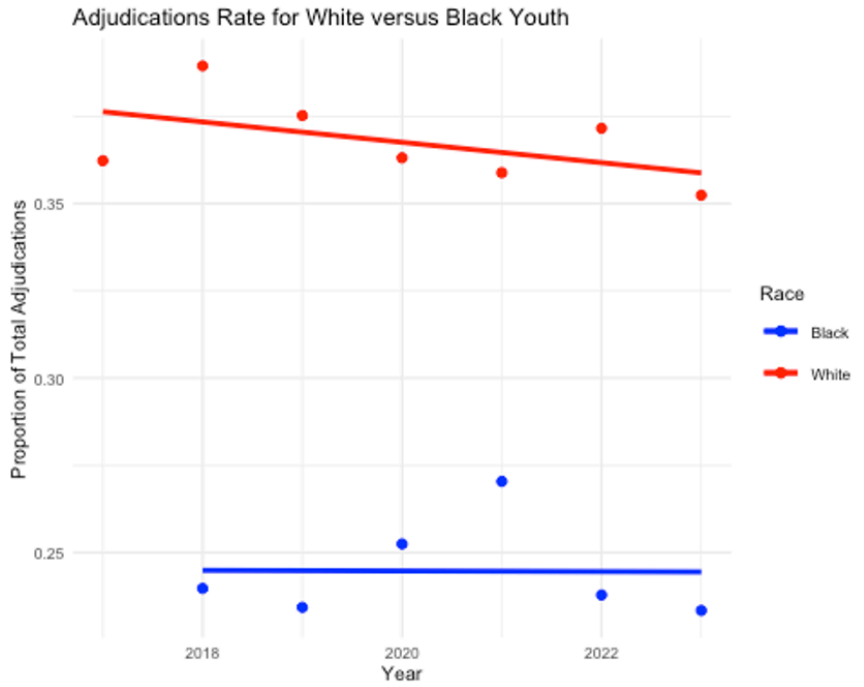


Table 3: Percent decrease in Adjudications since 2018

	2019	2020	2021	2022	2023
White	38.75%	55.88%	64.04%	51.29%	39.24%
Not white	33.83%	49.42%	59.22%	47.52%	29.07%
Black	37.86%	50.16%	55.99%	49.35%	34.63%

Policy Recommendations

Based on the findings of this study, there are significant improvements that must be made in order to close the racial and geographic inequalities the courts perpetuate and further decrease the amount of youth the court is charged with caring for. The interview findings revealed many of the challenges the court faces in trying to live up to its mission. This research points to a clear role that courts can play as a corrective force and service connector for youth who have

committed delinquent offenses.[7] But without continued improvements to the system, it will be impossible for the court to live up to its mandate to rehabilitate and support youth. These further reforms must address the systemic processes that over surveil and control minority youth and lower income communities.

Based on the interviews and data analysis conducted for this research, the courts seem to be facing two main problems. Firstly, the courts are overwhelmed with serious cases but limited options of how to help the youth who are involved in them. Secondly, the youth who are being moved deepest into the system, to the point of arraignment and adjudication, are disproportionately not white, which means non-white youth are forced into the services and care that much of the recent literature on the legal system has identified as harmful to youth development. These problems require solutions that address the needs of all parties within the court, from the judges to the prosecutors to the youth accused of crimes. The court is set up to be antagonistic, but juvenile court has the unique opportunity to bridge the gap and have all people working toward the best interests of the child. Because of this, it requires targeted reforms driven by youth needs.

1. ***Ask the court to do less, not more:*** *Provide youth on diversion with case managers to oversee and assist with the process.*

The first step to improving the functioning of the juvenile court system is to ask it to do less instead of piling on more responsibilities. As outlined in the background section, the court already handles four distinct kinds of cases. The 42 courtrooms typically handle over 10,000 delinquency cases a year alone. Despite the decreases in recent years, all of the interviewees

[7] The recommendations below are preliminary as this analysis did not involve all parties whose voices and opinions need to be heard before more comprehensive changes are made to this policy. The Commonwealth's court system should engage system-impacted youth and their families to develop comprehensive recommendations. Any policy changes that do not incorporate their feedback will miss key elements of their experiences and needs.

expressed the overwhelmingness of their caseloads, due to strained resources, time, and overall capacity. Asking an overwhelmed system to provide more services is not an effective solution to help set youth up for success. Judges and other court officials may be resistant to giving up their power over youth rehabilitation, but given their desire to help the youth that pass through juvenile court, I believe they could be convinced.

As part of the shift away from courts as the service provider, the legislature should establish a division to oversee and support diversion programs. This should include case managers that are there to assist youth and their families, not simply punish them for not complying with diversion requirements. Diversion is one pathway to keep youth from getting entrenched in the system but it still requires that they interact with the court many times. Additionally, based on what I heard from judges, the diversion programs have not always been effective at stopping youth from returning to court. Multiple judges reported diverting youth on the same charge many times. This indicates that youth still are not receiving the support they need to change their behavior. The current model in which judges, DAs and police oversee local diversion programs, youth are left to their own devices to complete the requirements. Many attorneys in the Youth Advocacy Division support youth and their families by connecting them to social services, representing them in schools, and providing guidance on court-mandated programming (PD-1/31). Some YAD offices have social workers on staff but expanding this could be one way to make the system more effective. In some cases this might be enough. But for many, they need additional support in order to comply and gain the benefits. It creates conditions in which judges can be deferring youth to a service that is impossible for them to obtain. The current system appears to be setting many youth up to fail, instead of addressing their needs.

