
CITIZENS FOR JUVENILE JUSTICE

2000 FACT BOOK:

**TRENDS AND ISSUES IN
JUVENILE DELINQUENCY**

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Citizens for Juvenile Justice is a statewide membership organization of juvenile justice professionals and organizations. Our mission is to strengthen the juvenile justice system by convening diverse groups and individuals to educate the public about juvenile justice. We advocate for policies that ensure the public safety by supporting families and communities through the rehabilitation of youth.

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Citizens for Juvenile Justice
101 Tremont Street, Suite 705
Boston, MA 02108
(617) 338-1050
(617) 338-6617 fax
www.cfjj.org
justice@channell.com

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2000 FACT BOOK: TRENDS AND ISSUES IN JUVENILE DELINQUENCY

Key Facts in Massachusetts Juvenile Justice

From 1995 to 2000 the Commonwealth's youth population rose 15.9% while the best overall measure of juvenile delinquency, arraignments in the juvenile court, declined by 13.6%. Page 7.

The types of offenses committed by juveniles in Massachusetts have remained remarkably consistent during the calendar years 1997, 1998, and 1999. Page 9.

During the three-year period from 1997 to 1999, youthful offender *offenses* declined by 147 offenses, or 31%, to a total of 326 youthful offender offenses in 1999. Page 11.

Hispanics represent 8.8% of the youth population ages 10 to 19 in Massachusetts, but 35.2% of the youth in the custody of the Department of Youth Services and 17.7% of the number of youth on probation. Page 14.

55% of DYS youth had committed a crime while under the influence of drugs and/or alcohol and 58% of all DYS youth reporting to day reporting centers tested positive for drug use. Page 16.

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The *2000 Fact Book: Trends and Issues in Juvenile Delinquency*

is dedicated to the life and work of the Honorable Leo J. Lydon.

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2000 Fact Book: Trends and Issues in Juvenile Delinquency

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Citizens for Juvenile Justice is pleased to present the *2000 Fact Book on Trends and Issues in Juvenile Delinquency*. Conceived in December 1998, the first *Fact Book* was published in November 1999 to widespread acclaim. The *Patriot Ledger* called the *1999 Fact Book* “A call to action. Massachusetts can no longer ignore the growing number of displaced, discarded youths whose future hangs in the balance.” In the past year, the *Fact Book* has been reproduced for educational purposes by Suffolk University Law School, UMass Medical School, the Department of Social Services, and the Juvenile Court Department.

The goal of the *Fact Book* is to address and explain key juvenile justice issues and provide documented, objective data in an easy-to-read single reference. Citizens for Juvenile Justice strongly believes that objective research and data is the best foundation for effective juvenile justice policy.

The booklet does not draw conclusions or recommend general or specific courses of action for any branch of government, non-profit agency, parent, or youth. It does lay out information on current issues in juvenile justice that may assist all parties in recommending and developing an effective juvenile justice policy that promotes public safety and rehabilitative options for youth. As in 1999, however, Citizens for Juvenile Justice has again concluded that the Commonwealth lacks the necessary *resources* to track, count, and predict rates of juvenile delinquency and risk factors for juvenile delinquency. Consequently, while the data discussed is considered accurate, the reader is cautioned against drawing conclusions beyond the data reported. Staff at Citizens for Juvenile Justice are pleased to assist any reader with general or specific questions, as well as provide suggestions for further research. Lastly, Citizens for Juvenile Justice constantly receives updated research materials from a variety of local, state, and federal sources, and readers are encouraged to contact us during the course of the year for the most recent information.

The *2000 Fact Book* focuses on five juvenile justice topics, all the subject of numerous data requests during

the course of the year. Readers may select to read the entire booklet, refer to a particular section or delve into the detailed charts in the appendix for additional detail.

The topics covered in the *2000 Fact Book* are:

Juvenile Delinquency. The best overall measure of juvenile delinquency, arraignments in the juvenile court, dropped by 6.5% in 1999, to the lowest level in seven years.

Race and Ethnicity. Race and ethnicity continue to be frequent topics of inquiry at Citizens for Juvenile Justice. Data from the Department of Youth Services indicates a 10% increase in the number of Hispanics in the custody of the department from 1999 to 2000.

Substance Abuse. Substance abuse is a significant risk factor for delinquency. The Department of Youth Services reports that 55% of DYS youth had committed a crime while under the influence of drugs and/or alcohol.

Juvenile Sex Offenders and Victims. Data from the Commissioner of Probation indicates that 9.8% of all sex offenders in Massachusetts are 17 years of age or younger. In 1988 over 40% percent of all sex offenses were against children.

Government Update. The judicial, executive, and legislative branches were all active in the juvenile justice policy field in 2000.

Appendices. Tables and sources are designed to assist the reader in further research of the juvenile justice field.

WHAT IS THE MASSACHUSETTS JUVENILE JUSTICE SYSTEM?

A youth in Massachusetts may be subject to three distinct judicial proceedings that serve to define the Commonwealth's juvenile justice philosophy. Specifically, youth may appear in court for a child in need of services (CHINS) petition, a delinquency complaint or a "youthful offender" prosecution. Each of these judicial actions represent an increasing level of concern and corresponding efforts to protect the public's safety while preserving the rehabilitative prospects for youth.

A child may be deemed by a juvenile court judge "in need of services" or CHINS as a result of four non-criminal, non-delinquent behaviors: truancy, runaway, stubborn child, and school discipline problem. Typically CHINS youth are referred for service through the Probation Department, various state agencies, and the non-profit sector. Unfortunately, research conducted by the Probation Commissioner indicates that slightly more than half (54%) of all CHINS youth are arraigned within three years of their first appearance in court.

