

**Massachusetts Juvenile Justice Advisory Committee
Combined Annual Report to the Governor
and State Legislature**



2012 and 2013

**Massachusetts Juvenile Justice Advisory Committee
c/o Massachusetts Executive Office of Public Safety and Security
Office of Grants and Research
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Message from Robert P. Gittens, Chair Juvenile Justice Advisory Committee

Dear Governor Patrick, State Senators and State Representatives:

On behalf of the Juvenile Justice Advisory Committee (JJAC), I am pleased to submit this annual report for calendar years 2012 and 2013 combined. In it you will find details of the JJAC's priorities, activities, accomplishments, and recommendations.

The JJAC serves as Massachusetts' State Advisory Group (SAG) as mandated under the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA) (as amended in 1980, 1988 and 2002). In collaboration with the Executive Office of Public Safety and Security (EOPSS), the responsibilities of the JJAC include maintaining compliance with the core requirements of the JJDPA, allocating funds from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to improve the Commonwealth's juvenile justice system and serve its at-risk and system-involved youth, and advising the Governor and state legislature on issues pertaining to juvenile justice policies and practices. The JJAC and its subcommittees meet regularly during the course of the year to identify juvenile justice-related priorities and focus activities on addressing these priorities.

The most urgent priority of the JJAC at this time is to help the Commonwealth regain full compliance with the JJDPA. The JJDPA has four core requirements (discussed more fully within the body of this Annual Report) with which states must comply in order to receive their full allocation of JJDPA Formula Grant funds. With regard to FFY 2011, 2012 and 2013 funds OJJDP has penalized the Commonwealth due to a finding of non-compliance with the Separation core requirement of the JJDPA. This core requirement mandates that states ensure that juvenile detainees are kept sight and sound separate from adult detainees within facilities such as police stations, detention centers, jails, prisons and court holding facilities. Many of Massachusetts' court holding facilities do not adequately separate juvenile and adult detainees. For example, in one court, which does not have designated juvenile cells, youth are handcuffed to a pole that is directly across from two adult cells. This arrangement allows for both sight and sound contact. Where such conditions exist there are risks of children being negatively influenced and/or intimidated by adult criminals as well as humiliated by the manner in which they are detained. Such conditions are harmful and violate the letter and the spirit of the law which aims to treat juveniles in line with their developmental and psychological needs, not as criminals.

The non-compliance penalty means that Massachusetts loses 20% of its Formula Grant awards and that 50% of the remainder of the awards must be allocated towards ameliorating the sight and sound separation problems. As a result, the Commonwealth loses the opportunity to use the funds in question for delinquency prevention and intervention services and projects designed to improve the functioning of the juvenile justice system.

I am appreciative that as of July 2012 the Commonwealth took responsibility for fully funding Alternative Lockup Programs (ALPs) helping the Commonwealth maintain compliance with the Jail Removal core requirement of the JJDPA. Prior to July 2012 the JJAC allocated Formula Grant and Juvenile Accountability Block Grant (JABG) funds to support the operation of the ALPs and EOPSS staff served as grant managers for the ALPs. Oversight of the secure ALPs now rests with the Department of Youth Services (DYS), the most appropriate agency to manage that operation. With diminishing federal juvenile justice funds it was essential for the Commonwealth to assume fiscal responsibility for the ALPs and ensure the highest quality care for the youth by transferring oversight of the system to DHS.

The JJAC hopes to enhance communication and collaboration with the Governor's Office and state legislators. We share common goals related to effectively serving at-risk and system-involved youth and building safer communities. The JJAC is comprised of a diverse array of juvenile justice and child welfare experts and concerned citizens. The combined collective expertise of our members is a great resource for policy makers who want to determine best practices for supporting the most vulnerable children and communities of the Commonwealth. We hope to begin an ongoing, substantive dialogue with you, other interested government officials and key juvenile justice stakeholders to help inform these determinations.

Sincerely,

Robert P. Gittens, JJAC Chair

April 2014



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Executive Summary

In order for any state to receive federal funding under the Juvenile Justice and Delinquency Prevention Act (JJDP) it must have a State Advisory Group (SAG) that offers guidance to their state on juvenile justice matters. In Massachusetts the SAG is called the Juvenile Justice Advisory Committee (JJAC). The purpose of the JJAC is to advise the Governor, state legislature and the Executive Office of Public Safety and Security (EOPSS) on juvenile justice matters, ensure compliance with the core requirements of the JJDP, and make recommendations to EOPSS regarding the use of federal juvenile justice funds.

In April 2010, Governor Deval Patrick signed Executive Order No. 522 reaffirming the establishment of the JJAC and the need to comply with the JJDP. The JJAC is comprised of 15-33 members from a diverse array backgrounds and experiences, including state agencies that work with and on behalf of young people, non-profit organizations that advocate for and provide vital services to young people and their families, and private citizens concerned about the lives of young people. All members of the JJAC are appointed by the Governor.

