

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



**2014**

**Massachusetts Juvenile Justice Advisory Committee  
c/o Massachusetts Executive Office of Public Safety and Security  
Office of Grants and Research  
Ten Park Plaza  
Suite 3720  
Boston, MA02116**

## **Message from Robert P. Gittens, Chair Juvenile Justice Advisory Committee**

Dear Governor Baker, State Senators, State Representatives and Juvenile Justice Stakeholders:

On behalf of the Juvenile Justice Advisory Committee (JJAC), I am pleased to submit this annual report for calendar year 2014. 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 (OJJPD) 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.

Currently, Massachusetts is out of compliance with the core requirement of the JJDPA that mandates juvenile detainees to be held sight and sound separate from adult detainees in all secure settings. Specifically, many of the court holding facilities in the Commonwealth's court houses fail to provide adequate separation between juvenile and adult detainees. As a consequence, Massachusetts cannot receive its full allotment of JJDPA Formula Grant funds. In addition, approximately 50% of the reduced Formula Grant award must be spent on projects designed to regain compliance with the Separation core requirement. This problem drastically reduces the ability of the JJAC and EOPSS to award federal juvenile justice funds to delinquency prevention, intervention and system-improvement programs.

While efforts are well underway to tackle the sight and sound separation issues in the Commonwealth's court holding facilities, the JJAC is also focusing on other important priorities such as reducing racial and ethnic disparities in the juvenile justice system and advocating for improved data collection methods and practices from key stakeholders.

Over the years the JJAC was able to make an impact on behalf of the Commonwealth's children primarily by allocating federal funds to projects designed to help at risk and system-involved youth. Now, given the non-compliance penalty on the Formula Grant funds and the discontinuation of other federal juvenile justice grant streams, the JJAC is re-prioritizing its activities towards enhanced educating, advocating and collaborating on salient juvenile justice issues among key stakeholders. In this vein we hope to increase our visibility and voice with the Governor's Office, policy-makers and others who are concerned with the lives of the Commonwealth's children.

We hope you find this annual report informative and useful. We expect to work with many of you over the course of the next year to further the interests of young people and their communities in Massachusetts.

Sincerely,

Robert P. Gittens, JJAC Chair

January 2016

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## Executive Summary

The Juvenile Justice and Delinquency Prevention Act (JJDP) mandates that states maintain a State Advisory Group (SAG) in order to receive JJDP Title II Formula Grant funds intended to support delinquency prevention, intervention and juvenile justice system improvement projects. In Massachusetts the Juvenile Justice Advisory Committee (JJAC) serves as the Commonwealth's SAG. The Executive Office of Public Safety and Security (EOPSS) serves as the Commonwealth's State Administrating Agency (SAA). Personnel from EOPSS staff the JJAC. In addition, EOPSS administers the grant funds over which the JJAC has supervisory authority.

The JJAC is comprised of an array of juvenile justice stakeholders including experts on issues that confront at-risk and system-involved youth and citizens concerned with juvenile justice matters. JJAC members are appointed by the Governor. The JJAC and EOPSS work to help the Commonwealth gain and maintain compliance with the core requirements of the JJDP. An additional purpose of the JJAC is to advise the Governor and state legislature on pertinent juvenile justice matters while also collaborating with stakeholders to work on priorities identified in the JJDP.

The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) monitors states for compliance with the JJDP. Annually OJJDP determines each states compliance status with regard to the four core requirements of the JJDP (outlined below). Unfortunately, as discussed in the above letter from Chair Robert Gittens, OJJDP has deemed Massachusetts to be out of compliance with the Separation core requirement of the JJDP due to inadequate separation between adult and juvenile holding areas in many court holding facilities. The penalty for non-compliance reduces the annual Formula Grant award Massachusetts receives and restricts how the funds that are awarded may be spent. The non-compliance penalty has greatly diminished the JJAC's ability to fund needed delinquency prevention and intervention projects.