Before a youth is found delinquent by the court, it is increasingly likely that he or she has been the focus of significant community-based prevention and diversion efforts, including designation as a "child in need of services." Last year, Citizens for Juvenile Justice reported that 54% of DYS youth had been previously served by the Department of Social Services. The Department of Youth Services and the Department of Social Services are co-located under the umbrella of the Executive Office of Health and Human Services.

Chapter 119 of the Massachusetts General Laws illustrates the standard by which delinquent youth should be held: "The care, custody, and discipline of the children brought before the court shall approximate as nearly as possible that which they should receive from their parents, and that, as far as practicable, they shall be treated not as criminals but as children in need of aid, encouragement, and guidance."

The theory that delinquent youth should be held to a different standard than adults for similar acts has its origins

in the birth of the nation’s first juvenile court in Chicago, Illinois in 1899. The intent of the original juvenile court was to balance society’s interest in public safety with the best interests of the child, who was not considered *criminally* liable and whose record was not subject to public inspection. Almost every contemporary debate on the course of juvenile justice policy can be traced to that difficult balance.

In fact, the very definition of “youth” is a common battle ground and varies across the nation, making state and national comparisons of delinquency trends difficult, if not impossible. At what point do youthful transgressions become adult criminal offenses? The question has far-reaching social, public safety, and political implications.

For the purposes of delinquency, a Massachusetts “juvenile” or “youth” is defined as a child under 17 but over 7 years of age, except for certain youth charged as adults under the Juvenile Justice Reform Act of 1996. The Juvenile Justice Reform Act of 1996 completed a gradual shift in Massachusetts law that allowed some youth under 17 to be prosecuted as adults for certain serious offenses with aggravating circumstances. These youth are commonly referred to as “youthful offenders.” Unlike CHINS or delinquency proceedings, youthful offender proceedings occur in open court. The creation of the youthful offender category in 1996 reflected a nationwide trend toward adult sentences for certain youth.

The Department of Youth Services, the Probation Commissioner, and the Juvenile Court Department are key players in the Massachusetts juvenile justice system; however, other important contributors include: the district attorneys, the defense bar, parents, schools, police departments, the legislature, child welfare agencies, and, of course, youth. Each party serves an important purpose, and observers should not discount the wide-ranging activities performed by all parties.

The Massachusetts juvenile court (\$29.3 million budget in FY00) continues the mission of the first Illinois court

with jurisdiction over delinquency, CHINS petitions, care and protection petitions, and adult contributing to the delinquency of a minor cases. Under a joint agreement with the Department of Mental Health, Juvenile Court Mental Health Clinics are co-located with the juvenile courts and provide a wide array of mental health services to youth. The Clinics also respond to formal forensic questions from the court.

The Probation Commissioner oversees court-ordered supervision of juveniles and carries a larger caseload of delinquent youth than DYS. In 1999, probation officers supervised, investigated, and monitored 6,299 delinquents in the community. A successful supervision plan enables the officer to determine the juvenile's public safety risk and direct the appropriate services intended to mitigate re-offense.

Upon adjudication for delinquency, a youth may also be sentenced to the secure custody of the Department of Youth Services (\$117.3 million budget in FY00) for the purpose of rehabilitation until age 18, or for some youthful offenders, under the Massachusetts Juvenile Justice Reform Act of 1996, until age 21. A youth may also be released from the secure custody of DYS and be subject to probation. In every instance, the system must balance public safety and the rehabilitative potential of the youth.

From August 1999 to August 2000, the DYS population appeared to level off, rising only 2.8% to a total committed population of 3,266 youth. In January 1992, 1,579 youth were committed to the Department.

Overall Juvenile Delinquency

From 1995 to 2000 the Commonwealth’s youth population rose 15.9% while the best overall measure of juvenile delinquency, arraignments in the juvenile court, declined by 13.6%. Arraignments also fell for the third straight year in 1999 to a new seven year low of 19,119 or 15% below the 1996 peak of 22,507. In 1999, overall arraignments dropped by 6.5% and in 1998 arraignments fell by 7.9%.

Citizens for Juvenile Justice employs arraignment data as the best overall measure of juvenile delinquency, because according to the Probation

Commissioner, arraignments in the juvenile court are “typically used in many professional criminal justice studies, because it has consistently been found to be a very accurate indicator of an individual’s criminal activity,

From 1995 to 2000 the Commonwealth’s youth population rose 15.9%, but delinquency declined by 13.6%.

considerably more complete and reliable than conviction data.”

The 1998 and 1999 juvenile arraignment decreases are impressive as stand alone data, but when compared to youth population trends for youth ages 10 to 19, established by the Massachusetts Institute for Social and Economic Research (MISER), the data is striking.

MISER population estimates indicate a 24.6% spike in the youth population from 1995 to 2005 (186,746 youth). The 24.6% increase by 2005 has been the focus of considerable attention in the Massachusetts juvenile justice community. However, the majority of that increase (120,508 youth) occurred between 1995 and 2000. MISER predicts an

**Juvenile Court
Arraignments in MA**

Year	# of Arraignments
1987	15,756
1988	15,028
1989	16,265
1990	17,359
1991	18,632
1992	19,078
1993	20,254
1994	21,406
1995	22,133
1996	22,507
1997	22,207
1998	20,448
1999	19,119

Source: Commissioner of Probation.

