

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

By His Excellency

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 522

Reestablishing a Juvenile Justice Plan for Massachusetts

(Revoking and Superseding Executive Order Nos. 204 and 339)

WHEREAS, the Juvenile Court Department reports that 26,051 delinquency complaints were filed and 334 youthful offender indictments were issued in the Commonwealth in fiscal year 2009.

WHEREAS, the Commonwealth of Massachusetts is committed to preventing and reducing juvenile involvement in delinquent behavior through continued review of, and improvements to the juvenile justice and treatment system; and

WHEREAS, the Juvenile Justice and Delinquency Prevention Act, P.L. 93-415 (1974), as amended, 42 U.S.C. 5601 et seq. (hereinafter referred to as "the Act"), was enacted to establish the core requirements for fair and humane treatment of juveniles in the criminal justice system, including deinstitutionalization of status offenders, separation of juveniles from adult detainees or inmates, removal of juveniles from adult jails, and reduction of disproportionate minority contact with the system, and to provide funding and guidance to the states and local units of government for programs that help prevent delinquency and improve the juvenile justice system; and

SECRETARY OF STATE
RECORDS DIVISION
2010 APR -2 PM 1:57

WHEREAS, for the Commonwealth to receive formula grant funds pursuant to Title II of the Act, 42 U.S.C. § 5631 et. seq., the Governor must designate a state agency as the sole agency for supervising the preparation and administration of a state juvenile justice plan designed to accomplish the purposes of the Act; and

WHEREAS, the Act requires that the Governor of the Commonwealth establish a state advisory group to fulfill specified functions and participate in the development and review of the state juvenile justice plan; and

WHEREAS, the Act requires the designation of a supervisory board for the purposes of providing final approval of the state's juvenile justice plan and of the applications for formula grant funds available under the Act; and

WHEREAS, for the state's local units of government to receive Incentive Grants for Local Delinquency Prevention Programs pursuant to Title V of the Act, 42 U.S.C. § 5781 et. seq., the applications for grants under this title must be reviewed and approved by the state advisory group; and

WHEREAS, amendments to the Omnibus Crime Control and Safe Streets Act of 1968, P.L. 90-351, as amended, 42 U.S.C. § 3796ee et. seq., have authorized Juvenile Accountability Block Grants for use by the states and units of local government for the purpose of strengthening the juvenile justice system; and

WHEREAS, to be eligible to receive Juvenile Accountability Block Grants the state must establish and convene an advisory board to recommend a coordinated enforcement plan for the use of such funds in accordance with the Omnibus Crime Control and Safe Streets Act and in furtherance of its purpose;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution of Massachusetts, Part 2, c. 2, § 1, Art. I, do hereby revoke Executive Orders Nos. 204 and 339 and order as follows:

Section 1. The Executive Office of Public Safety and Security (“EOPSS”), through its Office of Grants and Research, shall be the sole state agency responsible for supervising the preparation and administration of the Massachusetts juvenile justice plan.

Section 2. The Massachusetts Juvenile Justice Advisory Committee (“JJAC”) shall be established and is hereby designated as the state advisory group for purposes of the Act. The JJAC is hereby further designated as the state’s supervisory board for purposes of the Act.

Section 3. The JJAC shall consist of not less than fifteen and not more than thirty-three members appointed by the Governor. Members shall be appointed for a term of two years, or until a successor is appointed at the discretion of the Governor. The Governor shall appoint a chairperson from among the members of the JJAC. The chairperson and the members shall serve at the pleasure of the Governor and without compensation.

Section 4. The membership of the JJAC shall consist of persons who have training, experience, or special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice.

The members shall include:

- (i) At least one locally-elected official representing general purpose local government;
- (ii) Representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;
- (iii) Representatives of public agencies concerned with delinquency prevention or treatment, such as social services, mental health, education, special education, public assistance, recreation, and youth services;
- (iv) Representatives of private non-profit organizations, including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and treatment, neglected or dependent children, the quality of juvenile justice, education, and social services for children;

(v) Volunteers who work with delinquents or juveniles at risk of becoming delinquent;

(vi) Youth workers involved with programs that are alternatives to incarceration, including programs providing organized recreation activities;

(vii) Persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion; and

(viii) Persons with special experience and competence in addressing problems related to learning disabilities, emotional difficulties, child abuse and neglect, and youth violence.

A single member may represent more than one of the categories listed above.

A majority of the members of the JJAC, including the chairperson, shall not be full-time employees of the federal, state, or local government. At least one-fifth of the members shall be under the age of 24 at the time of appointment, and at least three of those members shall have been or shall currently be under the jurisdiction of the juvenile justice system.

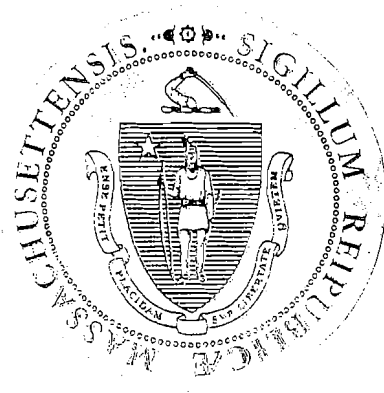
Section 5. In its dual capacity as the state advisory group and supervisory board, the JJAC shall participate in an advisory capacity in the development and review of the Commonwealth's juvenile justice plan and shall provide final approval of the plan. As the state advisory group it shall have the opportunity to review and comment on all juvenile justice and delinquency prevention grant applications submitted to the EOPSS Office of Grants and Research, its comments to be provided no later than thirty days after the submission to the JJAC of any such application. As the state advisory group the JJAC shall submit to the Governor and the Legislature, at least annually, recommendations regarding the Commonwealth's compliance with the requirements of the Act concerning the deinstitutionalization of status offenders and the separation of juvenile offenders from adult offenders. In its capacity as the supervisory board, the JJAC shall provide final approval of the state's formula grant applications. The EOPSS may request the JJAC to review the progress and accomplishments of the projects funded under the state plan.

Section 6. The JJAC shall also serve as the state advisory group for purposes of the Incentive Grants for Local Delinquency Prevention Programs pursuant to Title V of the Act, 42 U.S.C. § 5781 et. seq. and shall review and have final approval of applications for grants under this section of the Act.

Section 7. In accordance with the requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, the JJAC shall also serve as the advisory board to the state to recommend a coordinated enforcement plan for the use of the Juvenile Accountability Block Grants.

Section 8. This Executive Order shall remain in effect until amended, superseded, or revoked by subsequent Executive Order.

Given at the Executive Chamber in Boston this 2d day of April in the year of our Lord two thousand and ten and of the Independence of the United States of America, two hundred and thirty-four.



A handwritten signature in black ink, appearing to read "Deval Patrick", written over a horizontal line.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

A handwritten signature in black ink, appearing to read "William Francis Galvin", written over a horizontal line.

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS