

MASTLE

Massachusetts Arrest Screening Tool for Law Enforcement

Executive Summary

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EXECUTIVE SUMMARY

The Massachusetts Arrest Screening Tool for Law Enforcement (MASTLE) is an objective, validated screening tool to be used by commanding officers. It provides a research-based measure of the likelihood that a youth who committed an offense will be rearrested in the near future or will fail to appear for arraignment if formally processed. Currently, the decision to arrest involves a significant amount of discretion and subjectivity. Police do not, and cannot, arrest for all violations of the law. Although this practice of discretion is essential to effective law enforcement, it may not always lead to consistent and impartial application. Use of a tool like the MASTLE can increase one's confidence in their decision to arrest and hold the department accountable for making informed decisions by implementing structured decision-making guided by research. It can save time and resources by diverting low-risk adolescents, who may be better served by alternative interventions, away from the harmful effects of arrest, which may create more harm than good. Use of a structured risk-screening tool like the MASTLE will enable departments to track data supporting their decisions. Departments can adopt the MASTLE, adjust it for site-specific applicability, or use its development as a guide to make their own tool. The tool has been validated for its accuracy. It is currently being piloted for use as part of a comprehensive juvenile assessment program for police.

SIGNIFICANCE AND BENEFITS

The perception of unevenness and bias in the enforcement of the law has led to the erosion of public confidence in police legitimacy. Those most greatly affected by this are the men and women of law enforcement. The overwhelming majority of arrest decisions are completed after thoughtful consideration of the facts and circumstances available to well trained, well-meaning officers, but unfortunately, this is not always what the public perceives. The use of a structured decision-making instrument that is objective and has research to show it is free from bias will allow police leaders to demonstrate to the public that concrete steps are being taken to ensure equitable and balanced enforcement of laws. It will also instill confidence in the officers who are in contact with the community that their actions are appropriate and reasonable. The positive outcomes associated with this type of policing can have far reaching effects for the community, the police, and the young people officers encounter.

One of the primary reasons for arrest is to remove threats to public safety either in the present or the future. However, many youths who engage in impulsive and sometimes illegal acts are not threats to public safety and are a minimal risk to repeat this behavior. Youth often get into trouble as a consequence of being easily influenced by peers or through reward-seeking behavior, as opposed to having malicious intent or antisocial attitudes. Use of variables such as disrespect of law enforcement and demography to make arrest decisions is counterproductive to the police mission and a waste of valuable time and manpower.

Anticipated benefits of use of a structured tool like the Massachusetts Arrest Screening Tool for Law Enforcement (MASTLE) include:

- Increasing an officers' confidence in their decision to arrest,
- Holding the department accountable for making informed decisions by implementing structured decision-making guided by research,
- Saving time and resources by diverting low-risk adolescents, who may be better served by alternative interventions, away from the harmful effects of arrest,
- Enabling departments to track data supporting their decisions, and
- Offering a concrete method for giving the public confidence that juvenile detention decisions are being made objectively.

PURPOSE AND USE OF THE MASTLE

The MASTLE assesses the likelihood a youth taken into police custody for a criminal offense will be arrested for the commission of another offense in the future or will fail to appear for arraignment. The applicable risk factors are rated and "added up" into a total "risk" score. The risk score does not say whether a person will or won't be rearrested or fail to appear for arraignment (the risks are calculated separately). It does, however, represent how much of a risk the person is: The higher the score, the greater the risk for rearrest or failure to appear for arraignment. This information will allow police supervisors and commanders to conserve resources by making research-informed pre-processing decisions; such as, whether to hold youth in pre-arraignment detention at the police station or to divert youth away from formal arrest.

The MASTLE is a valid measure of youths' risk of rearrest or failure to appear for both girls and boys. It was also tested across racial and ethnic groups (White, African-American, and Hispanic) and designed to account for differences in the factors that predict re-arrest. Therefore, an added benefit of using this tool is that it promotes consistency in police processing decisions across most youth.

The MASTLE is easy to use. It is intended for use by an experienced senior officer in a position of command in a controlled setting (for example, the police station). It can be completed in approximately 15 minutes with information about the youth's length of residence, family background, juvenile record, and prior contact with law enforcement. It will be necessary to have a brief discussion with the youth and, if at all possible, a parent or caregiver to obtain some information needed to rate items on the tool. Most information, however, will come from the youth's record of contact (or absence of contact) with the police. The preferred use of the MASTLE is post-detention, pre-processing (after the youth is taken into custody but before the youth is processed). In other words, before the youth is booked and fingerprinted. However, it can be completed at any point in police processing.

Guiding Principles

The MASTLE's development was guided by several principles or ideals, the nature of adolescent development, and research findings regarding what does and what does not work in juvenile justice.

- Fair and impartial policing increases police legitimacy, meaning the belief that police actions are morally justified and appropriate (Tyler, 2014).
- Research indicates deeper penetration into the juvenile justice system is associated with higher rates of reoffending rather than prevention of reoffending (Gatti, Tremblay, & Vitaro, 2009).
- The severity of one's offense alone is not a sufficient indicator of their risk to public safety or the likelihood they will commit the crime again (Mulvey et al., 2010).
- Structured risk-screening tools should be validated for different racial groups to avoid perpetuating bias in a system.