Massachusetts Juvenile Offenses - 1997, 1998, 1999

Offense	1997 Number	% of total	1998 Number	% of total	1999 Number	% of total	Change 97-99
Offenses Against Persons							
Murder/Manslaughter/Attempt	53	0.13%	32	0.08%	22	0.06%	-31
Assault	8159	19.82%	8084	20.93%	8117	21.14%	-42
Rape/Sexual Assault	604	1.47%	632	1.64%	760	1.98%	156
Robbery	741	1.80%	653	1.69%	732	1.91%	-9
Threat/Intimidation	977	2.37%	1140	2.95%	1337	3.48%	360
Abuse Prevention/209A	91	0.22%	59	0.15%	37	0.10%	-54
Other	120	0.29%	140	0.36%	121	0.32%	1
<i>Total Offenses Against Persons</i>	<i>10745</i>	<i>26.10%</i>	<i>10740</i>	<i>27.80%</i>	<i>11126</i>	<i>28.98%</i>	<i>381</i>
Property Offenses							
Larceny/Fraud	6064	14.73%	5182	13.42%	4699	12.24%	-1365
Burglary/B&E	3344	8.12%	3385	8.76%	3286	8.56%	-58
Destruction of Property	4342	10.55%	4648	12.03%	4190	10.91%	-152
Possession of Stolen Property	1708	4.15%	1397	3.62%	1427	3.72%	-281
Forgery	155	0.38%	242	0.63%	250	0.65%	95
Arson/burning	280	0.68%	254	0.66%	370	0.96%	90
Trespassing	1531	3.72%	1402	3.63%	1437	3.74%	-94
Other	191	0.46%	319	0.83%	359	0.93%	168
<i>Total Property Offenses</i>	<i>17615</i>	<i>42.80%</i>	<i>16829</i>	<i>43.57%</i>	<i>16018</i>	<i>41.72%</i>	<i>-1597</i>
Controlled Substance Offenses							
Class A	160	0.39%	59	0.15%	61	0.16%	-99
Class B	472	1.15%	321	0.83%	235	0.61%	-237
Class C	32	0.08%	26	0.07%	61	0.16%	29
Class D	2133	5.18%	1897	4.91%	2057	5.36%	-76
Class E	74	0.18%	72	0.19%	82	0.21%	8
Conspiracy to Violate the CS Law	232	0.56%	159	0.41%	170	0.44%	-62
Hypodermic Needle Possession	14	0.03%	19	0.05%	18	0.05%	4
School Property	323	0.78%	229	0.59%	312	0.81%	-11
Other	219	0.53%	169	0.44%	197	0.51%	-22
<i>Total Controlled Substance Offenses</i>	<i>3659</i>	<i>8.89%</i>	<i>2951</i>	<i>7.64%</i>	<i>3193</i>	<i>8.32%</i>	<i>-466</i>
Motor Vehicle Offenses							
MV Homicide	10	0.02%	6	0.02%	11	0.03%	1
Driving Under the Influence	70	0.17%	56	0.14%	54	0.14%	-16
Other	1619	3.93%	1436	3.72%	1424	3.71%	-195
<i>Total Motor Vehicle Offenses</i>	<i>1699</i>	<i>4.13%</i>	<i>1498</i>	<i>3.88%</i>	<i>1484</i>	<i>3.86%</i>	<i>-215</i>
Public Order Offenses							
Disturbing/Disorderly	2790	6.78%	2487	6.44%	2526	6.58%	-264
Firearms	527	1.28%	482	1.25%	449	1.17%	-78
Prostitution	14	0.03%	13	0.03%	17	0.04%	3
Liquor Law Violation	1464	3.56%	1353	3.50%	1161	3.02%	-303
Other	2648	6.43%	2275	5.89%	2417	6.29%	-231
<i>Total Public Order Offenses</i>	<i>7443</i>	<i>18.08%</i>	<i>6610</i>	<i>17.11%</i>	<i>6575</i>	<i>17.12%</i>	<i>-868</i>
TOTAL OFFENSES	41161		38628		38396		-2765

Source: Office of the Commissioner of Probation.

additional 66,238 youth to be added to the population from 2000 to 2005 or an increase of 7.5% in the next five years and a decline by 26,355 youth or 2.8% by the year 2010. Consequently, during the period of greatest population increase, from 1995 to 2000, the Commonwealth experienced a remarkable downturn in overall juvenile delinquency.

The Nature of Juvenile Delinquency in Massachusetts

The types of offenses committed by juveniles in Massachusetts have remained remarkably consistent during the calendar years 1997, 1998, and 1999 [see table on page 8]. An analysis of juvenile delinquency *offenses* offers the best indicator of the nature of juvenile delinquency in Massachusetts and also serves as a confirming factor when judging the overall measure of delinquency. Total Massachusetts juvenile offenses dropped by 6.7% or 2,765 offenses from 1997 to 1999 and total youthful offender offenses declined by 31% or 147 offenses. The decreases are consistent with the drop in overall arraignments. Note, the number of total *offenses* may differ significantly with the number of total *offenders* in any given year because an offender may commit more than one offense.

Data drawn from the Commissioner of Probation however, does begin to indicate a possible developing trend in the proportion of juvenile offenses “against persons”, the most serious category of juvenile offenses. Offenses against persons include murder, assault, rape, robbery, and domestic violence. In 1997, 26.10% of all juvenile offenses were against persons; in 1999, 28.98% of all offenses were against persons. Massachusetts is also above the national rate for violent juvenile crime, according to the Annie E. Casey Foundation’s 2000 Kids Count Data Book, which reports the national rate of violent juvenile crime at 412 arrests per 100,000 youth, ages 10 to 17 in 1997. The Massachusetts rate is 31.7% higher than the national rate at 543 violent juvenile crime arrests per

100,000 youth ages 10-17.

