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**THE DEPARTMENT OF YOUTH
SERVICES**

2016 RAISE THE AGE REPORT

December 2016

Massachusetts Department of Youth Services



Department of Youth Services

2016 Raise the Age Report

Background

On September 18, 2013, Massachusetts raised the age of juvenile court jurisdiction from 17 to 18 years old. Raising the age of the juvenile court jurisdiction aligned the Commonwealth with the federal courts and 39 other states, as well as with other legal age limits that were in effect in Massachusetts. Raising the age of juvenile jurisdiction furthered the Commonwealth's efforts to comply with the federal Prison Rape Elimination Act (PREA). This law requires courts and facilities to provide sight and sound separation between adults and juveniles in order to protect young people under the age of eighteen from possible rape and sexual assault in adult holding cells and prisons. Costly construction and staffing changes in the adult facilities were not needed in Massachusetts because of the shift of youth under 18 to the juvenile system. The Department of Youth Services ("DYS") has complied with the PREA requirements and was certified by the federal government for successfully meeting the standards in its first three annual reviews.

DYS continues to work with the adult correction system to take young people charged and held on pre-trial status for first and second degree murder (an adult offense if committed by someone 14 to 18 years of age) for placement by DYS until their eighteenth birthday. These holds by DYS serve as a courtesy and relief from the logistical and cost burden of sight and sound separation for the Massachusetts Sheriffs and the Department of Correction.

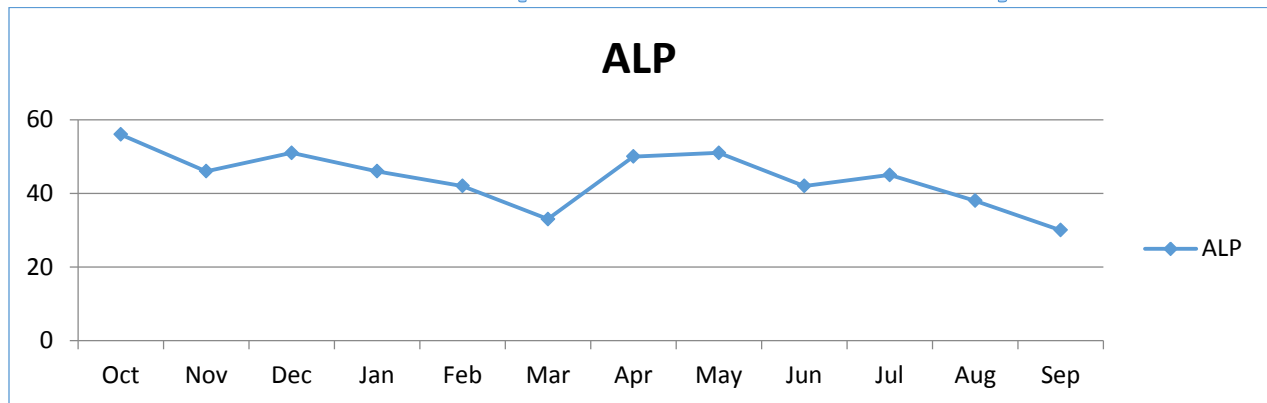
Impact of Raise the Age on DYS Client Population

DYS receives admissions in several categories including: overnight arrest, pre-trial detention, commitment and "courtesy hold status". The following describes each admission type and the numbers of admissions from October 1, 2015 through September 30, 2016 to those service categories for the "Raise the Age" youth ages 17 to 18.

DYS 17-Year Old Alternative Lock-Up Arrest Admissions

The first chart describes youth who have been arrested and placed in a DYS alternative lock-up program while awaiting arraignment. DYS currently provides five alternative lock-up sites across the state. These lock-up programs are designed to hold youth safely overnight or for multiple nights until the next open court business day when youth will appear before a juvenile court judge for arraignment. At arraignment, the judge makes a decision as to whether the youth will be released from custody or have bail set on the delinquency matter, which could result in a DYS detention placement.