Regaining compliance with the Separation core requirement of the JJDP was the JJAC's top priority in 2014 and will remain so until compliance has been attained. With remedies needed in approximately three dozen court holding facilities throughout the Commonwealth, the project requires an extended period of time to complete. During 2014, EOPSS staff and JJAC members continued to work with upper management staff from the Executive Office of the Trial Court (EOTC), the Division of Capital Asset Management and Maintenance (DCAMM), the Department of Youth Services (DYS) and architects hired specifically for this project to determine potential remedies for problematic facilities, develop detailed architectural plans and begin the process of obtaining certification and approval for remedies in the first round of facilities to be addressed. (Planning has continued in 2015 with the final round of facilities to be addressed).

In addition to work regarding the court holding facilities, the JJAC engaged in other important activities. Below are some examples:

**Diversion Study:** The JJAC funded a study of the pre-arraignment juvenile diversion practices of the Commonwealth's District Attorney's offices. The report that was produced includes recommendations regarding how district attorney diversion programs may be improved. In addition, the JJAC funded the participation of a Suffolk County assistant district attorney in an intensive diversion training with Georgetown University's Center for Juvenile Justice Reform and the completion of a related capstone project. The capstone project involved the design of - and approval to implement - a comprehensive juvenile diversion project in Suffolk County.

**Juvenile Competence to Stand Trial Testimony:** The JJAC submitted testimony to the state legislature commenting on the need for legislation that establishes procedures for determining whether a juvenile defendant is competent to stand trial. The testimony addressed specific competency issues that confront juvenile defendants and the types of procedures that should be codified to respond to such juvenile-specific needs and issues.

**Stakeholder Collaboration:** JJAC members and EOPSS staff were regularly involved in key juvenile justice initiatives in the Commonwealth such as the Juvenile Detention Alternatives Initiative (JDAI), the Child Welfare and Juvenile Justice Leadership Forum, the JJAC and DYS Leadership Training Series, and a professional development initiative for juvenile justice stakeholders sponsored by Wheelock College and School and Main Institute entitled Re-Imagining Juvenile Justice.

The JJAC is committed to improving the Commonwealth’s juvenile justice system and its outcomes for youth, families and communities.

More information about the JJAC, including its Three Year Plan, can be found at: <http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/jjac/>



## Juvenile Justice and Delinquency Prevention Act

The JJDP Act 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 JJDP Act 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 Inmates:** Alleged and adjudicated delinquents cannot be detained or confined in a secure institution (such as a jail, police lockup, court holding facility or secure correctional facility) in which they have sight or sound contact with adult inmates.
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 JJDP Act 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 approximately 50% of its Formula Grant award to work towards achieving compliance. With the exception of the Separation of Juvenile from Adult Inmates core requirement, Massachusetts is in compliance with the JJDP Act.



## 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. OJJDP awards Formula Grants to states based on the proportion of the state population younger than age 18. In order to receive Formula Grant funds, states must establish a state advisory group and commit to achieve and maintain compliance with the JJDPA four core requirements. Massachusetts received Formula Grant awards of \$388,462 in FFY 2012, \$392,933 in FFY 2013 and \$549,045 in FFY 2014. Each award was impacted by 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 December 2013 the JJAC awarded available FFY 2011 Formula Grant funds to support three alternatives to detention programs through September 2014. With an overall decrease in federal juvenile justice dollars, including the discontinuation of Title V and JABG funds, and the non-compliance penalty on Formula Grant funds that took effect in FFY 2011 coupled with the mandate to utilize 50% of the remainder to address compliance, the prospects for the JJAC to fund a healthy array of delinquency prevention, intervention and/or systems-change programs in the near future are poor.
- **The Juvenile Accountability Block Grant (JABG) Program** (terminated by Congress after FFY 2013) was created by Congress to promote greater accountability in the juvenile justice system. The JABG awards for FFY 2011, FFY 2012 and FFY 2013 were \$ 682,969, \$409,449 and \$312,929 respectively. In December 2013, FFY 2011 and 2012 JABG funds were awarded to seven accountability-based programs and restorative justice programs that ended in May 2015. FFY 2013 JABG funds will be allocated towards renovation projects in the Commonwealth's court holding facilities.
- **The Title V Community Prevention Grants Program** (terminated by Congress after FFY 2011) was designed to support delinquency prevention projects at the local level. In FFY 2011 the Commonwealth received \$50,000. The JJAC supported three projects with FFY 2011 funds during 2013 and the first two quarters of 2014.