“Offenses against the person” was also the only offense category that indicated an increase for each of the three years reported in the *2000 Fact Book*. The overall total number of offenses against the person increased 3.5% from 1997 to 1999. Two specific offenses can be identified as the primary cause of the 3.5% increase. The rape/sexual assault category increased by 156 offenses, or 25.8%, and the offense of threat/intimidation grew by 360 offenses or 36.8% during the same period. Almost all other offense types declined: larceny, burglary, destruction of property, trespassing, possession of Class B substances, driving under the influence, and disturbing the peace. Notably, forgery and arson both increased from 1997 to 1999 by significant proportional margins: 61.2% and 32.1%, respectively.

Youthful Offenders

The Massachusetts Juvenile Justice Reform Act of 1996 changed the manner in which certain juveniles were legally held responsible for their actions. Prior to the Act, juveniles participated in a two-part judicial transfer hearing before being prosecuted as an adult for certain crimes. The Reform Act eliminated the judicial hearing process and placed in the hands of the district attorney the decision to prosecute as a juvenile or as a “youthful offender” if they met certain eligibility criteria. A juvenile may be prosecuted as a youthful offender and be subject to an adult sentence if the offender is between the ages of 14 and 17, committed a felony, and either:

- had been previously committed to DYS
- been charged with a felony that involved bodily harm or the threat of bodily harm or
- had carried a firearm in the conduct of the crime.

Upon the finding of guilt, the court has the option of choosing one of three sentences:

- commitment to DYS until the age of 21
- commitment to DYS until the age of 21 with an adult suspended sentence and probation or
- any adult sentence prescribed by law.

Juvenile court proceedings and juvenile court records are open to the public in youthful offender cases. All 14, 15, and 16-year olds charged with murder are automatically tried in adult court and receive an adult sentence if

Youthful Offender Offenses - 1997, 1998, 1999						
	1997		1998		1999	
Person	275	58.14%	202	57.39%	187	57.36%
Property	92	19.45%	62	17.61%	55	16.87%
Controlled Substance	20	4.23%	18	5.11%	13	3.99%
Motor Vehicle	10	2.11%	6	1.70%	7	2.15%
Public Order	76	16.07%	64	18.18%	64	19.63%
TOTAL	473		352		326	

Source: Office of the Commissioner of Probation.

convicted (first degree murder: life without parole; second degree murder: life with parole eligibility after 15 years). Sentences are to be served in adult

facilities, not in DYS.

Unfortunately, limited data has been produced during 2000 relative to the ground-breaking youthful offender law, due mainly to the widespread lack of resources to count, track, and predict rates of juvenile crime.

The Probation Commissioner however, has provided information relative to the nature of youthful indictments and gender comparisons for the years 1997, 1998, and 1999.

During the three-year period from 1997 to 1999, youthful offender *offenses* declined by 147 offenses, or 31%, to a total of

326 youthful offender offenses in 1999. During the same time period, the total number of individual youthful

Youthful Offenders by Gender			
	1997	1998	1999
Female	10	22	9
Male	328	243	232
TOTAL	338	265	241

Source: Office of the Commissioner of Probation.

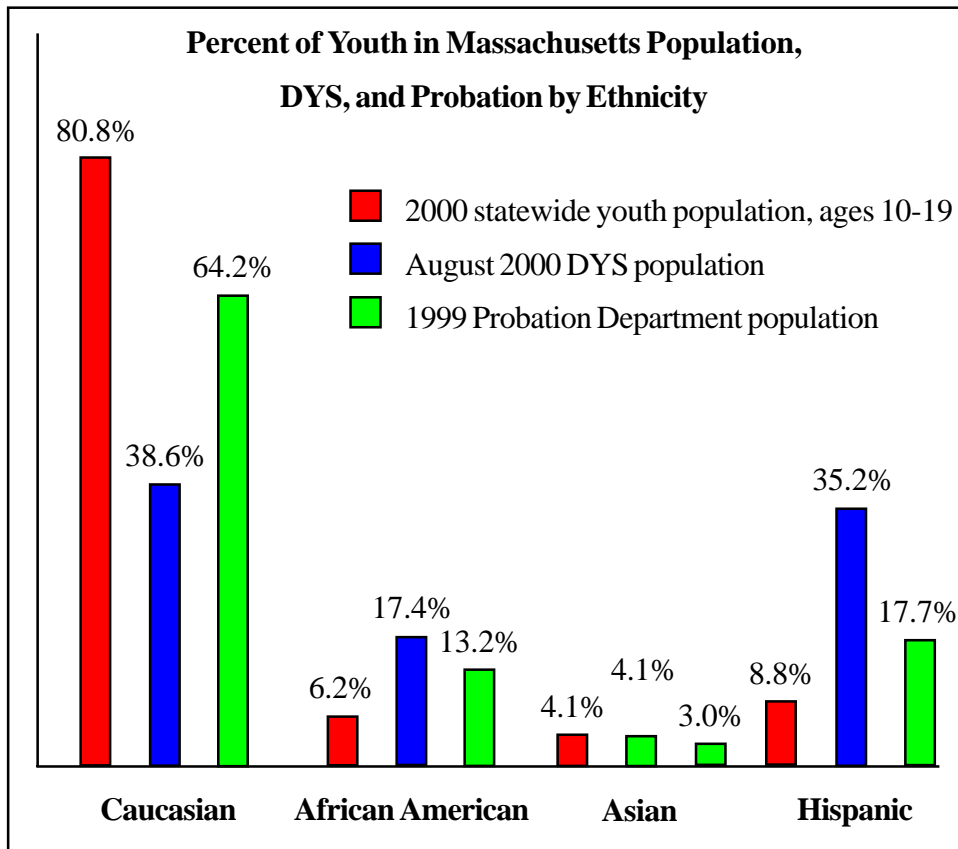
offenders per year dropped from a high of 338 in 1997 to 241 in 1999, a 28.7% decrease. The breakdown of male and female youthful offenders remained relatively constant, with males representing the overwhelming proportion (95%) of all youthful offenders. Updated youthful offender disposition data is not available; however, the Department of Youth Services predicted that forty-five percent (44.9%) of all youthful offenders received a sentence that reached into their adult years, either a full adult sentence (11%) or DYS until age 21 (33.9%). The Department's dispositional analysis was based on 372 youthful offender indictments from October 1996 to September 1998.

