

**Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Office of Grants and Research**



FY 2021 Title II Formula Grants Program

THREE YEAR PLAN

**Charles Baker
Governor**

**Karyn Polito
Lieutenant Governor**

**Thomas A. Turco, III
Secretary**

**Kevin Stanton
Executive Director**

PROGRAM NARRATIVE

A. DESCRIPTION OF THE ISSUE

1. System Description: Structure and Function of the Juvenile Justice System

The major components of the Massachusetts juvenile justice system consist of the following stakeholders: the statewide Juvenile Court Department of the Trial Court, the Department of Youth Services (DYS), the Office of the Commissioner of Probation, the Youth Advocacy Division (YAD) of the Committee for Public Counsel Services (CPCS) (public defenders), the county-based District Attorneys' Offices, and local and state police. Other stakeholders who are not directly part of the major functioning of the juvenile system but are directly or indirectly involved with at-risk and system-involved youth and/or issues that confront them include: the Department of Children and Families (DCF), the Executive Office of Health and Human Services (EOHHS), the Child Welfare and Juvenile Justice Leadership Forum, the Juvenile Detention Alternatives Initiative (JDAI), the Juvenile Justice Advisory Committee (JJAC), the Office of the Child Advocate (OCA), the Department of Elementary and Secondary Education (DESE) and local schools, Citizens for Juvenile Justice (CfJJ), the Parent/Professional Advocacy League (PPAL), numerous child-serving, non-profit entities across the Commonwealth, and state lawmakers.

The juvenile court system in Massachusetts is a statewide system managed within the Executive Office of the Trial Court (EOTC). Three types of juvenile justice cases are heard within the juvenile court system: Child Requiring Assistance (CRA) cases (status offenses), delinquency cases, and youthful offender cases. A youth between the age of twelve¹ and eighteen may be prosecuted in the juvenile court system for criminal-type offenses after referral to the

¹ In April 2018, new legislation raised the minimum age at which a youth can be charged with a criminal-type offense from seven to twelve years of age.

court via an arrest (followed by issuance of a complaint) or a summons after a complaint has been issued. Delinquency cases constitute the majority of criminal-type cases in the juvenile court system.

Prosecution of juveniles as youthful offenders is left to the discretion of the District Attorneys' offices when certain conditions relating to the seriousness of the charges and/or prior history of the offender are met. Convicted youthful offenders may be committed to DYS until age 21 and receive an adult suspended sentence, or may receive any sentence that an adult is subject to for the same crime. Youth who receive adult sentences spend their time in a DYS facility until age 18 after which they may be transferred to a county House of Correction or state prison depending on the sentence.

YAD provides legal representation for indigent youth charged with delinquency or youthful offender offenses. YAD attorneys are specifically trained in representing juveniles. YAD implements a multidisciplinary approach to working with clients that includes assistance with related social work and school advocacy services and referrals.

DYS is responsible for detaining pre-trial youth who cannot post bail or who are "held without bail" as well as for confining and supervising committed youth. Detention facilities range from foster homes to staff secure residential facilities to hardware secure facilities. There is a continuum of care for committed youth. The continuum of care for a juvenile who is committed to DYS is: Assessment, Residential Phase, Hardware/Secure Treatment, Staff Secure Treatment, Community Supervision, and Discharge.² Youth are committed to DYS until age 18 on delinquency cases or until age 21 on youthful offender cases. The amount of time spent in a

² In 2009, DYS implemented the Community Service Network model, a progression of the community supervision model utilized successfully by the department for the past decade. A significant change with the new model is a return to a case management team format to deliver services to DYS youth in a specific geographic area or district rather than within a day reporting center. DYS, 2009 Annual Report, March 2011.

DYS treatment facility varies depending on the seriousness of the crime committed. After spending time in a treatment facility, the youth is released back to live with their parent/guardian. If the youth violates their Grant of Conditional Liberty (similar to a parole agreement for adults), DYS may have them re-entered into a treatment facility until they reach the upper age of their commitment.

Youth Crime Analysis and Needs and Risk Factors

A. ANALYSIS OF YOUTH CRIME PROBLEMS

There are five components involved in the analysis of juvenile crime problems: (1) arrests; (2) referrals to juvenile court; (3) formal juvenile court cases; and (4) Department of Youth Services: commitments and detentions. The ensuing data charts provide a ten-year trend analysis, data permitting. The ten-year time series displays information and trends involving the same issue or behavior over time.