## JJAC-Funded Projects

### FORMULA GRANT GRANTEES

*FFY 2011 Formula Grant funds supported four projects from December 2013 – September 2014.*

**Robert F. Kennedy Children’s Action Corps:** RKF Children’s Action Corps implemented its Detention Diversion Advocacy Project (DDAP) that provides community-based case-management for youth at risk of being detained on their court cases.

**The Salvation Army:** The Salvation Army implemented 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 implemented 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, conducted a study of juvenile diversion programs throughout the Commonwealth in order to map existing projects and promote best practices for pre-arraignment juvenile diversion.

### JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) GRANTEES

*FFY 2011 and FFY 2012 JABG supported seven projects from December 2013 – May 2015.*

**Athol Police Department:** The Athol Police Department administered 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 implemented 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 operated 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 RKF Children’s Action Corps, administered 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, worked 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 worked with Juvenile Court Restorative Justice Diversion Inc. to divert youth at risk of prosecution into a restorative justice program that works with the youth, victims and community to resolve and heal conflicts.

**Plymouth County District Attorney's Office:** The Plymouth County District Attorney's Office operated 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 supported three projects from December 2012 – August 2014.*

**Berkshire County Sheriff's Office (BCSO):** BCSO implemented 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, used a youth development approach to provide services such as mentoring, counseling and a drop-in center for at-risk youth.

**City of North Adams:** North Adams, subcontracting with The Barrington Stage Company, implemented 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 assesses relevant and pressing juvenile justice matters in Massachusetts. It identifies priorities that are intended to focus its activities as well as inform the goals and work of all juvenile justice stakeholders in the Commonwealth. In 2014, the JJAC identified seven priorities for the Commonwealth that – along with specific recommendations - remain relevant at the writing of this report. The priorities are:

1. Improve sight and sound separation in all relevant facilities and specifically in court holding facilities.
2. Reduce the over-representation of minority youth in the juvenile justice system.
3. Obtain state, county and city/town juvenile justice data in order to inform policy, practice and program development.
4. Advocate for the development and utilization of alternatives to secure juvenile detention.
5. Support implementation of services that acknowledge and address trauma.
6. Conduct a comprehensive review of Juvenile Competence to Stand Trial (JCST) practice and pending legislation and develop recommendations based on this review.
7. Assess the availability of empirically-based programming for at-risk and system-involved youth at all phases of the juvenile justice system.

### **PRIORITY ONE: Improve sight and sound separation in all relevant facilities and specifically in court holding facilities.**

#### **The Problem**

The Commonwealth is currently out of compliance with the Separation core requirement of the JJDPA. While all new court house construction in the last decade has been and will continue to be compliant, approximately 60% of the Commonwealth's court holding facilities fail to provide adequate sight and sound 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.

#### **The JJAC's Response**

- Beginning in December 2011 a dedicated working group consisting of staff from the EOPSS, EOTC, 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.
- Architects were hired to visit each of the problematic facilities in order to determine where renovations could be made and to start the process of designing architectural plans. Where renovations have been deemed to be infeasible, several of the facilities have been identified for non-renovation remedies such as the use of strategically-placed, sound-reducing curtains to mitigate sight and sound contact between detainees in the facilities and/or changes in the policies and practices of where detainees are held and how they are moved within the facilities in question.
- At the writing of this report, non-renovation remedies are in the process of being implemented. Remedies involving renovations for the first round of facilities for which plans have been drafted are expected to begin by early 2016. The JJAC has dedicated Formula Grant funds for

the non-renovation remedies and intends to use the FFY 2013 JABG funds to help fund the renovation projects of Round 1. State funds are expected to help cover the cost of most of the renovations for both Round 1 facilities and for Round 2 (final round) facilities.