The JJAC, in conjunction with EOPSS, oversees federal juvenile justice dollars administered by OJJDP: (1) Title II Formula Grant Program, (2) Juvenile Accountability Block Grant (JABG) Program; and (3) Title V Community Prevention Grants Program. In FFY 2012 Massachusetts was awarded \$388,462 from the JJDP Formula Grant program and \$409,449 from the JABG program. In FFY 2013 Massachusetts was awarded \$392,933 from the JJDP Formula Grant program and \$312,929 from the JABG program. As of FFY 2012, OJJDP stopped issuing awards to states under the Title V Grant program.

As discussed in the above letter from JJAC Chair Robert Gittens, the Commonwealth is not in compliance with the Separation core requirement of the JJDP. This is in large part attributable to the age of the Commonwealth's court houses many of which are old and not designed to provide optimal separation between the juvenile and adult holding cells. The JJAC and other stakeholders are working collaboratively to address this issue. All problematic facilities have been identified and assessed as to the nature and approximate volume of the violations occurring within them. The Commonwealth has contracted with an architectural firm that has visited several of the sites, identified potential ways of renovating them and projected costs for the remedies. Moreover, new court house construction over the last decade has provided for adequate separation between juveniles and adults.

Additionally during 2012 and 2013 JJAC activities centered on issues such as:

- Recommending that the state budget include funds for the secure ALPs (pre-arraignment juvenile detention) and that oversight of the ALP system move to DYS, goals that were accomplished as of July 2012;
- Awarding Formula Grant funds to support programs that provide alternatives to detention and/or address or reduce disproportionate minority contact (DMC);
- Awarding JABG awards to accountability-based programs and restorative justice programs;
- Awarding Title V Grant funds to delinquency prevention projects in Berkshire County;
- Continuing to facilitate processes to obtain more comprehensive juvenile justice data, especially race/ethnicity data from various stakeholders and related points of contact in the juvenile justice system (e.g., arrest, arraignment, detention, commitment);
- Facilitating efforts to complete an assessment study of DMC in the Commonwealth; and
- Funding short-term "mini-projects" to assist non-profit organizations in juvenile justice-related projects and activities.

Juvenile Justice and Delinquency Prevention Act

The JJDPA was enacted in 1974 and amended and re-authorized in 1980, 1988 and 2002. It specifies that all states comply with four core requirements in order to receive 100% of their federal JJDPA funds. The JJAC is involved in reviewing and maintaining compliance with these core requirements. The core requirements are as follows:

1. **Deinstitutionalization of Status Offenders:** A status offender (a juvenile who has committed an act that would not be a crime if an adult committed it, such as truancy or running away from home) or a non-offender (such as a dependent or neglected child) cannot be held, with statutory exceptions, in secure juvenile detention or correctional facilities. Status offenders and non-offenders cannot be detained or confined in adult facilities for any length of time.
2. **Separation of Juveniles from Adult Offenders:** Alleged and adjudicated delinquents cannot be detained or confined in a secure institution (such as a jail, police lockup, or secure correctional facility) in which they have sight or sound contact with adult offenders.
3. **Adult Jail and Lockup Removal:** As a general rule, juveniles cannot be securely detained or confined in adult jails and police lockups for more than six hours.
4. **Disproportionate Minority Contact (DMC):** States are required to address and attempt to reduce the disproportionate number of minority juveniles who come into contact with the juvenile justice system.

If a state fails to demonstrate compliance with any of the four core requirements in any year, its JJDPA Formula Grant is subject to a 20% reduction for each requirement for which non-compliance occurs. Without a waiver from the OJJDP Administrator, the state must agree to use 50% of the remaining allocation to improve compliance for the fiscal year in which the penalty takes effect.



Federal Juvenile Justice Funds to Massachusetts

- **The Title II Formula Grant Program** supports state and local delinquency prevention and intervention efforts and juvenile justice system improvements. The OJJDP awards Formula Grants to states based on the proportion of population younger than age 18. In order to receive Formula Grant funds, states must establish a SAG and commit to achieve and maintain compliance with the JJDPA four core requirements. In FFY 2012 Massachusetts received a Formula Grant award of \$388,462 and in FFY 2013, \$392,933. Both awards represent a 20% reduction to the full annual allocations. This is a result of the finding of non-compliance with the JJDPA Separation core requirement. Furthermore, approximately half of each net award must be dedicated to ameliorating sight and sound separation violations in the Commonwealth's court holding facilities. Historically, the JJAC has used Formula Grant funds to support a diverse array of juvenile justice programs. In the spring of 2012 the JJAC awarded FFY 2009 and 2010 Formula Grant funds to six projects that fell under the categories of DMC reduction and/or alternatives to detention. In December 2013 the JJAC awarded available FFY 2011 Formula Grant funds to support three alternatives to detention programs. With an overall decrease in federal juvenile justice dollars and the non-compliance penalty that took effect in FFY 2011 coupled with the mandate to utilize 50% of the remainder to address compliance, the prospects for funding a healthy array of delinquency prevention, intervention and/or systems-change programs in the near future are poor. It is unlikely that FFY 2012 and 2013 Formula Grant funds will be available for use for such projects given the non-compliance penalty.
- **The Juvenile Accountability Block Grant (JABG) Program** was created by Congress to promote greater accountability in the juvenile justice system. JABG is authorized under the Omnibus Crime Control and Safe Streets Act of 2002 (42 U.S.C. 3796e *et seq.*). It authorizes the United States Attorney General to provide grants to the states to strengthen policies, programs, and administrative systems that foster the creation of safe communities. In Massachusetts, JABG funds have primarily been used for alternative lockup programs (pre-arraignment secure detention) that provide an alternative place to securely detain arrested youth awaiting arraignment. In FFY 2012 the Commonwealth received \$409,449 in JABG funds. In FFY 2013 the Commonwealth received \$312,929 in JABG funds. In December 2013, FFY 2011 and 2012 JABG funds were awarded to seven accountability-based programs and restorative justice programs. FFY 2011 funds also partially funded the ALPs prior to July 1, 2012.
- **The Title V Community Prevention Grants Program** was terminated nationally as of FFY 2012. The JJAC is still supporting three projects with FFY 2011 funds.