(1) Juvenile arrests by offense type

The eight offenses that comprise Part I Crimes or Index Crimes – criminal homicide, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson – are the most serious offenses against persons and property tracked by the Federal Bureau of Investigation (FBI). For the past ten years, Massachusetts’ Part I juvenile arrest rate³ was less than half that of the national rate⁴, and rates for the nation and the Commonwealth have steadily declined since 2010. In the past ten years, the national rate of juvenile arrests for Part I crimes fell 67%, while the rate within Massachusetts during the same time frame dropped 77% (Figure 1, page 4).

³ Juveniles are defined as individuals under the age of 18. All rates are calculated per 100,000 persons in the total population; population figures include both juveniles and adults within a given locale (Massachusetts and the United States, respectively).

⁴ FBI figures include only those agencies that voluntarily report their crime data on an annual basis.

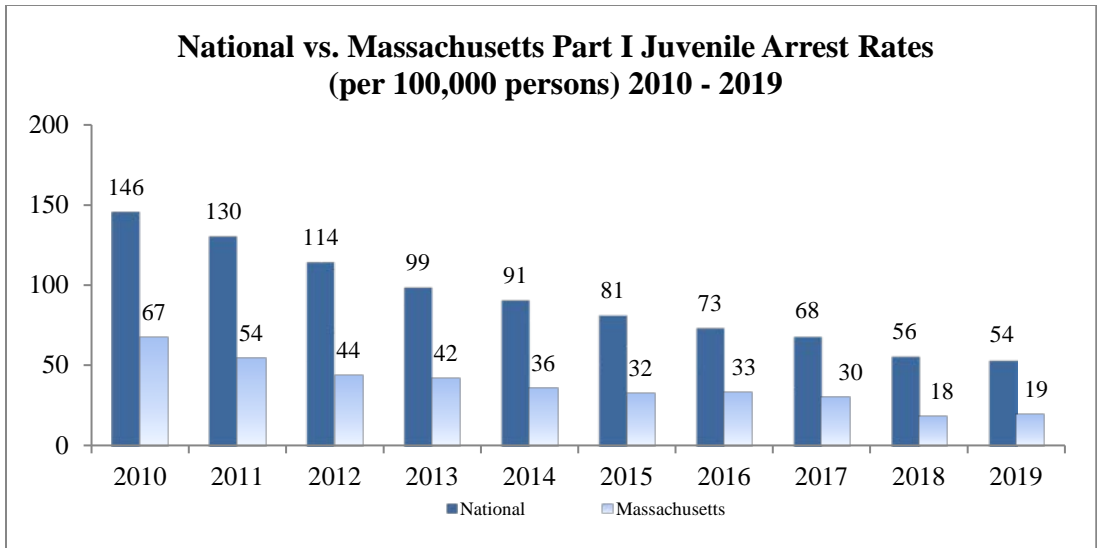


Figure 1. Source: Federal Bureau of Investigation, *Uniform Crime Reports*, 2007-2015, 2017, 2019 Table 41; 2016, Table 20; 2018, Table 38 (National data) and 2007-2015, 2017-2019 Table 69; 2016, Table 22 (MA data).

Upon further examination of the trends for Massachusetts juveniles arrested for crimes against persons and property, the patterns display a similar trajectory over time. The property crime rate dropped 77% between 2010 and 2019 and slightly increased 6% in the period from 2018 to 2019. The violent crime rate fell 69% over the same ten-year period and saw an uptick of 4% from 2018 to 2019 (Figure 2).

