

**Juvenile Justice Policy and Data Board - Data Subcommittee Meeting Minutes**  
June 7th, 2019

**Subcommittees Members or Designees Present:**

- Matthew Broderick (DMH)
- David Chandler (DYS)
- Michael Glennon (MDAA)
- Barbara Kaban (CPCS)
- Laura Lempicki (Probation)
- Kim Occhiutti (DCF)
- Leon Smith (CfJJ)
- Christina Tedstone (DCF)
- Lydia Todd (Children's League of Massachusetts)
- Elizabeth Walk (Rep. Carolyn Dykema's office)
- Rachel Wallack (Juvenile courts)

**Other Attendees:**

- Melissa Threadgill (OCA)
- Lindsay Morgia (OCA)
- Kristina Johnson (EOTSS)
- Joshua Dankoff (CfJJ)
- Other members of the public

**Meeting Commenced:** 2:07PM

**Review and Approval of the May Meeting Minutes**

To give members sufficient time for review, approval of the May meeting minutes was postponed until the July meeting.

**Review of the Data Report Draft**

Ms. Threadgill shared a revised version of the data report based on the edits and suggestions shared at the May meeting. The subcommittee went through the report together page by page to identify any corrections that need to be made prior to the full board meeting on June 12th.

There was no feedback on page one. On page two, Ms. Threadgill asked for confirmation that the questions provided cannot be answered. These questions are based on DPH's suggestions. Mr. Glennon noted that there are probably some questions about judicial diversion that we cannot currently answer. Ms. Threadgill noted that the first questions regarding diversion as a whole should address those concerns. Mr. Glennon noted that we also cannot answer which diversion programs are effective. The group agreed to add that question to the list.

On page four, Ms. Wallack asked if there needed to be any negotiations with the union regarding proposed legislative changes. Ms. Mossaides said all conditions of employment need to be negotiated, and that legislation can act as a trigger to changes in conditions. Changes in legislation may require updates to collective bargaining agreements, which could be added to the timeline.

On page seven, Ms. Wallack noted that the title was misspelled.

On page ten, Ms. Threadgill shared that Suffolk County had responded to questions regarding data, and that Middlesex will also be added to the report. She is still awaiting a response from the MDAA, and will update this section once the information is received. Ms. Wallack asked about the section that reads "There is no requirement that DA Offices collect or report this data" was in regards to a legislative requirement. It is, and that language will be added.

On page 12, Mr. Smith asked if we should build in language about capacity building where there are mentions of inconsistencies in data. Ms. Threadgill said there is some language in the report that addresses capacity building, but we can add the language throughout the report.

Also on page 12, Ms. Mossaides asked for clarification about the "court to court" language. Ms. Threadgill said this was a reference to the geographic location of the court, not the court department, but that the language could be updated to be more clear. In regards to bail amounts, Ms. Kaban asked if the bail amounts could be disaggregated by race. Ms. Threadgill said that they cannot at the moment.

Mr. Glennon noted that the defense side captures a lot of information, and we should consider what data we can use from them. Ms. Kaban said that about 25% of cases are assigned to CPCS, and that they do have to enter certain data into their system. Mr. Glennon said that the issue is we don't know what the outcomes are for the private bar. It is appropriate to include questions regarding outcomes from public vs. private counsel. Ms. Threadgill suggested that the decision point can be "Counsel Appointed" and Ms. Wallack said the disposition would be the outcome of interest. Ms. Threadgill noted that appointment of counsel is in the appendix, and Ms. Kaban said the options should be private, CPCS, and court-appointed bar advocate.

Ms. Threadgill said that obtaining this information would require resources, and Mr. Smith noted the challenges of pulling it out of the data systems. Mr. Glennon noted that there should be a filing for every attorney, and MassCourts may have this data.

On page 15, Mr. Smith suggested that before addressing technological challenges, we should define what those challenges are. Ms. Threadgill suggested adding language that would say “define, detail, and address” technological challenges. Ms. Mossaides asked if we are assuming the challenges are technical, or are there issues regarding staff training and quality assurance. Mr. Smith said that there are levels to it, and the full range of challenges would likely involve hardware, software, and staffing. Ms. Threadgill said that we can say we need to define and address the range of challenges.