The establishment of the youthful offender category has resulted in a number of individuals, age 17 or under, to be held by the Department of Corrections, not the Department of Youth Services. In accordance with federal law, all youth, age 16 and under, must be held separately from the sight and sound of the general adult population. In October 1997 the Department of Correction held 14 youth aged 17 or younger: 13 17-year-olds and one 16-year-old. DOC also had custody of 14 18-year-olds who had been sentenced as youthful offenders but had since aged into the general population. The youthful offenders in the custody of the DOC in 1997 had been sentenced on a wide variety of charges from first offense possession of a Class B substance (one year and four months) to second degree murder (life sentence with eligibility of parole).

In September 2000 28 youthful offenders, aged 17 or younger were in the custody of the Department of Correction. Twenty-two are 17-year-olds and six are 16-year-olds, again, offenses ranged from second degree murder to possession of a Class B substance. Seven of the 28 youthful offenders in September 2000 were placed at the newly constructed Souza-Baranowski Correctional Center. Souza-Baranowski and MCI-Cedar Junction are the state's only level six correctional facilities that provide "maximum external and internal control and supervision of inmates."

Citizens for Juvenile Justice presents the following information relative to race and ethnicity with caution, as no definitive study on race and ethnicity in the Massachusetts juvenile justice system has been completed in recent years. A comprehensive study of race and delinquency would preferably include a complex social research model that controlled for various social and economic factors, including: parental income, youth and parental educational achievement, and disposition by race. Ethnicity data, however, is not collected uniformly by critical state agencies, such as the Department of Youth Services and the Probation Commissioner, reducing the accuracy of studies of race and the Massachusetts juvenile justice system.

Consequently, Citizens for



Juvenile Justice presents data for this section with the sole intent of encouraging additional discussion and research on this matter, especially with the goal of improving and adopting federal census standards for ethnicity data collection among state’s juvenile justice agencies. Lack of statewide standards allows for only an incomplete, and broad statistical

comparison. However, data from the Department of Youth Services, the Probation Commissioner, and the federal census does provide a compelling, if imperfect, comparison, which indicates some measure of disparity worthy of further review.

Notably, African-American youth represent 6.2% of the overall population of youth ages 10 to 19 in Massachusetts, according to MISER, but 17.4% of all youth committed to the Department of Youth Services are African-American, a rate 2.80 times more than in the general population. African-American youth also comprise 13.2% of all youth on probation in Massachusetts, a rate slightly more than twice (2.12) the frequency estimated by MISER in the general population.

The most dramatic statistical disparity is evident in the data reflecting the Hispanic youth population. Hispanics, the descriptive term employed by DYS and Probation, represent 8.8% of the youth population in Massachusetts, but 35.2% of the youth in the custody of the Department of Youth Services and 17.7% of the number of youth on probation in the Commonwealth. Hispanics are represented in the DYS population four times more frequently than in the general population and twice (2.01) more frequently in the probation population.

The apparent statistical disparity involving Hispanic youth is reinforced by the 10.2% increase in the Hispanic population in the custody of the DYS from 1999 to 2000. Imprecise and variable ethnicity screening may account for some measure of the increase, but the Hispanic population of youth ages 10 to 19 did increase by 24.2% from 1995 to 2000, outpacing the 15.9% increase in the total Massachusetts youth population during the same time period. An explanation for apparent statistical disparities for any racial or ethnic group is far beyond the scope of the *2000 Fact Book*, but the Department of Education did report recently on one risk factor that may have a relation to the number of Hispanic youth committed to DYS.

In August 2000 the Department of Education reported the Hispanic student annual dropout rate at 9.8%, the highest of any ethnic group and more than twice the statewide dropout rate of 3.6% for the 1998-1999 school

	1999	2000	Percent Change
Caucasian	44	38.6	-5.4
African-American	23	17.4	-5.6
Asian	3	4.1	1.1
Hispanic	25	35.2	10.2
Other	5	4.7	0.3

Source: Department of Youth Services, all figures given in percent.

year. Dropout rate data may be suggestive of subsequent delinquency, since dropout behavior is closely linked with truancy. In 1998, the Probation Commissioner reported that 47% of court-identified truants are arraigned within three years. The Department of Education calculates

dropout rates as the number of students in grades 9-12 who drop out over a one-year period, minus the number of returned dropouts, divided by the total enrollment.

According to the Education Department, the “Hispanic dropout rate showed the largest change of any of the five reported race/ethnicity categories” up 1.6% over the 1997-1998 school year. Additionally, the four-year projected dropout rates for the high school class of 2001 showed an increasing disparity among racial and ethnic groups. The Department predicts that 33% of the Hispanic high school class of 2001 will drop out before graduation, again the highest of any ethnic group

and nearly twice the statewide projected four-year rate of 13%. Twenty-four percent of the African-American class of 2001 is expected to drop out. Projections of white four-year dropout rates have remained constant at 10%.