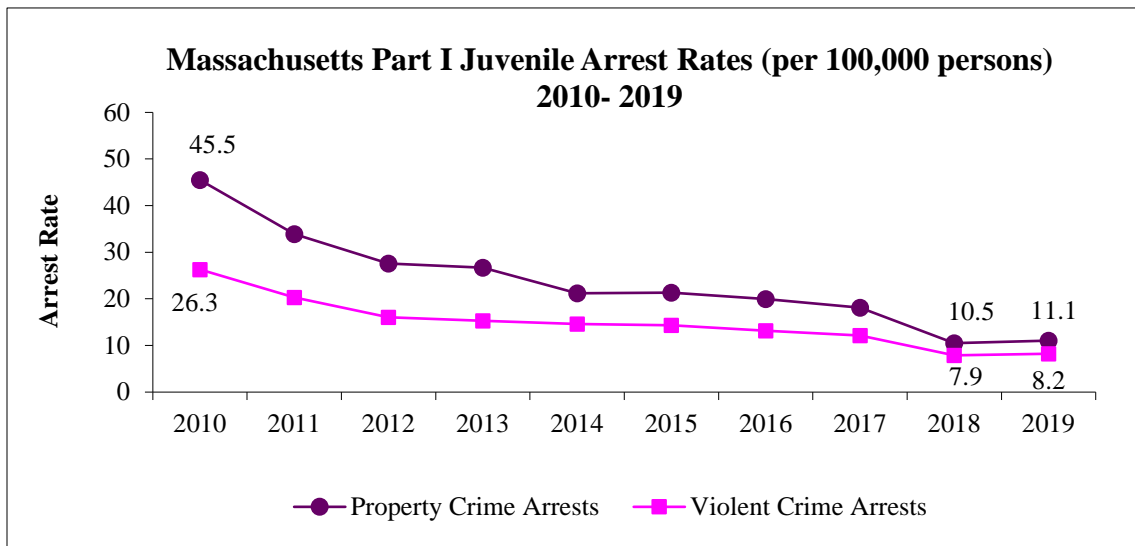


Figure 2. Source: Federal Bureau of Investigation, *Uniform Crime Reports*, 2009-2015, 2017-2019 Table 69; 2016, Table 22.

(2) Juvenile Court delinquency, youthful offender, and child requiring assistance cases

This section describes youth with three kinds of cases heard before the Juvenile Court: Delinquency, Youthful Offender, and Child Requiring Assistance (CRA). In Massachusetts, juvenile delinquents are defined as individuals who are adjudicated delinquent as a result of violating a state law, city ordinance, or town by-law when they were at least seven years of age but not yet age 18 (MGL, Chapter 119, §52). In September 2013, the Massachusetts legislature changed the oldest age from 16 to 17 for juvenile court jurisdiction for a delinquency complaint, charge, or matter. The increase in delinquency and youthful offender cases heard in juvenile court since State Fiscal Year (SFY) 2013 is mostly attributed to the raised age of juvenile court jurisdiction rather than an increase in crime.

Delinquency

Delinquency cases are almost exclusively heard before the Juvenile Court, but under the *Court Reorganization Act of 1992*, the Brookline and Gloucester District Courts retained jurisdiction over juvenile cases (MGL, Chapter 218, §57). In SFY 2020, there are 4,809 juvenile delinquency cases filed in juvenile court, marking a 9% reduction from the prior year, and a 76% decrease from the high of juvenile delinquency cases filed in SFY 2011. (Figure 3, page 6). During SFY 2020, males represent 77% and females represent 23% of juvenile delinquency cases.⁵ The race/ethnicity⁶ of the individuals appearing before the juvenile court reveal White youth accounted

⁵ The gender of youth appearing before the Juvenile Court in delinquency cases is known in 5,217 of the 5,285 cases (99%).

⁶ The Trial Court updated its reporting structure for race and ethnicity to conform to federal best practices since the last time this report was compiled. Reported racial categories are defined as the following: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, White, and Other or Mixed Race. The reported ethnicity categories are Hispanic or Latino, and Not Hispanic or Latino. For the purposes of this report, the Trial Court assigned the following racial / ethnic minority categories based on the information collected in the new reporting structure: White, Black, Hispanic, and Other. However, ethnicity information was missing or unknown in 31% of the sample, which could result in the undercounting of Hispanic individuals.

for 38% of the population, followed by Hispanic youth (30%), Black/African American youth (28%), and Other (4%).⁷