Alternative Lock-Up Admissions of 17-year-olds



	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep
ALP	56	46	51	46	42	33	50	51	42	45	38	30

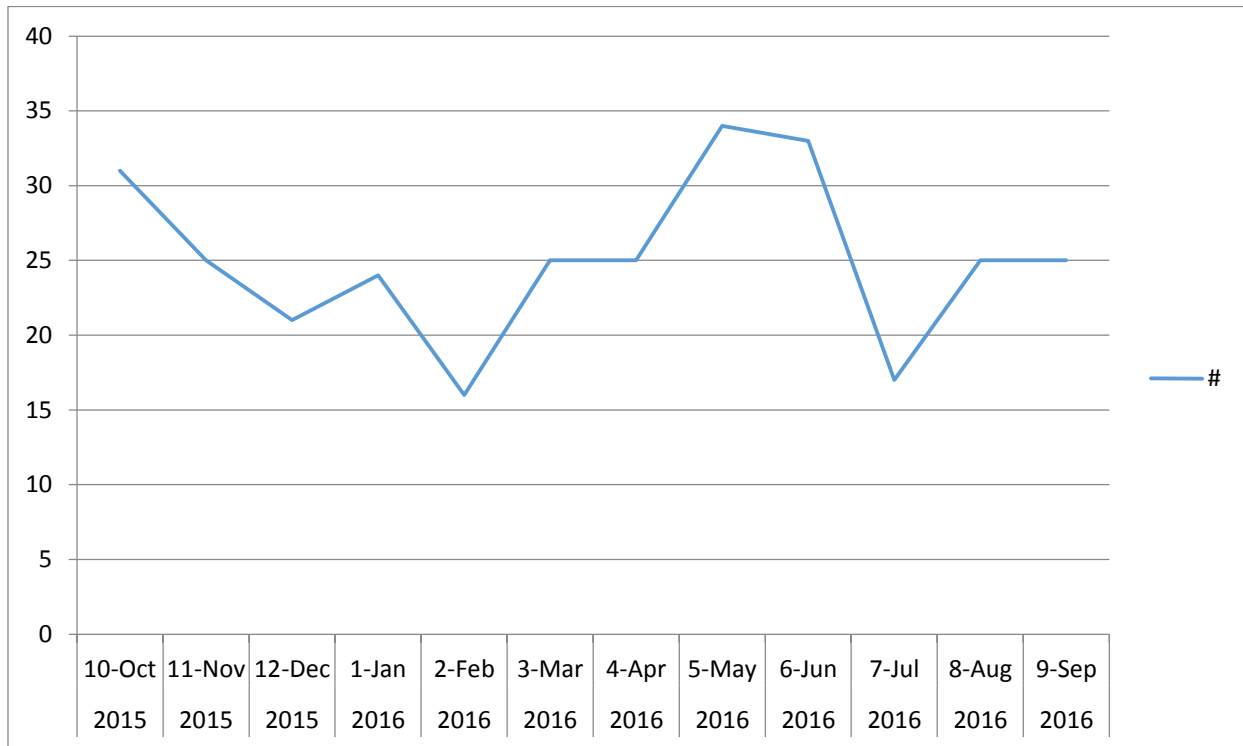
This chart reflects 17 year old arrest admissions by month from October 1, 2015 through September 30, 2016 into the Department's regional Alternative Lock-Up Programs (ALP). The year's admissions total for 17 year olds was 530 youth. In comparison to last year when 382 17- year- old youths were admitted to ALP, this reflects a 28% increase.

DYS 17-Year Old Detention Admissions:

Youth who appear before the juvenile court on delinquency petitions may be referred to DYS for pre-trial detention if the judge determines that they present a risk of not appearing for future court dates or if they present a danger to the community. Youth appearing in court for probation violation hearings may also be referred to DYS based on the nature of the violations.

It is important to note that in the first year of data collection related to the Raise the Age youth, DYS was unable to separate youth who were admitted to DYS detention at age 17 for violations of probation for offenses which occurred prior to age 17 from youth who were admitted to DYS detention based on offenses which occurred after age 17. As a result, DYS reported on all detention admissions over the age of 17 in the first report. During the second and third year of data collection, DYS modified its client information system to capture the date of arrest, which has allowed DYS to identify as a separate category, the youth who were 17 at the time of arrest and benefited from being retained in the juvenile system.