JJAC-Funded Projects 2012 and 2013

FORMULA GRANT GRANTEES

FFY 2009 and 2010 Formula Grant funds supported six projects from May 2012 – September 2013.

Crime and Justice Institute (CJI): CJI was awarded \$98,573 to implement a disproportionate minority contact project aimed at assessing the preparedness of Essex County stakeholders to address DMC in their county and aimed at assessing and identifying potential interventions to address DMC in Suffolk County and Worcester County.

The Department of Youth Services: DYS was awarded \$113,466 to implement an alternative to detention project aimed at creating and assessing the effectiveness of a Risk Assessment Instrument to assist judges in making informed bail decisions.

The Key Program, Inc.: The Key Program was awarded \$123,233 to implement an alternative to detention project in Fall River that provided outreach and tracking services for youth at risk of being detained on delinquency and youthful offender court cases.

The Plymouth County District Attorney's Office: The Plymouth County District Attorney's Office was awarded \$140,998 to implement a disproportionate minority contact program designed to target and provide at-risk and system-involved minority youth with services at the Brockton Boys and Girls Club.

The Robert F. Kennedy Children's Action Corps: RFK Children's Action Corps was awarded \$336,029 to implement a disproportionate minority contact and alternative to detention program in Springfield and Holyoke referred to as the Detention Diversion Advocacy Project (DDAP) which provides community-based case-management for youth at risk of being detained on their court cases.

United Teen Equality Center (UTEC): UTEC was awarded \$148,582 to implement an alternative to detention project in Lowell to provide community-based, on-site GED, job preparation and life skills services for youth at risk of being detained on their court cases.

FFY 2011 Formula Grant funds are supporting four projects from December 2013 – September 2014.

Robert F. Kennedy Children's Action Corps: RKF Children's Action Corps has been awarded \$70,000 to implement its alternative to detention DDAP project that provides community-based case-management for youth at risk of being detained on their court cases.

The Salvation Army: The Salvation Army has been awarded \$27,300 to implement an alternative to detention project at the Kroc Center in Dorchester that uses a 12-week life skills curriculum for court-involved youth at risk of being detained.

United Teen Equality Center (UTEC): UTEC has been awarded \$35,000 to implement an alternative to detention project that provides on-site case-management, alternative education services and job training for youth at risk of being detained in Middlesex Juvenile Court.

ICF International: ICF International, a research firm, has been awarded \$56,205 to conduct a study of juvenile diversion programs throughout the Commonwealth in order to map existing projects and promote best practices for pre-arraignment juvenile diversion.

FFY 2010 and FFY 2011 Formula funds supported mini-grants for five short term projects during 2012 and 2013.

Black Ministerial Alliance/Mothers for Justice and Equality (MJE): MJE was awarded \$10,000 to provide leadership training, workforce development and mentorship for at-risk youth as part of their broader effort to reduce youth violence in Boston.

Children's Law Center: Approximately \$2,400 was used to make copies of the Children's Law Center's guides on the Child Requiring Assistance law and for the Children's Behavioral Health Initiative (CHBI) to distribute to stakeholders statewide.

Committee for Public Counsel Services (CPCS): The Youth Advocacy Division of CPCS was awarded \$10,000 to analyze information from their case management system in order to determine the efficacy of the efforts of public defenders to reduce DMC and provide guidance for improvement on such efforts.

Lesson One: Lesson One was awarded \$8,956 to provide at-risk youth in the South End of Boston with activities to increase pro-social skills and ways of coping such as self-control, resiliency and stress reduction in an effort to prevent delinquency and enhance protective factors in their difficult life circumstances.

Selesian's Boys and Girls Club of East Boston: Approximately \$10,000 was awarded to support delinquency prevention activities primarily prevention-oriented education sessions for youth provided by police and other professionals.

JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) GRANTEES

FFY 2011 JABG funds supported one project from January 2013 – May 2013.

Department of Youth Services: DYS was awarded \$130,000 to integrate information and data on youth held in secure Alternative Lockup Programs with the DYS-wide information and data collection system.

FFY 2011 and FFY 2012 JABG are supporting seven projects from December 2013 – May 2015.