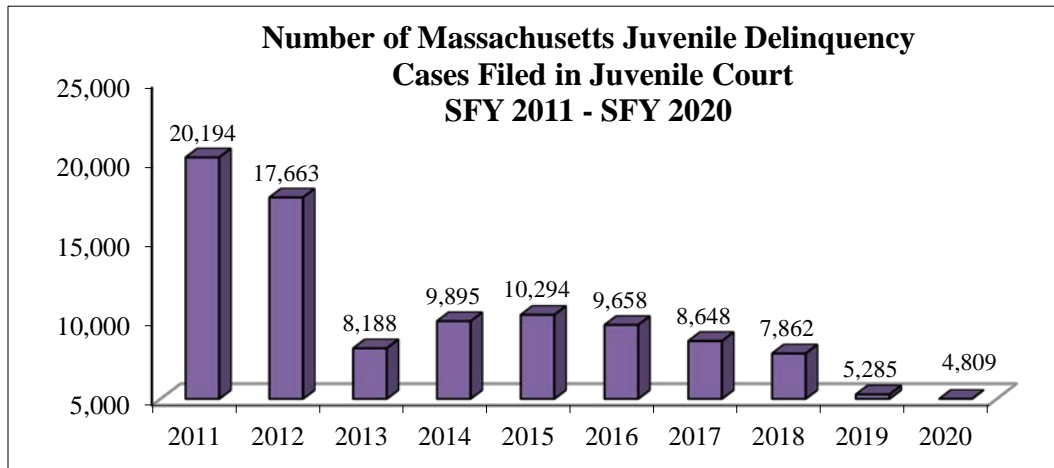


Figure 3. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Juvenile Case Types*, June 16, 2021.

Note: data on the total number of delinquency cases before the Juvenile Court in SFY 2012 in both Essex County and Norfolk County is unavailable and was excluded from this analysis.

Almost three-fourths of youth with a delinquency case filed in juvenile court are ages 15-17 (71%) (Figure 4).⁸

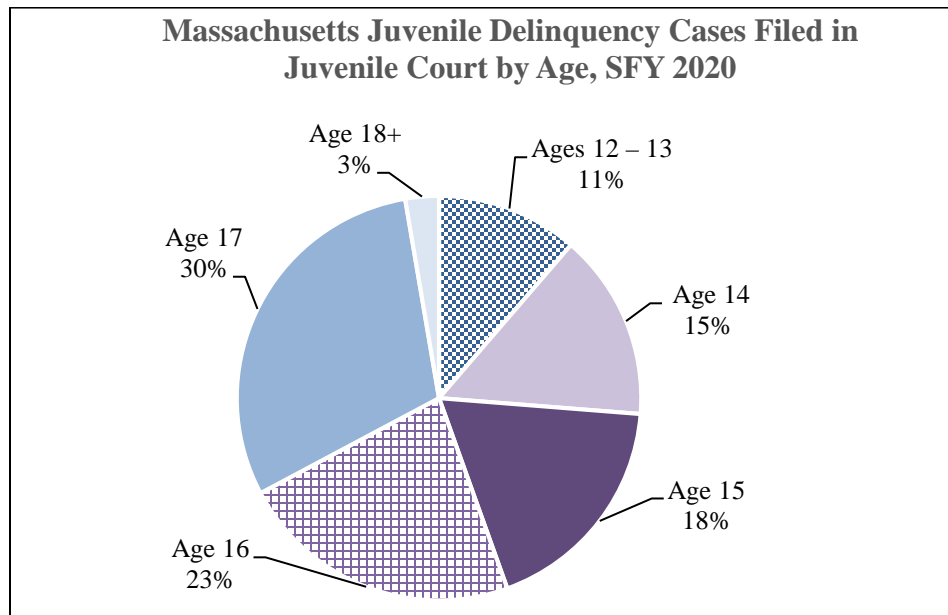


Figure 4. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, June 16, 2021.

⁷ The race/ethnicity of youth appearing before the Juvenile Court in delinquency cases is known in 4,378 of the 4,809 cases (91%).

⁸ The age category, 18+, includes adults charged with a delinquency committed prior to their 18th birthday and adults charged with one of several criminal offenses in which the Juvenile Court has jurisdiction.

Youthful Offenders

A youthful offender is a person who is indicted and subject to an adult and/or juvenile sentence for having committed an offense while between the ages of 14 and 18 which, if he/she were an adult, would be punishable by imprisonment in the state prison [i.e. felonies] and has:

- previously been committed to the Department of Youth Services (DYS); or
- committed an offense which involves the infliction or threat of serious bodily harm in violation of law; or
- committed a violation of [MGL, Chapter 269, §10(a)(c), (d), MGL, Chapter 269, §10E (firearm offenses)] (MGL, Chapter 119, §58).⁹

In SFY 2020, 115 youthful offender cases were heard before the juvenile court involving young people between ages 14 and 18 (Figure 5). Subsequent to the raised age of juvenile court jurisdiction, the number of cases rose in SFY 2014. In SFY 2014 and 2015, the number of cases rose 50% and 43%, respectively, from the preceding year and leveled off in SFY 2016. In SFY 2017 and SFY 2018, youthful offender cases declined 31%, and 9%, respectively. SFY 2019 saw an 11% increase in youthful offender cases and a 25% decline in SFY 2020.