Ms. Kaban asked if we needed to say something about data security, particularly in the wake of the CPCS hacking. Ms. Threadgill said that she is not sure that’s the role of this committee. She also said page five of the report addresses privacy statutes, and we can add data security to that list.

Mr. Dankoff suggested that the group consider adding positive outcome data such as education, skill readiness, and other measures of positive youth development. DYS is collecting graduate rates and other related outcomes. Ms. Threadgill said we could devise a question to include in the report. Mr. Chandler said that we also need to look into the barriers of obtaining positive outcome data, such as the fact that DESE will not share data on a youth once they leave DYS. Ms. Threadgill noted that the report does talk about why we do not have information on certain outcomes.

Ms. Todd said outcome information would be very helpful from a provider perspective, as each program sets up their own system at the moment. Ms. Threadgill said we can consider this for our next steps after this report is submitted. Mr. Dankoff asked if we had cited Florida as a model, and Ms. Threadgill said that this was outside the scope of this report.

The group moved on to the appendix review. On page 16, Mr. Glennon asked if referral to mental health services was a type of informal diversion. Mr. Smith asked if it was there because of school-based incidents, but Mr. Glennon noted that school-based interventions are already an option. Ms. Threadgill asked for additional examples. Mr. Glennon said that in some circumstances, a youth may be arrested and taken into custody, but not charged. Ms. Threadgill asked if a complaint would come next. Mr. Glennon said the options include 1) arrest and charge 2) arrest and summons, with option not to charge. Ms. Todd asked if we needed to include every possible choice. Ms. Threadgill suggested language that indicates a youth could be charged or not. Mr. Glennon added “release to guardians” as an option.

On page 17, Mr. Glennon said that there are only two charges that automatically send youth to the adult system: murder 1 and murder 2. There is no discretion here, so it is not a

decision point. It is also separate from youthful offenders. Ms. Kaban added that this only applies to youth 14 or older.

On page 18, Mr. Broderick said that the section on court clinic referrals looks okay. Ms. Wallack asked if appeals are filed in the juvenile court. Ms. Kaban said yes, and then they are walked over to superior court. Mr. Glennon asked if plea offer information was collected by the defense bar, and Ms. Kaban said it is not mandated. Ms. Kaban said that she would like to know who initiated the competency hearing.

On page 20, Ms. Wallack noted that there is no pre-trial probation. Mr. Glennon pointed out that this option is also listed under the "Bail Hearing" section. It should read supervision instead of probation.

Ms. Johnson suggested repeating column headings on each page.

Mr. Glennon noted that suspended sentences are not an option for youthful offenders. Ms. Kaban said while this is technically correct, it does happen, and should be included in the disposition options. Fines can be removed and replaced with restitution. Youth should be added as a decision-maker in other places that also involve defense counsel.

On page 21, Mr. Broderick said that instead of the word "disaggregated," we should use "sorted" or "broken out by" instead.

Ms. Threadgill asked if there was any other feedback on appendix B. Ms. Kaban asked if DESE has information on children who attend private school. Ms. Mossaides said no. Ms. Todd asked if she was referring to calls from schools to police? Ms. Kaban said she meant about data in general. Ms. Threadgill said NIBRS captures location data, so we may be able to match data by school address. Ms. Mossaides mentioned the OCA is working on a unified system for all licensed programs. EEC and DESE have created a common list for 80 programs. Ms. Kaban asked if this included the special education schools, and Ms Mossaides replied that these are the ones on the list.

Ms. Threadgill asked for a motion to approve the draft with the understanding that she will make revisions based on this conversation. Ms. Todd made the motion, and the group approved. Ms. Threadgill said she will edit the report and send it to the board on Monday afternoon. The committee will be copied on the email. The full board meeting is Wednesday, we will incorporate any edits from there, and submit to the legislature by June 30th.