Athol Police Department: The Athol Police Department was awarded \$90,000 to implement a restorative justice program, with its partner Quabbin Mediation, Inc., teaching conflict resolution, bullying prevention and peer mediation as part of a restorative justice process.

Boston Public Schools: Boston Public Schools was awarded \$128,731 to implement a restorative justice project focused on increasing the capacity of schools to refocus discipline procedures within a restorative paradigm in order to better address the causes of misbehavior, engage in effective conflict resolution and restore relationships.

Cambridge Police Department: The Cambridge Police Department was awarded \$61,335 to implement an accountability-based program, the Cambridge Safety Net Collaborative, which provides services to foster positive youth development, positive mental health and safe communities and schools.

Department of Youth Services: DYS, subcontracting with RFK Children’s Action Corps, was awarded \$95,000 to implement the DDAP program in Hampden County providing case-management for court-involved youth as an alternative to detention and with the additional goal of reducing recidivism.

City of Framingham: Framingham, subcontracting with Wayside Youth and Family Support Network, was awarded \$56,159 to work with youth at risk of court involvement by providing services and resources in conjunction with an individualized action plan for each client.

Middlesex District Attorney’s Office: The Middlesex District Attorney’s Office, awarded \$80,000, is working with Juvenile Court Restorative Justice Diversion Inc. to divert youth at risk of prosecution into a restorative justice program that works the youth, victims and community to resolve and heal conflicts.

Plymouth County District Attorney’s Office: The Plymouth County District Attorney’s Office has been awarded \$62,855 implementing an accountability-based program with Coaching4Change that provides at-risk Brockton youth with services such as mentoring and workforce development.

TITLE V GRANTEES

FFY 2009, 2010, and 2011 Title V funds are supporting three projects from December 2012 – August 2014.

Berkshire County Sheriff’s Office (BCSO): BCSO was awarded \$50,771 to implement a delinquency prevention program consisting of an array of services and activities at their Juvenile Resource Center in Pittsfield.

Town of Great Barrington: Great Barrington, subcontracting to The Railroad Street Youth Project in Great Barrington, was awarded \$37,225 to use a youth development approach to provide services, such as mentoring and counseling, and a drop-in center, for at-risk youth.

City of North Adams: North Adams, subcontracting with The Barrington Stage Company, was awarded \$65,159 to implement the Playwright Mentoring Project that uses theater as a means of assisting at-risk youth with the development of valuable life skills.

JJAC Priorities and Recommendations

The JJAC sets priorities and focus areas every year based on its assessment of the most relevant and pressing juvenile justice matters in the Commonwealth. The JJAC identified six priorities for focus during 2012 and 2013:

1. Improve sight and sound separation in all relevant facilities.
2. Support jail and lockup removal with state funds.
3. Reduce the overrepresentation of minority youth in the juvenile justice system.
4. Improve the quality and availability of juvenile justice data to fully inform public policy and the allocation of resources.
5. Increase the use of alternatives to secure detention.
6. Increase the availability of empirically-based programs for youth.



PRIORITY ONE: Improve sight and sound separation in all relevant facilities.

The Problem

Since FFY 2011, Massachusetts has been penalized by OJJDP as a result of being found non-compliant with the Separation core requirement of the JJDPA. More than 60% of the Commonwealth's court holding facilities do not provide adequate separation between juvenile and adult detainees. A finding of non-compliance with a core requirement results in a 20% reduction of the following fiscal year's Formula Grant allocation. In addition, 50% of the remainder must be used toward regaining compliance with the core requirement in question. However, these funds cannot be used for construction or renovation. Most of the courts require extensive, costly and in some cases, multi-year renovations in order to fully remedy sight and sound separation inadequacies. Some may be adequately remedied with minor modifications (such as the use of strategically placed sound-reducing curtains) or changes to the policies and practices of the court officers. Given the significant number of non-compliant facilities, there are not enough federal or state funds available to solve the problem solely by constructing new facilities or renovating current facilities. In addition, relocating juvenile court sessions to different courthouses is not a good solution in most cases as it would hinder "access to justice." Fortunately, all new court house construction in the last decade has been and will continue to be compliant onward.

The JJAC's Response

- Beginning in December 2011 a dedicated working group consisting of staff from the EOTC, the Division of Capital Asset Management and Maintenance (DCAMM), DYS, the Committee for Public Counsel Services (CPCS) and the JJAC met regularly to conduct visits to courts across the Commonwealth that were potentially non-compliant with the Separation core requirement and discuss potential remedies for each of the facilities identified as non-compliant. The courts were assessed and reports documenting the nature of their non-compliance and potential remedies were completed.
- At the writing of this report, planning is underway for renovating some of the facilities and pilot testing sound-reducing curtains in others. The facilities have been re-visited with an architect (known as a "house doctor") contracted by DCAMM. Renovation plans have been developed and cost projections for planned renovations have been completed.