	1998	1999	2000	2001
African-American	22	21	22	24
Asian	9	11	13	14
Hispanic	28	28	29	33
Native American	17	23	21	17
White	11	10	10	10

Source: Department of Education, all figures given in percent.

The clear connection between delinquency and substance abuse was reinforced this year with the release of a Department of Youth Services study indicating that 58% of all DYS youth reporting to day reporting centers tested positive for drug use. Nearly all of the youth (98%) who tested positive for drug use, tested positive for marijuana. The Department’s study, which also included 1,470 anonymous surveys of DYS youth, found that fifty-five percent of all DYS youth survey reported being under the influence of drugs or alcohol while committing a crime.

A total of 34.1% of DYS youth surveyed reported using alcohol at or before age 12, and 43.3% of DYS youth surveyed reported using marijuana at or before age 12. Further , 62% of youth reported drinking before age 15. According to DYS “this is significant because a

1997 study by the National Institute on Alcohol Abuse and Alcoholism found that people who started drinking before the age of 15 were four times more likely to develop alcohol dependence than those who began drinking before age 21.” Slightly more than half

(52%) of all youth surveyed acknowledged that they did now or have had in the past a “problem” with drugs or alcohol, and 46% percent reported a family history of drug or alcohol abuse.

Unfortunately, Massachusetts is a national leader in the rate of self-reported use among 12 to 17-year olds of both illicit drugs and marijuana. According to the federal Substance Abuse and Mental Health Services Administration’s 1999 National Household Survey on Drug Abuse, released in August, the Commonwealth ranks second in the nation for the rate (12.9%) of marijuana use in the past month among 12 to 17-year olds and fourth nationwide in the rate (16.2%) of illicit drug use among 12 to 17-year olds.

DYS Youth, Percent of Self-Reported First Age of Alcohol or Marijuana Use			
	12 or under	13 or older	Never
Alcohol	34.1	40	26
Marijuana	43.3	38.8	18.3

Source: Department of Youth Services.

Massachusetts remains the only state in the nation without registered sex offenders. A class action lawsuit filed by the Committee for Public Counsel Services on behalf of all sex offenders and a preliminary injunction issued against the Sex Offender Registry Board (SORB) in November 1999 has prevented the SORB from standard operations as envisioned by the legislature. As a result, no juveniles are registered with the agency as of November 2000. On July 1, 1999, when the Registry was not barred by court order, 45 juveniles were subject to the registry, and 44 had registered in compliance with the law.

While awaiting a decision from the Supreme Judicial Court the Registry has drafted regulations and obtained numerous hearing sites across the state, mostly located inside of county correctional facilities.

As the state's efforts to register sex offenders meet legal challenges, the Commissioner of Probation issued a new report, *Sex Offenders in Massachusetts: Shattering Myths*.

Shattering Myths reviewed sex offense arraignments in Massachusetts in 1988 and included a 10-year tracking period to identify subsequent arraignments. The validity of the study rests with the 10-year tracking period since "literature on sex offender recidivism suggests that a 10-year time frame captures many sex offender recidivists who might otherwise go undetected."

In 1988, the youngest juvenile arraigned for a sex offense was 10-years old, and nearly one in 10 (9.8%) of all sex offender arraignments involved a juvenile defendant. Notably, 26% of sex offender arraignments involved defendants ages 18 to 23.

The Probation Commissioner also found that "physical violence and intimidation were used in at least 99.7% of all sex crimes involving children." Specifically, indecent assault and battery on a child represented 50.4% of all offenses against children, for a total of 1,367 offenses, and rape of a child represented 46.5% of all offenses against children, for a total of 1,261 offenses.

All three branches of government pursued policies and initiatives in 2000 that affected the juvenile justice system. Many of these efforts, for instance the expansion of the juvenile court, have been widely credited with dramatically improving the state's juvenile justice system. The results of other efforts remain outstanding, and additional proposed policies did not take shape.

The Judicial Branch

The Judicial Branch. The Juvenile Court Department continued to expand statewide in 2000 and now includes 11 divisions and 41 justices. The Court hears cases in 45 locations across the Commonwealth, from Orleans to North Adams. The Juvenile Court has general jurisdiction over delinquency, children in need of services petitions (CHINS), petitions of care and protection, and adult contributing to the delinquency of a minor cases. The Juvenile Court has concurrent jurisdiction with the Probate and Family Court over adoption, guardianship and termination of parental rights cases.

The Executive Branch

On January 26, 2000, Governor Paul Cellucci recommended to the legislature for the second year in a row that the Department of Youth Services be transferred from its current affiliation with the Executive Office of Health and Human Services to the Executive Office of Public Safety. Governor Cellucci filed the reorganization measure under Article 87 of the Massachusetts Constitution. Under Article 87, the Governor's order becomes law unless disapproved by at least one branch of the legislature within 60 days of being filed. Secretary of Public Safety Jane Perlov and DYS Commissioner Robert Gittens testified in favor of the bill on behalf of the Cellucci Administration. Prominent opponents of the measure included: Chief Justice of the Juvenile Court Martha Grace, State Senator Terry Murray, and State Senator Dianne Wilkerson. The House and Senate defeated the measure by adopting the

State Administration Committee's negative recommendation.

The Legislative Branch

In 2000, the legislature increased the total Department of Youth Services programmatic budget, adopted language requiring DYS to conduct a joint study with the Department of Education relative to educational resources for DYS youth, and established new eligibility standards for students seeking special education services.

DYS Fiscal Year Budget Comparison FY00 and FY01		
	FY00	FY01
Nonresidential Services	\$20,045,347	\$19,821,380
Residential Services	\$75,055,742	\$77,829,495
Detained Youth Services	\$11,650,692	\$14,734,894
TOTAL	\$106,751,781	\$112,385,769

Sources: Commonwealth of Massachusetts Fiscal Year Budget, 2000 and 2001.