First-time Detention of 17-year-olds



10-Oct	11-Nov	12-Dec	1-Jan	2-Feb	3-Mar	4-Apr	5-May	6-Jun	7-Jul	8-Aug	9-Sep
31	25	21	24	16	25	25	34	33	17	25	25

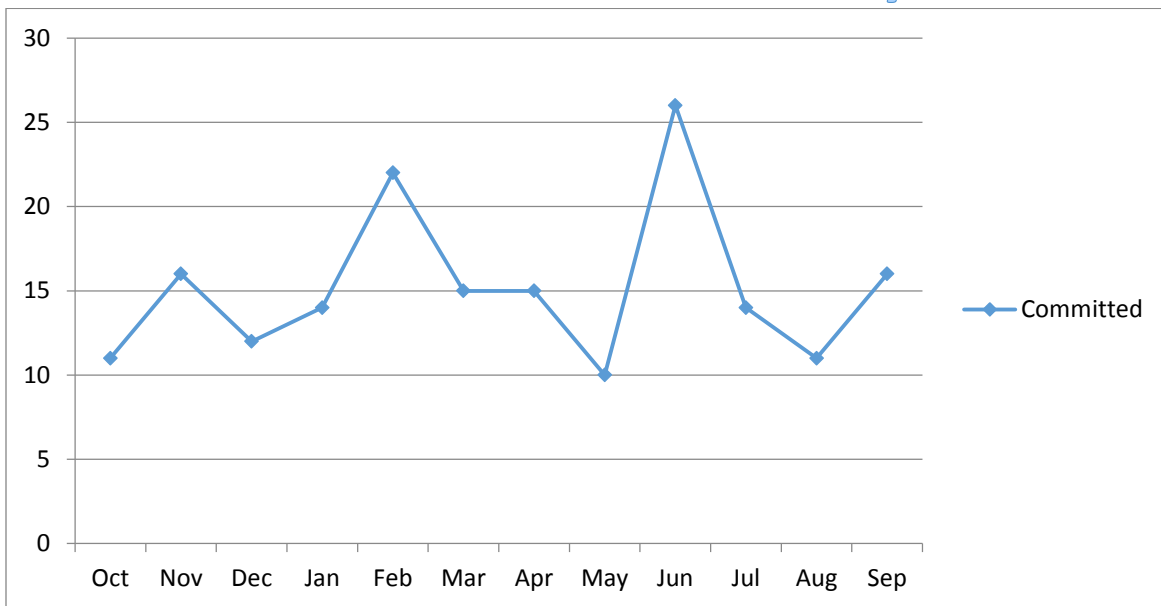
This chart reflects pre-trial detention admissions for 17-year old youth for the period of October 1, 2015 through September 30, 2016 for a total of 301 youth. In comparison to the previous year's number of 271 youth, we see an increase of 11% this year.

DYS 17-Year Old Commitments

Commitment to DYS is a possible disposition for youth who have been adjudicated delinquent (i.e. found guilty) in a juvenile court proceeding. Youth are committed to DYS custody to the age of 18, 19 or in cases processed as Youthful Offenders, to the age of 21. DYS custody includes secure and residential

treatment as well as supervised transition to the community, with continued case management and supports. DYS has also offered youth the opportunity to request voluntary services from DYS after age 18 and up to the age of 22, with the goal of helping youth to sustain the gains they had made in education, employment and personal development. DYS prioritizes recidivism reduction and views this offer of voluntary services as a key component of our broader effort during their time with DYS.

First-Time Commitments of 17-year-olds



	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct
Committed	11	16	12	14	22	15	15	10	26	14	11	16	14

This chart reflects 17-year-old youth with their first commitment to the Department of Youth Services occurring between October 1, 2015 and September 30, 2016. During this period, there were 182 youth committed to DYS, a slight decrease from the 186 youth committed in the 2015 cohort.

Courtesy Holds

DYS has offered placement for adolescents between the age of 14 and 18 charged with first or second degree murder as well as Youthful Offenders under the age of 18 sentenced to adult prison. The “courtesy hold” arrangement has been in place between DYS, the County Sheriffs and to a lesser extent the Department of Correction since 1996. It entails a formal request from a County Sheriff or the Department of Corrections for DYS to hold in a juvenile facility a youth who has been charged or

sentenced as an adult in a juvenile facility. Prior to implementation of the Raise the Age legislation, this arrangement applied to youth under 17. Now it extends to youth under 18. This option provides these youth with an age-appropriate and safer placement arrangement pending disposition of their court cases or their 18th birthday. From October 1, 2015 through September 30, 2016, DYS served 23 youth as courtesy holds. In the first year of the law change, from September 18, 2013 through September 30, 2014, DYS served 15 youth as courtesy holds. Generally courtesy- hold youth are involved in lengthy trials which can extend several years before a disposition is reached. DYS carefully monitors the number of youth on this status to effectively manage a limited resource.