Recommendations for Moving Forward

1. The working group should continue to meet regularly and monitor progress of the DCAMM "house doctor" project designed to plan for and implement renovations and other possible remedies in non-compliant court holding facilities.
2. The Commonwealth should provide state funds in the DCAMM budget to renovate problematic facilities. (Due to the costs and the complexity of planning and implementing renovations at multiple sites, bringing the Commonwealth into compliance will likely take several years to complete).
3. EOPSS and the JJAC should consider committing JABG funds to renovate problematic court holding facilities in coordination with any funds provided by DCAMM. EOPSS and the JJAC should dedicate Formula Grant funds to non-construction/renovation remedies. (Formula Grant funds cannot be used for construction/renovation projects).

PRIORITY TWO: Support jail and lockup removal with state funds.

As of July 1, 2012 state funds are providing for the operation of the ALPs and DYS is charged with the management of the system. **As of the writing of this Annual Report, this priority has been accomplished.**

PRIORITY THREE: Reduce the overrepresentation of minority youth in the juvenile justice system.

The Problem

In Massachusetts (as in all states), the overrepresentation of minority youth in the juvenile justice system, known as disproportionate minority contact (DMC), is a major moral and social problem. As a result, Congress made it a core requirement of the JJDPA. States must work to reduce DMC in their juvenile justice systems. In 2012, according to data reported by DYS, in Massachusetts a Black youth was 7.2 times more likely to be detained in DYS than a White youth; and a Latino youth was 5.07 times more likely to be detained than a White youth. During the same year a Black youth was 6.49 times more likely to be committed to DYS than a White youth; and a Latino youth was 3.14 times more likely to be committed to DYS than a White youth. There are varying theories regarding the causes of DMC, such as: minority youth are more likely to live in communities that are heavily policed; there are differences in rates and types of offenses among different racial/ethnic groups; minority youth may not have equal access to the same amount or quality of services (e.g., regarding mental health or substance abuse); decision-makers such as police, judges and probation officers may hold conscious or unconscious biases and stereotypes regarding minority youth; minority youth may be more likely to experience an "accumulated disadvantage" due to disparate treatment (e.g., a greater likelihood to be arrested and prosecuted for minor infractions early in life that results in a juvenile record which has a

subsequent negative impact on later prosecutions); and minority youth may be exposed to more risk factors that influence delinquent behavior such as family abuse and neglect, negative peer groups and underperforming schools. The likelihood is that DMC is caused by a confluence of the above and other factors. It is not something that is going to be solved overnight but it is essential for youth, communities and the Commonwealth that the issue be addressed intentionally and strategically with commitment and leadership from all stakeholders.

The JJAC's Response

- The JJAC and the DMC Reduction Specialist at EOPSS are implementing the five phases of OJJDP's DMC Reduction Cycle: (1) identification, (2) assessment/diagnosis, (3) intervention, (4) evaluation, and (5) monitoring.
 - **Identification:** The JJAC and EOPSS have made substantial progress in collecting data from stakeholders that may be used to identify the degree to which minority youth are overrepresented in the juvenile justice system. OJJDP's requirements regarding DMC data collection have been met. There is now a clear sense of the magnitude of the DMC problem at most of the different contact points of the juvenile justice system.
 - **Assessment:** In response to the JJAC, EOPSS and OJJDP, the EOTC conducted an assessment of DMC in the court process by following a cohort of juveniles who entered the system in 2011. The report found no bias in judges' decision-making. OJJDP requested further study due to some concerns identified with the preliminary report.
 - **Intervention:** During 2012 and 2013 the JJAC funded three projects with Formula Grant funds that specifically addressed DMC. In addition, it is a policy and practice of the JJAC to review all grant proposals with DMC in mind as one of the criteria in the award decision-making process. Thus, the other Formula Grant projects, the Title V projects, and JABG projects that received funding are expected to address DMC if possible within the parameters of their projects (such as by ensuring that program staff are culturally competent or providing services in communities with high percentages of minority youth). (Please see "JJAC-Funded Projects in 2012-2015" above).
 - **Evaluation:** EOPSS, as part of its grant oversight, requires that programs submit quarterly progress reports and performance measures. The projects have served at-risk and system-involved youth, including many youth of color. The quarterly reports reveal substantial grantee success in meeting their programmatic goals.
 - **Monitoring:** Monitoring is a long-term process that involves identifying the rates of disproportionality over the years to determine if interventions have been successful. Monitoring is conducted by the DMC Reduction Specialist. While the funded projects have been successful (and are important for the youth they serve) more projects, requiring more funding, and further education of stakeholders regarding racial disparities, is necessary in order to substantially impact DMC.

Recommendations for Moving Forward

1. State agencies including the Massachusetts State Police, district attorneys' offices, the Office of the Commissioner of Probation, EOTC, and DYS (which has a strong history of collecting and reporting data) should consistently and reliably collect and report relevant data including the race and ethnicity of system-involved youth (as required by OJJDP).
2. MassCourts should be optimized, in part, by collecting and reporting data relevant to the identification and assessment of DMC.
3. The Governor and relevant state agencies should make the comprehensive collection, reporting and analysis of DMC data a priority in juvenile justice-related projects.
4. Consistent with national concerns about "dual-system/crossover youth," the Department of Children and Families (DCF) should collect and report data including the race and ethnicity of

DCF-involved youth. DCF should ensure the cultural competence of staff. DCF staff should be educated on DMC and the importance of preventing youth from entering the juvenile justice system when possible, without jeopardizing public safety.