A structured diversion program could also ensure that Commonwealth resources are going to youth that need them. This might include financial assistance, education support, and mental health services. These services are often underfunded, but having case managers for youth in diversion programs could funnel resources more efficiently and create a strong model for how additional funds could be used.

2. ***Decrease the number of youth committing delinquent offenses:*** *Invest additional resources in communities with high youth crime rates.*

Decreasing crime is complicated because there is no single driver of it, especially among youth whose decision making capacity is more limited than adults'. In a 2015 study of East Baltimore, participants in focus groups identified a number of problems that drove crime in their neighborhood including "the presence of physical disorder, issues related to crime and law enforcement, lack of employment opportunities, and limited youth activities" (Cantora et al., 2016). Addressing some of these concerns could be a way to decrease youth crime, thereby decreasing youth involvement in juvenile court.

Based on the interviews conducted for this study, crime and lack of opportunity seem to be correlated. As one interviewee stated, youth are less likely to make poor decisions if they have a job, school or other commitments. In many neighborhoods, youth do not have good job opportunities and school is not a safe or engaging environment. In order to decrease youth involvement in the courts, the legislature and communities themselves should increase funding for youth development opportunities in communities that face higher crime rates. This funding should not only go toward typical services such as food and housing support but also development of youth employment, increased community based mental health and substance abuse services, and meaningful academic opportunities.

3. Continue researching policy impacts based on racial and geographic differences

This study only scrapes the surface of the analyses that could be done during this period. The racial and geographic differences highlighted here should be researched more thoroughly to better understand where further reform is needed. The data I had access to was very limited. If more micro-level data was available, I would recommend conducting a difference-in-difference analysis on not only racial group data but also geographic data. Because only macro-level data was available, I was unable to make claims about the statistical significance of the changes or control for things such as case type. An interesting path for future research could be to rerun these analyses with more detailed case data controlling for factors such as severity and offense type. If available, researchers could control for offense type and be able to make more confident claims about the impact the CJRA had on diversion and overall reductions in the Massachusetts juvenile court.

Conclusion

The 2018 Criminal Justice Reform Act was a step in the right direction for Massachusetts criminal legal system reform. Since its passage, youth involvement in the courts has decreased significantly. These changes should be celebrated as moves towards a more care and rehabilitation centered approach to youth accountability. As many studies have shown, the criminal legal system has detrimental and long lasting effects on the youth who come in contact with it. Therefore, any changes that decrease its reach would bring improvement.

Despite the positives, this research highlights a deep need for further reform. Youth of color, and especially Black youth, are being targeted by the legal system at higher rates than white youth, which means they are more likely to experience the harm associated with this system. Cases against youth of color appear to continue deeper into the system at higher rates

than those against white youth. If youth of color continue to be prosecuted at higher rates, no changes to judge's power or post-conviction interventions will allow the system to overcome the inequalities that have come to define it. This study indicates that future reform must be more targeted to overcome racial inequity. Placing the prerogative for reform in the hands of individual court actors leaves space for individual and structural biases to heavily influence how the reform is implemented. In order to overcome this the Commonwealth must hold courts accountable to the goal of trying all cases fairly and without bias. Accountability does not have to be dependent on punishment though. Structural reform and further investment in community based solutions can help overcome the challenges the court is facing. Massachusetts took a step toward this by passing the CJRA in 2018, but many of the improvements have fallen short. The desire to help must be supported by the resources to make this possible.

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Appendix A: Data Sources

Interaction Point	Years Available	Subsets Available	Source(s)
Arrests	2009-2020	Yes- Race, Gender	JJPAD 2023 Annual Report
Applications for Complaint	2016-2023 2018-2023	No Yes- Race, Gender, Age, Region	JJPAD Early Impacts of "An Act Relative to Criminal Justice Reform" https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtApplicationsforDelinquentComplaint/SummaryCaseInitiation
Delinquency Filings	2016-2023	No	JJPAD Early Impacts of "An Act Relative to Criminal Justice Reform" JJPAD 2023 Annual Report
Arraignments	2016-2023 2018-2023	No Yes- Race, Gender, Age, Region	JJPAD Early Impacts of "An Act Relative to Criminal Justice Reform" https://public.tableau.com/app/profile/drap4687/viz/JuvenileCourtCasesArraigned/CountyMapCharacteristics
Adjudications, Dispositions	2016-2023 2018-2023	No Yes- Race, Gender, Age, Region	JJPAD Early Impacts of "An Act Relative to Criminal Justice Reform" https://public.tableau.

			com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates
Dismissals after Arraignment	2016-2023 2018-2023	No Yes- Race, Gender, Age, Region	JJPAD Early Impacts of "An Act Relative to Criminal Justice Reform" https://public.tableau.com/app/profile/drap4687/viz/DelinquencyDismissalsandAdjudications/AdjudicationRates
First-time Commitments to DYS	2016-2023 2018-2023	No Yes- Race, Gender, Age, Region	JJPAD Early Impacts of "An Act Relative to Criminal Justice Reform" JJPAD 2023 Annual Report

Additional data sources include the Office of Juvenile Justice and Delinquency Prevention's "Easy Access to Juvenile Populations (EZAPOP)" which provides juvenile population data by state, only until 2020.