### **Recommendations for Moving Forward**

1. The working group should continue to meet regularly and monitor the progress of planning and remedies for Rounds 1 and 2 as outlined in the JJAC's FFY 2015 Three Year Plan.
2. The Commonwealth should ensure adequate funds are made available to implement the planned remedies for all of the problematic court holding facilities.
3. For facilities where it is needed and useful, the working group should draft and finalize site-specific policies and procedures regarding the handling of juvenile and adult detainees in ways that optimally mitigate violations.
4. The EOTC must collect and make available their data relevant to sight and sound violations in the court holding facilities. As informed by the data, EOPSS should work with the EOTC to reduce violations as needed and on an ongoing basis.

### **PRIORITY TWO: Reduce the over-representation of minority youth in the juvenile justice system.**

#### **The Problem**

The overrepresentation of minority youth in the juvenile justice system, known as disproportionate minority contact (DMC), is a major moral and social problem in Massachusetts and across the country. As a result, in 1992, Congress made it a core requirement of the JJCPA. States must work to reduce DMC in their juvenile justice systems. In 2014, according to data reported by DYS, in Massachusetts a Black youth was 7.8 times more likely to be detained in DYS than a White youth; and a Latino youth was 6.20 times more likely to be detained than a White youth. During the same year a Black youth was 9.00 times more likely to be committed to DYS than a White youth; and a Latino youth was 6.50 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, inadequate social capital and underperforming schools. The likelihood is that DMC is caused by a confluence of the above and other factors.

#### **The JJAC's Response**

- The JJAC and EOPSS have focused efforts on advocating for reliable and consistent race and ethnicity data collection and reporting from stakeholders, particularly regarding the EOTC and police.
- With the data that was collected the JJAC and EOPSS's DMC Reduction Specialist determined the rates at which youth of color are disproportionately represented at contact points within the juvenile justice system and disseminated the information to assist in advocacy efforts to reduce the disparities.
- The JJAC funded projects that were awarded funds based, in part, on whether they were informed on DMC issues and showed an intention and potential to help reduce it.

- JJAC members and the DMC Reduction Specialist participated in other initiatives working to raise awareness amongst stakeholder colleagues of the nature of DMC problems in Massachusetts.

### **Recommendations for Moving Forward**

1. State agencies including the Massachusetts State Police, district attorneys' offices, the Office of the Commissioner of Probation, the EOTC, and DYS should consistently and reliably collect and report relevant data including the race and ethnicity of system-involved youth (as required by OJJDP).
2. All municipal police departments, the Massachusetts State Police and university public safety departments should consistently collect and report National Incident-Based Reporting System (NIBRS) data to the Massachusetts State Police Crime Reporting Unit.
3. Stakeholders – including police, school resource officers, probation officers, judges and prosecutors – should engage in implicit bias training and trainings that address positive youth development and cultural responsiveness.
4. The EOTC should complete a quantitative DMC assessment study within a timeframe recommended by OJJDP.
5. 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.
6. School administrators and staff should be educated on - and take action against - racial disparities in the school-to-prison pipeline and racial disparities in the use of school discipline. Schools should implement restorative practices and/or other practices that reduce the use of out-of-school suspension and school-based arrests.