5. The EOTC should complete a revised quantitative DMC assessment study within a timeframe recommended by OJJDP.
6. State juvenile justice-related projects and stakeholders should be informed on DMC issues and should ensure that programming or other efforts incorporate an intentional and strategic design to reduce DMC. The Governor's efforts to reduce youth violence should take into account and prioritize the need to reduce DMC where and when possible and should be coordinated with input from the JJAC and the EOPSS DMC Reduction Specialist.
7. School administrators and staff should be educated to be concerned with - and take action against - racial disparities in the school-to-prison pipeline (as well as to racial disparities in school suspensions and expulsions).

PRIORITY FOUR: Improve the quality and availability of juvenile justice data to fully inform public policy and the allocation of resources.

The Problem

Massachusetts' juvenile justice and child welfare data is not collected and shared in a uniform manner. Stakeholders collect data in varying ways with different levels of comprehensiveness and with different practices regarding sharing data. With the exception of some agencies such as DYS, the data is often not shared in a proactive manner and is often difficult for juvenile justice stakeholders to access. The lack of uniformity and prioritization in the collection and sharing of data diminishes the potential for essential information to guide public policy relating to the Commonwealth's youth. Without the collection, sharing and coordination of data that measures the effects of juvenile justice and child welfare programming and projects, the ability to identify and promote effective delinquency prevention, intervention and systems-change initiatives is diminished.

The JJAC's Response

- The JJAC's efforts in this regard have mostly focused on the need for race/ethnicity data at the various contact points of the juvenile justice system. There has been significant progress in obtaining the data that is required by OJJDP, particularly court data.
- The JJAC recommended to the EOTC to collect certain data in MassCourts to increase understanding of the nature of juvenile delinquency and youthful offender trends and the juvenile justice system's response, including where improvements should be made.
- The JJAC will advocate for robust data collection and reporting across all stakeholders to aid in the improvement of the juvenile justice system.

Recommendations for Moving Forward

1. State agencies (such as the Executive Office of Health and Human Services and its agencies, DYS, DCF, the Department of Mental Health), the juvenile court and probation departments, district attorneys' offices, police departments, schools, youth-serving non-profit organizations and other relevant stakeholders must reliably collect comprehensive juvenile justice and child welfare data and proactively disseminate it among state government, stakeholders and the public with the intention of using it to guide public policy and systems improvement. Systems of data collection and dissemination should be improved and integrated across stakeholders to the extent possible to enhance access to juvenile justice and child welfare data and increase its potential to impact policies and practices of relevant agencies and organizations.

2. The juvenile court should inform stakeholders of the data that the MassCourts system collects and should accept input from stakeholders regarding the data fields to be included and how the data should be analyzed and shared. The data should be regularly reported and easily accessible.

PRIORITY FIVE: Increase the use of alternatives to secure detention.

The Problem

Massachusetts General Law c. 276, sec. 58 states that a person before the court shall be admitted to bail on personal recognizance unless it is determined that such a release will not reasonably assure the appearance of the person before the court. In addition, M.G.L. c. 276, sec. 58A allows for a person to be held without bail if it is determined after a full hearing that a danger would be posed to any person or the community if the individual were released. Although Massachusetts detention rates are at their lowest level in the past twenty years, there is a need for an increase in community alternatives for youth who do not require secure detention. Well-intentioned judges sometimes believe that a youth will be better served in detention with DYS oversight than in the community where mental health, substance abuse or other services may be lacking or not accessible for the particular youth. Stakeholders believe that this is not an uncommon practice. Judges need alternatives when the nature of a case may not warrant the setting of bail but where there are legitimate concerns regarding the youth's well-being if released to the community. Despite the good intentions of judges, detention may do these youth more harm than good. For example, detention places them in an environment where they may be negatively influenced or intimidated by other youth who have more serious cases or behavioral issues. Also, detention separates the youth from family, school and support networks. While services in the community may be lacking, national data suggests that the separation and disruption caused by placement in detention – perhaps for a substantial amount of time – increases and/or aggravates risk factors for the youth's overall well-being and likelihood to commit future offenses.

The JJAC's Response

- In Spring 2012 the JJAC awarded approximately \$720,000 in Formula Grant funds for alternative to detention projects.
 - DYS, as part of its Juvenile Detention Alternatives Initiative (JDAI) tested a “risk assessment instrument” to help standardize a process by which courts identify youth that are not a flight risk and therefore less likely to be unnecessarily detained (though still recognizing the factors and legal significance of the bail statute).
 - The Robert F. Kennedy Children's Action Corps Detention Diversion Advocacy Project (DDAP) makes caseworkers available to judges and probation officers who work with youth who would otherwise be detained but for the availability of the caseworker's support and service referrals. The presence of a caseworker in the court – in the few courts within which DDAP operates – makes it clear that the judge can refer juveniles to a program that will track and work with them between court dates and help ensure that they appear for their scheduled court dates.
 - The Key Program, Inc. tracked system-involved youth who would have been detained but for the services provided by the program. The program was highly successful in ensuring the appearance of the youth to court on the scheduled dates of their cases.
 - The JJAC funded the United Teen Equality Center (UTEC) which provided services such as GED preparation, job preparation and life skills training and counseling for court-involved youth in the community in lieu of detention.