Budget

The Raise the Age Legislation included additional funds for the Department of Youth Services which added \$15.6M to the agency's budget in FY 2014- 2015, which was annualized in FY 2016. DYS used the funds to open additional programs:

- 18 bed staff secure detention program for Northeast and Metro Region youth (male).
- Originally a 12 bed hardware secure detention program for State-wide long-term detention youth, primarily courtesy holds (male). This program expanded to 15 beds based on operational needs during 2015-2016.
- Originally a 6 bed independent living program for Metro Region youth (male) which expanded to 8 beds during 2015-2016, based on operational needs.
- 6 bed independent living program for Southeast Region youth (male).
- 12 bed staff secure assessment program for Southeast Region youth (male).
- 15 bed hardware secure detention for Metro Region (male).

In April of 2016, DYS made a decision to close a 15 bed secure treatment program for females based on operational needs. The number of females committed to DYS had declined over the past 3 years and the offense profile of the current female caseload has not generally met threshold for placement in secure treatment.

DYS continues to monitor admissions and program utilization monthly to ensure resources align to population needs.

Operational Challenges

Youth over the age of 17 are now the largest cohort of youth in the care of the Department of Youth Services. The treatment needs of older youth have caused the agency to reconsider its approach to youth engagement and service delivery. Older teens can be more resistant to adult guidance. DYS continues to strategize on effective ways to engage youth who come to DYS well into their 17th year with less investment in the DYS services offered because they know they will age out of DYS care in a relatively short period of time.

The safety of youth and staff in our residential programs is a primary focus for the agency. DYS has been assessing the prevalence and causes of incidents of violence in our residential programming, which presents threats to youth and staff and undermines the effectiveness of our interventions. The cohort of 17 year olds has been involved in the highest number of assaults perpetrated against both other youth and staff from the period of 2014-2016, with 480 reported assaults on other youth and 187 reported assaults on staff. In 2016, DYS convened a Safety Task Force composed of members of the Legislature, union representatives, agency leadership and other human service professionals to examine current challenges in the system and to make recommendations to reduce violence, based on best practices. The agency has also had an internal working group focused on safety which advises agency leadership on risk areas and solutions. We believe that a highly skilled work force, engaging programming for youth and consistent limit-setting provide a framework for safety.

A recent collaboration with a team from the Harvard Kennedy School of Government to evaluate the impact of Raise the Age made recommendations to service delivery in the following areas:

- Improve systems for collecting data to evaluate outcomes for youth by implementing youth surveys and training staff to collect aggregate data.
- Evaluate current education and employment services
- Pilot a shortened assessment for newly committed youth committed for less than 180 days and explore options to expedite collection of case materials needed for treatment planning
- Develop a model to increase subsidized jobs
- Explore strategies to increase the number of youth aging out of the system who sign on for voluntary services to support progress made.

These recommendations will be considered in planning for improvements to policy and services to young people.

Youth Impact

Raising the age of juvenile court jurisdiction conforms to a national trend in supporting young people to move into adulthood with the skills necessary to help them become contributing members of their community. DYS offers multiple educational pathways to high school diplomas, equivalency certificates, post-secondary education and vocational training. Our clinical services help young people address past trauma, substance abuse, depression and other behavioral health needs. The lens of Positive Youth Development helps us lead young people in an exploration of what is possible for the future. The ability to explore the interests and strengths that youth possess will help shape the foundation of their adult lives.

This legislative change directs 17 year olds into juvenile court for due process related to delinquency proceedings. This shift allows thousands of 17 year olds to remain free of adult criminal records and all of the obstacles associated with having an adult CORI.

Summary

Since the passage of the Raise the Age law three years ago, DYS has worked to understand the needs of older teens and to create programming that will engage them in working productively with our staff. While DYS continues to work through some of the challenges associated with serving this group of youth, we have enhanced our continuum to address the increase in older youth and improved our data collection for this group of young people. We believe that the change in the age of juvenile jurisdiction will have a positive impact on long term public safety through the rehabilitation of the youth that it serves. Seventeen year olds require structure, guidance, limit setting and services.