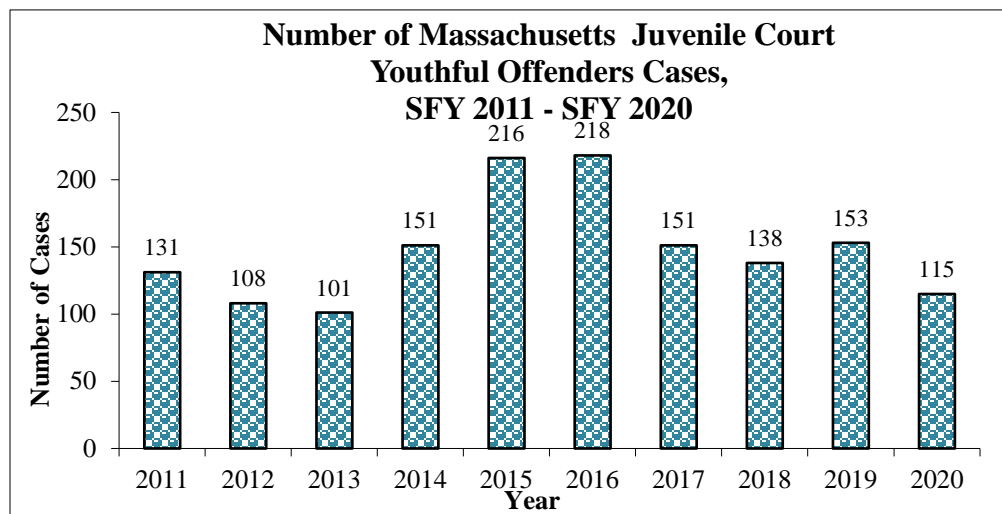


Figure 5. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, June 16, 2021.

Note: SFY 2012 data for Essex County Juvenile Court on the total number of youthful offender cases is unavailable and was excluded from this analysis.

⁹ <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

Examining the race/ethnicity of individuals charged as a youthful offender in SFY 2020, Hispanic youth account for 48% of the cases, followed by Black/African American youth (32%), White youth (17%), and Other (3%).¹⁰

Child Requiring Assistance (CRA)

In November 2012, Chapter 240 of the Acts and Resolves of 2012 amended the language in Massachusetts General Laws Chapter 119, §21 to replace the phrase Child in Need of Services (CHINS) with the term Child Requiring Assistance (CRA). A Child Requiring Assistance (CRA) is defined as a child between the ages of 6 and 18 who meets at least one of the following five criteria: (i) repeatedly runs away from the home of the child's parent, legal guardian or custodian; (ii) repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school; (iv) is habitually truant; or (v) is a sexually exploited child (MGL, Chapter 119, §21).

CRA applications are filed to initiate the process of providing services to minors. Figure 6 displays the ten-year trends of CHINS and CRA cases before the juvenile courts. In SFY 2020, a total of 3,595 CRA applications were issued exclusively through the juvenile court. Of the CRA applications before the juvenile court in SFY 2020, males represent more than half (57%)¹¹ of the youth. The race/ethnicity demographics include 40% White youth, 35% Hispanic youth, 19% Black/African American youth, and 6% Other.¹²

¹⁰ The race/ethnicity of individuals charged as Youthful Offenders is known in 106 of the 115 cases (92%).

¹¹ The gender of youth appearing before the Juvenile Court in CRA cases is known in 3,466 of the 3,595 cases (96%).

¹² The race/ethnicity of youth appearing before the Juvenile Court in CHINS and CRA cases is known in 3,068 of the 3,595 cases (85%). Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, June 20, 2021.