Recommendations for Moving Forward

1. The Governor's efforts and the efforts of other stakeholders on behalf of the Commonwealth's children should prioritize the need to identify and bolster existing resources (such as caseworkers, mental health counseling and substance abuse services) and connect them to juvenile courts within their jurisdictions such that defense attorneys, prosecutors, probation officers and judges know what services may be available for juvenile defendants in the community.
2. DYS should maintain its commitment to JDAI and continue its leadership on the issue of reducing detention through making changes to the juvenile justice system.
3. Programs that provide intensive case management and those that have been proven to work in other jurisdictions should be replicated and prioritized for state, federal or private funding.

PRIORITY SIX: Increase the availability of empirically-based programs for youth.

The Problem

While Massachusetts has many dedicated and experienced juvenile justice stakeholders there is an inadequate availability of empirically-based programming in the most disadvantaged communities. In addition, the system is hampered by the separate systems and methods utilized by the various stakeholders for collecting and maintaining data. This contributes to the challenges of cross-agency information and data sharing, coordination of support on individual cases, and advocacy for youth in general. There is a need for a statewide assessment of what programs are operating in the Commonwealth and whether they are effective and empirically-based. Clarity is needed regarding the number and type of services that exist within the Commonwealth as a whole and within specific communities. Stakeholders need to identify where changes are needed to the number and type of programs in order to improve outcomes for youth.

The JJAC's Response

- The JJAC is forming a Best Practices Subcommittee that will research empirically-based juvenile justice programs and will develop expertise on the matter that it will share with the JJAC.
- The Best Practices Subcommittee and the JJAC will educate policy-makers and stakeholders on evidence- and empirically-based juvenile justice programming.
- When making funding decisions the JJAC will take into consideration whether the applicants propose programming that is empirically-based.

Recommendations for Moving Forward

1. Federal, state, and private funding for juvenile justice programs should be increased with incentives for programs that have been proven effective or promising. Funding decisions should take into account available research on the effectiveness of the proposed program's components.
2. The Commonwealth should dedicate adequate resources to enable close monitoring of empirically-based programs – as well as other programs - to ensure fidelity to the model program. Individual programs should incorporate the Youth Development Approach (see Appendix 1).
3. The Commonwealth should continue to dedicate resources towards the promotion of inter-agency cooperation and programming (such as that currently occurring between DYS and DCF). This should continue to be implemented in order to improve the coordination of agencies and services for youth with special attention to youth who are both in the juvenile justice system and the child welfare system (“dual-system youth”).

4. The paradigm known as the “sequential intercept model” should serve as a framework for improving service delivery for at-risk and “dual-system youth.” There should be an intention to prevent children from moving deeper into the juvenile justice system while addressing developmental needs and individual risk factors.

Massachusetts Legislative Update

Child Requiring Assistance (CRA): On November 5, 2012, Massachusetts law regarding status offenders – formerly referred to as Children in Need of Services (CHINS) – changed to afford more protection to status offenders from being treated as criminal-type offenders. For example, the change in law prohibits police from bringing status offenders to police stations for processing. This progressive reform to the law will help Massachusetts maintain compliance with the Deinstitutionalization of Status Offenders core requirement of the JJDPA.

“Raise the Age” Legislation: On September 18, 2013, the age of majority for juveniles changed from seventeen to eighteen thus bringing Massachusetts in line with federal law. In addition to the benefit it will have for working with seventeen-year-old offenders in developmentally appropriate ways, the change will help Massachusetts maintain compliance with the Prison Rape Elimination Act.

Conclusion

The JJAC is proud of its and the Commonwealth’s accomplishments toward improving the juvenile justice system and supporting the needs of at-risk and system-involved youth during 2012 and 2013. We hope that the priorities, concerns and recommendations outlined above generate constructive feedback and discussion. We hope that this report deepens stakeholders’ and the public’s understanding of the challenges facing vulnerable youth and encourages efforts to promote the most effective, equitable and developmentally-appropriate juvenile justice policies, practices and programs.

All JJAC meetings are open to the public. The meeting schedule can be found at: <http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/jjac/>. Feedback on the matters discussed in this Annual Report or questions regarding the JJAC can be directed to the Commonwealth’s Juvenile Justice Specialist, Andrew Polk, at andrew.polk@state.ma.us or 617-725-3364.



If we don't stand up for children, then we don't stand for much.
-Marian Wright Edelman

APPENDIX 1: Youth Development Approach

The JJAC has endorsed a positive youth development approach to guide activities and spending related to the committee. Since January of 2005, the JJAC has used the youth development approach (as reflected below) to help guide its work.