### **PRIORITY THREE: Obtain state, county and city/town juvenile justice data in order to inform policy, practice and program development.**

#### **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 the sharing of data. With the exception of some agencies such as DYS, the data is often not shared in a proactive manner, if accessible at all. 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 and EOPSS 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 importance of collecting data on the race and ethnicity of system-involved youth was repeatedly stressed as was the request for the EOTC to complete a DMC assessment study.
- The JJAC and EOPSS will continue 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, juvenile justice 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 FOUR: Advocate for the development and utilization of alternatives to secure juvenile 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 have decreased dramatically during the past several years - from 4,345 detained youth in 2007 to 2,160 in 2014 - there remains a need for an increase in community alternatives for youth who do not require secure detention. DYS has shown leadership in this area with the formation of the Central Region Reception Center (CRRC) in Worcester County that assesses the risk level of detained youth and places most of the "low risk" youth in foster homes in the community. However, a significant number of low risk youth continue to be detained in the Commonwealth. 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. 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**

- The JJAC funded the following alternative to detention projects during 2014:
  - DYS, as part of its Juvenile Detention Alternatives Initiative (JDAI) validated 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 DDAP makes caseworkers available to judges and probation officers who work with youth who would 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 in Hampden County and Suffolk County – 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. worked with system-involved youth in Bristol County 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 United Teen Equality Center (UTEK) provided services in Lowell such as GED preparation, job preparation and life skills training and counseling for court-involved youth in the community in lieu of detention.
- The Salvation Army's Kroc Center in Dorchester worked with court-involved youth, keeping them in the community while providing life skills education and case management oversight.

### **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 the unnecessary use of 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 FIVE: Support implementation of services that acknowledge and address trauma.**

The JJAC did not work on this issue during 2014. Rather the JJAC Best Practices Subcommittee decided to address the issue at a later time in order to focus on juvenile competence to stand trial (Priority 6) during 2014.

### **PRIORITY SIX: Conduct a comprehensive review of Juvenile Competence to Stand Trial (JCST) practice and pending legislation and develop recommendations based on this review.**

#### **The Problem**

Defendants who are not able to adequately understand their court proceedings, make reasoned decisions based on their understanding and sufficiently assist their counsel in their defense are not competent to stand trial. In Massachusetts there is not a juvenile-specific competence to stand trial statute. The current law which delineates procedures for determining CST is applied to both adults and juveniles. It fails to address issues that relate specifically to juveniles, most important of which concerns the unique developmental needs of youth.

#### **The JJAC's Response**

- JJAC member, Kimberly Larson, a national expert on JCST, conducted research on JCST issues in Massachusetts and reviewed the JCST bill that was proposed in the state legislature in 2014 in order to assess its strengths and weaknesses.
- Based on the review of the JCST bill, on behalf of the JJAC, Ms. Larson prepared and submitted testimony commenting on the proposed legislation, including recommendations on how it could be improved.

## **Recommendations for Moving Forward**

1. A JCST bill that addresses issues identified by the JJAC should be passed and signed into law.
2. Training on JCST, in general, and training on any Massachusetts JCST statute (should one be passed) should be provided for all stakeholders that play a role in the court process and CST evaluations.

## **PRIORITY SEVEN: Assess and map the availability of empirically-based programs for youth involved with the juvenile justice system.**

### **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. Over the past 40 years DYS has transformed its structure and services to have a positive impact on detained and committed youth. For example, Massachusetts was the first in the nation to close its large “training schools” and create smaller, community-based facilities closer to the families of the youth. Within these smaller and local facilities DYS implemented services for youth such as Dialectical Behavior Therapy (DBT) to promote pro-social development. Yet the juvenile justice system as a whole in Massachusetts is hampered by separate systems and methods of data collection amongst stakeholders. 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 particularly needed regarding the number, type and effectiveness of private, non-profit (mostly preventative) 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 has formed 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 JJAC will work with other initiatives to help map existing empirically-based programming.
- 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

In July 2014 legislation was signed into law delineating parole eligibility possibilities ranging between 20 to 30 years for juveniles convicted of various types of first-degree murder. Juveniles convicted of first degree murder can no longer be sentenced to life without the possibility of parole.