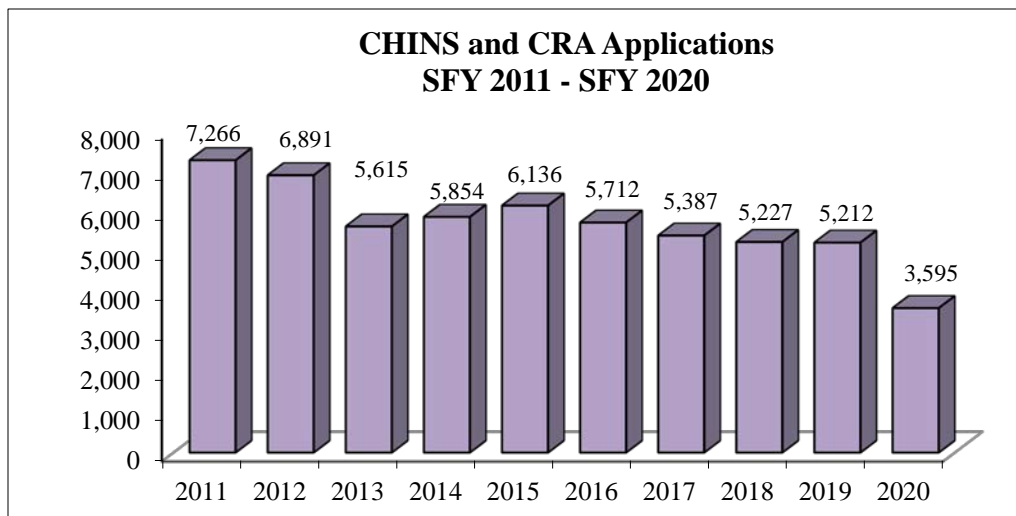


Figure 6. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, June 20, 2021.

(3) Formal Juvenile Court cases and Care and Protection Cases.

This section describes youth whose cases are handled formally through probation or care and protection cases.

Probation Cases

Youth who have been adjudicated delinquent or whose case has been Continued Without a Finding can be placed on probation by the court as a disposition. There are two forms of probation they can be placed on by a judge:

- Risk-Need Probation: A classification of probation supervision for adjudicated youth where Probation Officers have direct supervision of youth based on supervision standards in place for Minimum, Moderate or Maximum supervision. These levels are determined by an assessment tool and classification process.
- Administrative Probation: A classification of probation that limits the amount of directly supervised conditions an adjudicated youth has while on probation. Unlike Risk/Need Probation, there is no assessment tool used for this classification of probation.

Overall, monthly post-disposition delinquency probation cases decreased 30% in FY20. Since FY18, overall post-disposition delinquency probation caseloads have decreased 55%: Risk/Need Probation by 49% and Administrative Probation by 61%.¹³

Juvenile Court Care and Protection Cases

Care and Protection cases in Massachusetts are heard in the Juvenile Court.¹⁴ The following characteristics unique to the of care and protection proceedings of children are found in Massachusetts General Laws, Chapter 119, Section 26:

- If the court finds the allegations in the Care and Protection petition proved, it may adjudge that the child is in need of care and protection.
- If the child is adjudged to be in need of care and protection, the court may commit the child to the custody of DCF until he becomes an adult or until the objective of his commitment has been accomplished.
- The Court may also make any other appropriate order, including permitting the child to remain with a parent, guardian or other custodian, or transferring temporary or permanent legal custody to:
 - a) any person, including the child's parent, who is found by the court to be qualified to give care to the child,
 - b) any agency or other private organization licensed or otherwise authorized to receive and care for the child, or
 - c) the department of children and families.

In SFY 2020, there were 2,674 Care and Protection Petitions in the Juvenile Court, a decline of 11% from the previous year (Figure 7).¹⁵ The Care and Protection Petitions involved 4,557 children.

¹³ Juvenile Justice Policy and Data Board, *Massachusetts Juvenile Justice System 2020 Annual Report*, November 2020.

¹⁴ The Court Reorganization Act of 1992 authorized the establishment of a statewide juvenile court. The Juvenile Court Department has general jurisdiction over the following cases: delinquency, child requiring assistance, care and protection petitions, adult contributing to the delinquency of a minor, adoption, guardianship, termination of parental rights proceedings, and youthful offenders.