Shared Vision

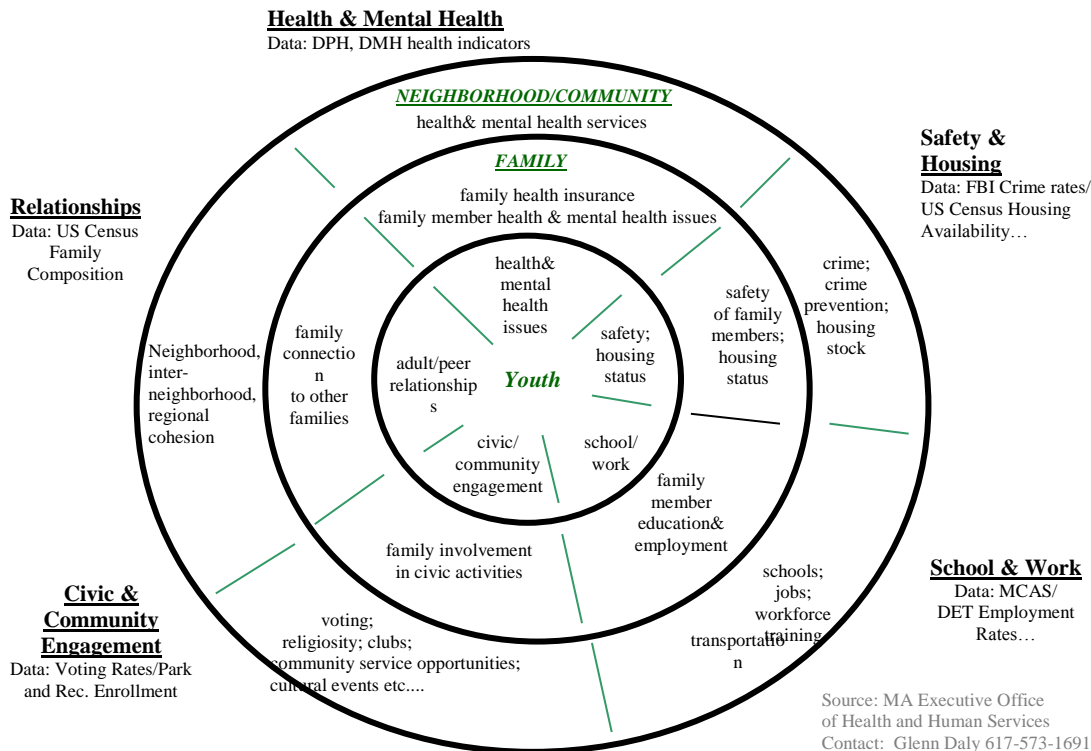
“All Massachusetts youth grow up to be healthy, caring, economically self-sufficient adults.”

Goals

1. All youth have access to resources that promote optimal physical and mental health.
2. All youth have nurturing relationships with adults and positive relationships with peers.
3. All youth have access to safe places for living, learning and working.
4. All youth have access to educational and economic opportunity.
5. All youth have access to structured activities and opportunity for community service and civic participation.

This vision and goals have been incorporated into RFR requirements, evaluation of programs and strategic planning.

A Shared Vision for Massachusetts Youth and Young Adults



Source: MA Executive Office of Health and Human Services
Contact: Glenn Daly 617-573-1691
glenn.daly@state.ma.us
Special thanks to America's Promise

For more information see: (report): www.mass.gov/dph/fch/adhealth.htm
(indicators by community): www.mass.gov/eohhs/commwell

APPENDIX 2: Juvenile Justice Advisory Committee (2012 and 2013)

Name	Affiliation
Robert Gittens, Chair	Vice President of Public Affairs, Northeastern University Office of Government Relations & Community Affairs
Cecely Reardon, Vice Chair	Attorney-in-Charge, Committee for Public Counsel Services-Youth Advocacy Division (Roxbury Office)
Jeff Butts	Boys & Girl Club of Boston
Lael Chester	Executive Director, Citizens for Juvenile Justice
Wesley Cotter	Chief Operating Officer, Key Program, Inc., Framingham
Glenn Daly	Director, Office of Youth Dev., Massachusetts Exec. Office of Health & Human Services
Bessie DiDomenica	Business & Social Media Entrepreneur
Rita Dixon	Private Citizen
Edward Dolan	Commissioner, Office of the Commissioner of Probation
Peter Forbes	Commissioner, Department of Youth Services
Adam Foss	Assistant District Attorney, Suffolk County
Whitney Galusha	Student
Reynolds Graves	Chief of Staff, City Councilor Tito Jackson
Catherine Harris	Private Citizen
Barbara Kaban	Director of Juvenile Appeals, Committee for Public Counsel, Youth Advocacy Division
Robert Kinscherff	Director of Forensic Studies, Massachusetts School of Professional Psychology
Corey Lanier	Student, UMass Lowell
Kimberly Larson	Assistant Professor, UMass Medical Center
Roland Milton	Pyramid Builders Inc.
Natalie Petit	Student, Curry College
Jovonte Santos	Adjunct Professor, LaSalle College
Jennifer Larson Sawin	Executive Director, Communities for Restorative Justice
Ken Smith	Executive Director, YouthBuild Boston
Gloria Y. Tan	Clinical Instructor, Criminal Justice Institute at Harvard Law School

"The test of the morality of a society is what it does for its children."

--- Dietrich Bonhoeffer