IMPLEMENTATION

The MASTLE was intended for use after youth are taken into police custody but have not yet been processed or arraigned. The MASTLE is intended for use by an experienced well-trained, senior officer in a position of command. This commander would not have been present at the scene of the crime.

Police departments should develop a standard policy and procedures explaining how and when the MASTLE will be completed and used. We encourage these procedures to be developed as part of a comprehensive police diversion strategy. An example of a model policy is included in the MASTLE manual. Much of the policy for use should be standard operating procedure for command personnel whose duties and responsibilities involve pre-arraignment detention and discharge decisions. When making the decision to release an arrestee after booking they must consider whether there is a risk of flight and a risk to public safety by way of reoffending. If the risks are too great, a subject is held or bail is set. The MASTLE offers uniformity, convenience, and some surety to these decisions.

THE MASTLE'S DEVELOPMENT

The developers of the MASTLE selected the items based on published research studies of youths' risk for reoffending and failure to appear coupled with a prospective research design of youth arrested in four jurisdictions in Massachusetts. Their research indicates individuals can be trained to rate items of the MASTLE reliably. In addition, the respective total scores on the tool predict reoffending and failure to appear for arraignment among youth arrested for a crime over a period of one year. Two methods are used to determine a youth's risk. First, the MASTLE calculates separate total scores

for re-arrest risk and risk of failure to appear that indicate whether the youth is low, moderate, or high risk for either outcome using set cutoff scores (actuarial approach). Second, users are instructed to consider the total scores and a few additional factors (e.g., parental monitoring) to determine the youth's level of risk using their professional judgment (structured professional judgment approach). Details of the MASTLE's development, predictive accuracy, and scoring procedures are reported in the MASTLE manual.

RESOURCE REQUIREMENTS

Resources associated with implementation of the MASTLE are minimal. The manual and MASTLE are free and available for download at the National Youth Screening and Assessment Partners' (NYSAP) website: www.NYSAP.us. A review of the entire MASTLE manual by the commanding officer(s) is essential. Formal training on the tool is not required. However, if training and technical assistance to implement the tool is desired, a short training can be requested from NYSAP via the website.

Agencies wishing to utilize the tool are required to register on the website by providing a key contact person so they may be contacted in the future to discuss their use of the tool. Potential users will be asked to certify that their department meets the minimum requirements for using the MASTLE, most notably the existence of an electronic record keeping system. Users also will be asked to sign a Memorandum of Understanding for sharing de-identified data and agreeing to not change items of the tool without permission. The developers may request data in the future to conduct further research on the MASTLE in an effort to continually refine and norm it for use across jurisdictions. Departments should develop policies and procedures for the MASTLE to ensure consistency in its use and to employ supervisory oversight.

LIMITATIONS

One limitation with the MASTLE, as is the case with all actuarial tools created in this manner, is that it is possible the cutoff scores on the MASTLE (meaning the scores used to classify youth as low, moderate, or high risk) are specific to the Massachusetts jurisdictions in which the MASTLE was created. The actual cutoff scores may not be as accurate in another state because police practices can differ across jurisdictions. Moreover, some important risk factors are difficult to obtain from police records alone, and therefore, did not end up in the final MASTLE. We advise new users to rate the "additional considerations" sections of the tool and check the accuracy of the cutoff scores for their population after the tool has been in use for a period of time. This can be best achieved by partnering with researchers who can examine the utility of the tool's cutoff scores in their jurisdiction after it has been used for a while. Alternatively, departments that have the resources might use the MASTLE's development and framework as a guide for creating their own, research-based tool.

ASSOCIATED LIABILITIES

There is no liability associated with use of the MASTLE. Ideally, it should be utilized and distributed as a part of a comprehensive department policy on arrest, pre-arraignment detention, and police diversion of juveniles. The release of juveniles who are lawfully detained but not formally processed is not extraordinary or without legal precedence. In fact, in Massachusetts MGL c.231 s.94B allows for the legal detention and release “back to the street” of any subject (regardless of age) who is engaged in shoplifting (c. 266 s.30A) or defrauding an innkeeper (c. 140 s.12). Under c. 231 s.94B, law enforcement, merchants, and innkeepers can release a legally detained juvenile without liability concerns. The law, though not very well known, is the basis for both sworn and civilian authority to detain and hold individuals suspected of certain theft offenses. Additionally, probable cause does not diminish over time.

The process of notifying a local magistrate (similar to the criminal complaint and warrant application process) ensures third party review and oversight. If a youth is diverted from the formal booking process it achieves several benefits. It provides youth a chance to right their wrong, allows for maintenance and oversight of the youth by police if deemed necessary, and it eliminates the presence of a juvenile record as well as the need for expungement proceedings. With the existence of probable cause as well as an official police report documenting the steps taken by the department, future court action is not omitted.

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