¹⁵ "Delinquency complaints" in Juvenile Court represent the same data point as "juvenile charge" in District Court. For the purposes of this report, "delinquency complaints" includes both delinquency complaints and juvenile charges. The Court Reorganization Act exempted the Brookline District Court and Gloucester District Court from relinquishing jurisdiction to the Juvenile Court Department.

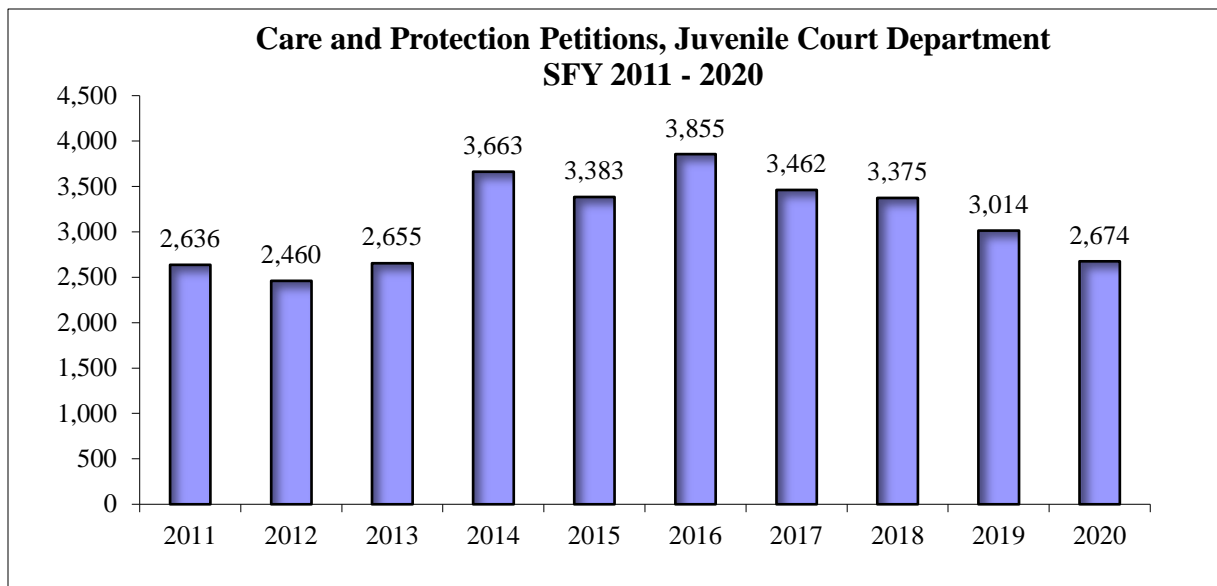


Figure 7. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, June 20, 2021.

(4) Department of Youth Services: commitments, secure detentions, alternative lockup program and recidivism study (by gender, race and offense category).

Massachusetts has the distinction of establishing the nation’s first juvenile correctional system in 1846 when it opened the Massachusetts State Reform School in Westborough.¹⁶ When youth are “committed to DYS” it means that they are adjudicated as a delinquent child on a complaint or as a youthful offender on an indictment, and will be in the legal custody of DYS until either age 18, 19, or 21. Once adjudicated delinquent and committed to DYS, he or she is usually committed until age 18. If the case is not disposed of until after the youth turns 18, he or she is committed until age 19. If charged as a youthful offender, he or she could be committed until age 21.¹⁷ “Committed to DYS” does not necessarily mean in the physical custody of DYS and living in a DYS facility.

¹⁶ Department of Youth Services, *History of Youth Services*, Online, Available: <https://www.mass.gov/service-details/dys-juvenile-justice-legal-issues>

¹⁷ Massachusetts General Law, Chapter 119, Section 58.

Commitments

In 2021, the DYS committed population totaled 278 youth,¹⁸ 91 of which are first time DYS commitments. The number of individuals in the total DYS population on January 1, 2021 represents a decrease of 75% from the high of 1,115 on January 1, 2012 (Figure 8). The reduction in the committed population may be attributed to the DYS “service continuum that engages youth, families and communities in strategies that support positive youth development”.¹⁹