## Conclusion

While the Commonwealth and the JJAC have reason to be proud of their evolving policies and activities on behalf of at risk and system-involved youth there is much work left to be done to ensure that the juvenile justice system truly benefits all who come into contact with it. We hope that this annual report helps stakeholders better understand pressing juvenile justice issues in the Commonwealth and that it generates constructive discussion and action. The JJAC is committed to deepening its understanding of the most salient juvenile justice issues while using its expertise to effectively advocate for all youth with special attention to those who grow up in the most disadvantaged and vulnerable circumstances.

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](mailto: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

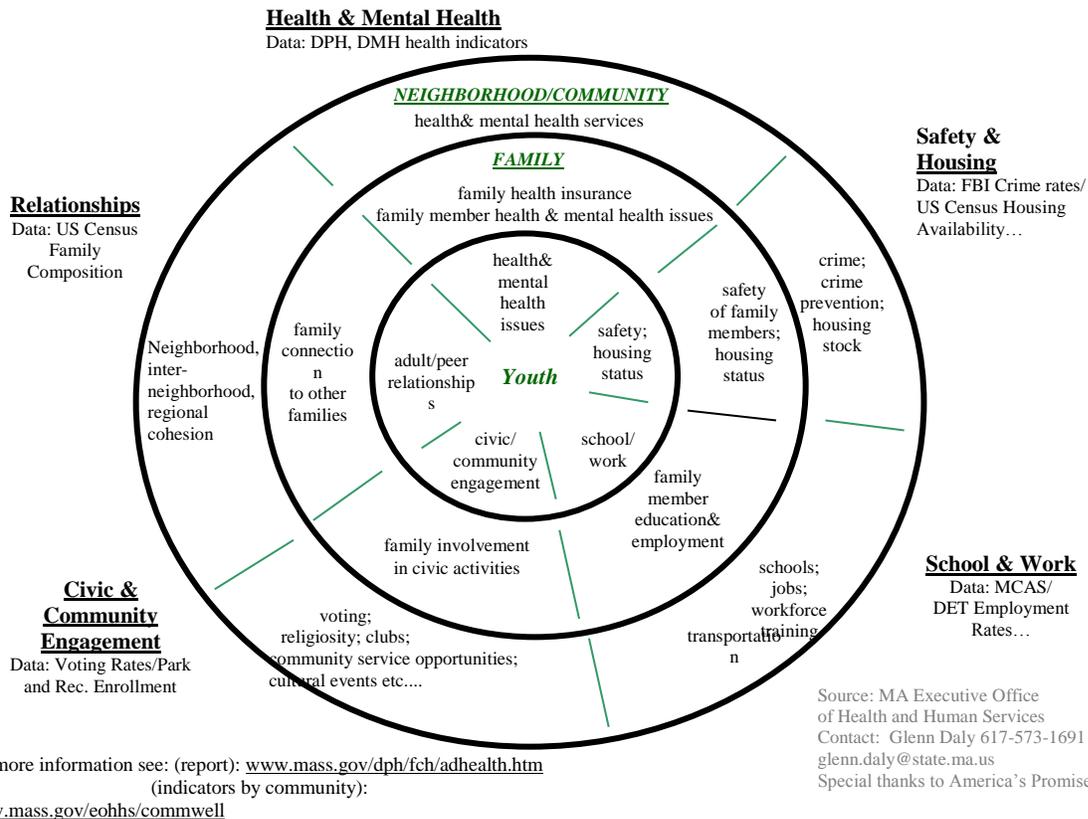
“All Massachusetts youth grow up to be healthy, caring, economically self-sufficient adults.”

### 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



**APPENDIX 2: Juvenile Justice Advisory Committee (2014)**

<b>Name</b>	<b>Affiliation</b>
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)
Mark Booher	Clinician (retired)
Jeff Butts	Boys & Girl Club of Boston
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
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
Austin Lessin	Youth Member
Roland Milton	Pyramid Builders Inc.
Natalie Petit	Student, Curry College
Jovonte Santos	Adjunct Professor, LaSalle College
Ken Smith	Executive Director, YouthBuild Boston

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

--- Dietrich Bonhoeffer