The DYS programmatic budget is comprised of three line items: services for committed youth in non-residential facilities, services for committed youth in residential facilities, and services for detained youth. A fourth line item of \$5 million, not included here, allots funds for the overall administration of the Department. The legislature provided the Department with a \$5,633,988, or 5.27%, programmatic increase in fiscal year 2001.

Legislature also included budget language requiring a study of educational resources at DYS. Specifically, the legislature wrote: "The Commissioner of Youth Services, in conjunction with the Department of Education, shall submit a report on the status of educational resources at the Department of Youth Services; provided further, that said report shall review teacher retention, salary comparisons within the department and to statewide averages, and related impact on the quality of educational services provided to youths in the custody of the department." The report is also to include recommendations "for the improvement of educational resources and costs associated with said improvements." The report is due to the legislature on February 1, 2001.

In spring 2000, the legislature adopted significant changes to the Commonwealth's special education law. Specifically, a new, higher standard for special education eligibility was adopted. According to a report conducted for legislative leaders, by the consulting firm of McKinsey and Company, the new eligibility standard would transfer 29,700 learning disabled students from special education classes into the regular education curriculum, saving the state and municipalities \$125 million, once fully implemented. Citizens for Juvenile Justice objected to the higher eligibility standard, arguing that learning disabled youth derive a significant delinquency prevention benefit from the special education curriculum.

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Table A

Youth Population Estimates in Massachusetts

Youth ages 10-14 and 15-19

Year	1990	1995	2000	2005	2010
10-14	347017	386156	462973	450004	431735
15-19	416030	370590	414281	493488	485402
Total	763047	756746	877254	943492	917137
Difference		-6301	120508	66238	-26355
% Change		-0.83%	15.92%	7.55%	-2.79%

Source: *Massachusetts Population Projection Data, 1990, 1995, 2000, 2005, 2010*. Massachusetts Institute for Social and Economic Research (MISER)/State Data Center. Amherst, Massachusetts, August, 1999.

Table B

Youth Population Growth Estimates by Ethnicity in Massachusetts

Youth ages 10-19

Year	White	African-American	Asian	Hispanic	Total
1990	637601	46080	24445	54921	763047
	83.56%	6.04%	3.20%	7.20%	
1995	618329	47853	28156	62408	756746
	81.71%	6.32%	3.72%	8.25%	
2000	709153	54688	35920	77493	877254
	80.84%	6.23%	4.09%	8.83%	
2005	751456	58281	40934	92821	943492
	79.65%	6.18%	4.34%	9.84%	
2010	714608	82128	42951	102956	942643
	75.81%	8.71%	4.56%	10.92%	

Source: *Massachusetts Population Projection Data, 1990, 1995, 2000, 2005, 2010*. Massachusetts Institute for Social and Economic Research (MISER)/State Data Center. Amherst, Massachusetts, August, 1999.

Table C**1999 Juvenile Probation Risk-Need by Ethnicity**

Race/Ethnicity	Prior Record Within The Past Five Years	Periods of Probation Within The Past Five Years	< Fifteen Years Old at First Offense
Asian	41.1	28.4	82.6
Black	45	36.2	84.4
Cape Verdean	55	46.8	83.5
Hispanic	40.8	30.8	82
Native American	57.1	42.9	85.7
White	39.1	32	77.9

Race/Ethnicity	Home Discipline Problem	Substance Abuse Problem	Peer Relation Problem
Asian	85.3	45.8	92.6
Black	84.9	53.6	84.3
Cape Verdean	88.1	68.8	89
Hispanic	83.5	54.5	86.6
Native American	100	100	100
White	82.5	68.3	84.4

Race/Ethnicity	Family Relations Need	Social Relations Need	Alcohol Abuse Need
Asian	58.4	92.1	27.9
Black	63.7	85	29.4
Cape Verdean	63.3	85.3	48.6
Hispanic	59.4	83	31.7
Native American	85.7	100	85.7
White	63.4	84	50.5

Race/Ethnicity	2+ Residence Changes in Past Year	School Discipline Problem	Counseling Need
Asian	11.6	81.6	57.9
Black	18.1	84.5	68.9
Cape Verdean	20.2	88.1	73.4
Hispanic	18.1	89.8	65.4
Native American	14.3	100	85.7
White	15.5	82.5	72.5

Race/Ethnicity	Attitudinal Problem	Educational Needs	Other Drug Abuse Need
Asian	87.9	73.2	27.4
Black	84.1	77.9	42.8
Cape Verdean	91.7	87.2	56.9
Hispanic	80.3	82.9	41.7
Native American	100	85.7	71.4
White	77.3	75.7	55

Source: *Statewide Juvenile Courts - 1999 Juvenile Risk/Need Ethnicity Report*. Commissioner of Probation, Commonwealth of Massachusetts. Boston, Massachusetts, September, 2000.

Table D

Age of DYS Youth Self-Reported First Use of Alcohol or Marijuana

	<10	10	11	12	13	14	15	>15	Never
Alcohol	8.1	4.6	7.3	14.1	13.8	14.5	7.7	4.1	26
Marijuana	8.8	5.1	10.7	18.7	15.2	13.4	6.7	3.5	18.3

Source: Tansi, Robert. *Client Substance Use Survey Results*. Department of Youth Services, Commonwealth of Massachusetts. Boston, Massachusetts, June 7, 2000.

Table E

Frequency of DYS Youth Self-Reported Use of Alcohol or Marijuana

	Never	A Few Times	1-3 Times per Month	1-5 Times per Week	About Every Day
Alcohol	39	20	15	17	8
Marijuana	30	13	10	15	32

Source: Tansi, Robert. *Client Substance Use Survey Results*. Department of Youth Services, Commonwealth of Massachusetts. Boston, Massachusetts, June 7, 2000.

Table F**National Percent of Alcohol Use by Grade and Gender**

Five of more drinks in a row in the past two weeks

	1992	1993	1994	1995	1996	1997	1998	1999
				8th-graders				
Male	13.9	14.8	16	15.1	16.5	15.3	14.4	16.4
Female	12.8	12.3	13	13.9	14.5	13.5	12.7	13.9
Total	13.4	13.5	14.5	14.5	15.6	14.5	13.7	15.2
				10th-graders				
Male	23.7	26.5	28.5	26.3	27.2	28.6	26.7	29.7
Female	18.6	19.3	18.7	21.5	22.3	21.7	22.2	21.8
Total	21.1	23	23.6	24	24.8	25.1	24.3	25.6
				12th-graders				
Male	35.6	34.6	37	36.9	37	37.9	39.2	38.1
Female	20.3	20.7	20.2	23	23.5	24.4	24	23.6
Total	27.9	27.5	28.2	29.8	30.2	31.3	31.5	30.8

Source: Johnston, L. D., O'Malley, P. M., and Bachman, J. G. (1999). *National survey results on drug use from the Monitoring the Future Study, 1975-1998* (NIH Publication No. 99-4660). Bethesda, MD: National Institutes of Health, National Institute on Drug Abuse, and Institute for Social Research, University of Michigan.

Table G**National Percent of Illicit Drug Use by Grade and Gender**

Use of illicit drugs in the previous 30 days

	1992	1993	1994	1995	1996	1997	1998	1999
				8th-graders				
Male	6.4	8.7	11.9	12.7	14.6	13.3	11.9	12.6
Female	7.1	8.1	9.6	11.9	14.1	12.3	11.9	11.7
Total	6.8	8.4	10.9	12.4	14.6	12.9	12.1	12.2
				10th-graders				
Male	11.3	15.2	20.5	21.1	24.3	24.8	22.5	23.7
Female	10.5	12.5	16.1	19	21.9	21	20.5	20.4
Total	11	14	18.5	20.2	23.2	23	21.5	22.1
				12th-graders				
Male	15.9	20.4	25.5	26.8	27.5	28.7	29.1	28.6
Female	12.7	15.9	18.3	20.4	21.2	23.2	21.6	22.7
Total	14.4	18.3	21.9	23.8	24.6	26.2	25.6	25.9

Source: Johnston, L. D., O'Malley, P. M., and Bachman, J. G. (1999). *National survey results on drug use from the Monitoring the Future Study, 1975-1998* (NIH Publication No. 99-4660). Bethesda, MD: National Institutes of Health, National Institute on Drug Abuse, and Institute for Social Research, University of Michigan.

Table H

Juvenile Court Phone Listing

Adams District Court	413-743-5151	Malden District Court	781-322-7500
Attleboro Juvenile Court	508-222-5350	Marlboro District Court	508-485-3700 x305
Ayer District Court	978-772-2100 x270	Milford Juvenile Court	508-478-8422
Barnstable Juvenile Court	508-362-1389	Nantucket Juvenile Court	508-325-4265
Boston Juvenile Court	617-788-8542	Natick District Court	508-653-4332
Brockton Juvenile Court	508-586-4030	New Bedford Juvenile Court	508-999-9700 x201
Cambridge Juvenile Court	617-494-4100	Newburyport Juvenile Court	978-462-0617
Chelsea Juvenile Court	617-252-0960	North Adams Juvenile Court	413-664-8700
Dedham Juvenile Court	781-329-1500	Nothampton Juvenile Court	413-584-7686
Dorchester Juvenile Court	617-282-2578 x108	Orleans Juvenile Court	508-240-5030
Dudley Juvenile Court	508-949-3070	Orange District Court	978-544-8277
Edgartown Juvenile Court	508-627-8983	Pittsfield Juvenile Court	413-443-8533
Edgartown District Court	508-627-3751	Plymouth Juvenile Court	508-747-0858
Fall River Juvenile Court	508-676-0090	Quincy District Court	617-471-7650
Falmouth Juvenile Court	508-495-1693	Roxbury District Court	617-427-7000
Fitchburg Juvenile Court	978-345-7620	Salem Juvenile Court	978-745-9660
Framingham District Court	508-875-4525	Somerville District Court	617-666-8000 x758
Great Barrington District Court	413-528-3520	Springfield Juvenile Court	413-748-7705
Greenfield Juvenile Court	413-775-0014	Stoughton District Court	781-344-2131
Haverhill District Court	978-373-4151	Taunton Juvenile Court	508-823-6384 x16
Hingham Juvenile Court	781-741-6007	Uxbridge Juvenile Court	508-278-2408
Holyoke Juvenile Court	413-533-1482	Waltham District Court	781-894-4500
Lawrence Juvenile Court	978-725-4900	Ware District Court	413-967-3301
Leominster Juvenile Court	978-537-3722	Wareham Juvenile Court	508-291-8407
Lowell District Court	978-459-4101	West Roxbury Juvenile Court	617-524-7334
Lowell Juvenile Court	978-441-3160	Woburn District Court	781-935-4000
Lynn Juvenile Court	781-598-5200	Worcester Juvenile Court	508-754-8337
		Wrentham District Court	508-384-3106

Source: Juvenile Court Telephone Numbers. Administrative Office of the Juvenile Court, Commonwealth of Massachusetts. Boston, Massachusetts.

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