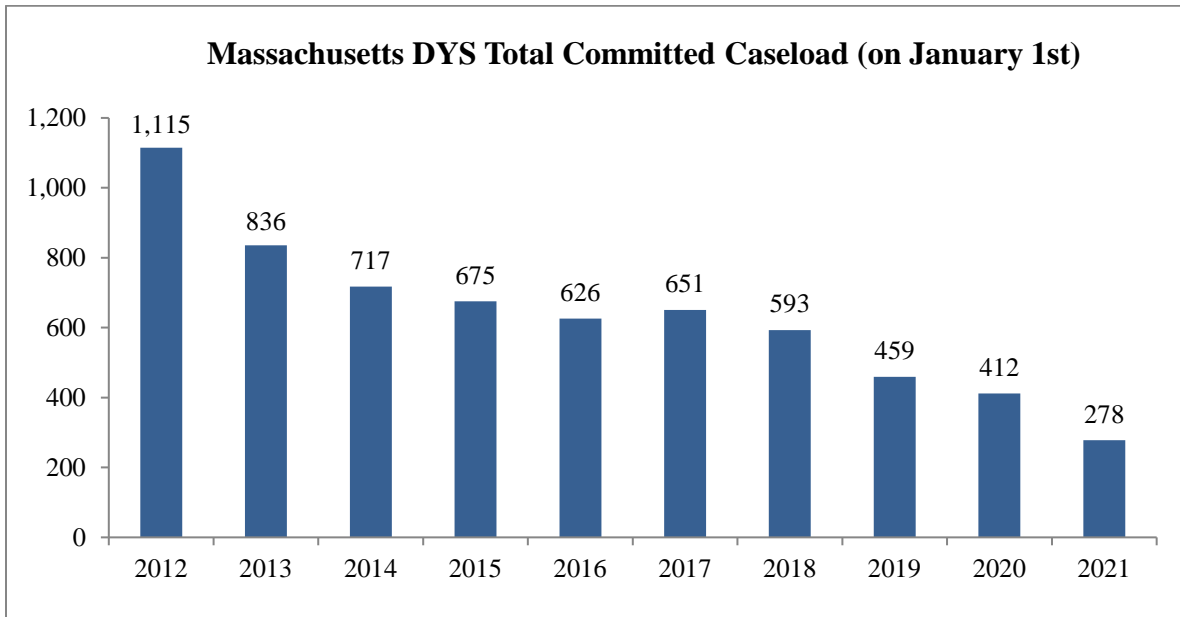


Figure 8. Massachusetts Department of Youth Services, Research Department, 2021.

Youth of color represent 79% of the DYS committed population (Figure 9).

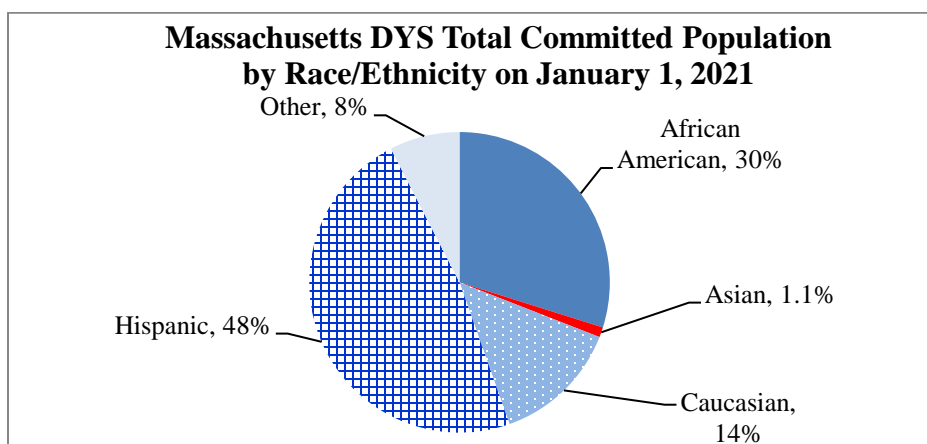


Figure 9. Massachusetts Department of Youth Services, Research Department, 2021.

¹⁸ This is a point-in-time count on January 1, 2018.

¹⁹ Department of Youth Services 2015 Annual Report, December 2016. <http://www.mass.gov/eohhs/docs/dys/dys-annual-report-2015.pdf>

The number of first time DYS commitments decreased the first half of the ten-year period, then fluctuated during the second half. The number of first time DYS commitments saw a sharp decline of 35% in 2012 from the prior year, followed by fluctuating numbers. Overall, the number of new DYS commitments fell 83% over the ten-year period (Figure 10).

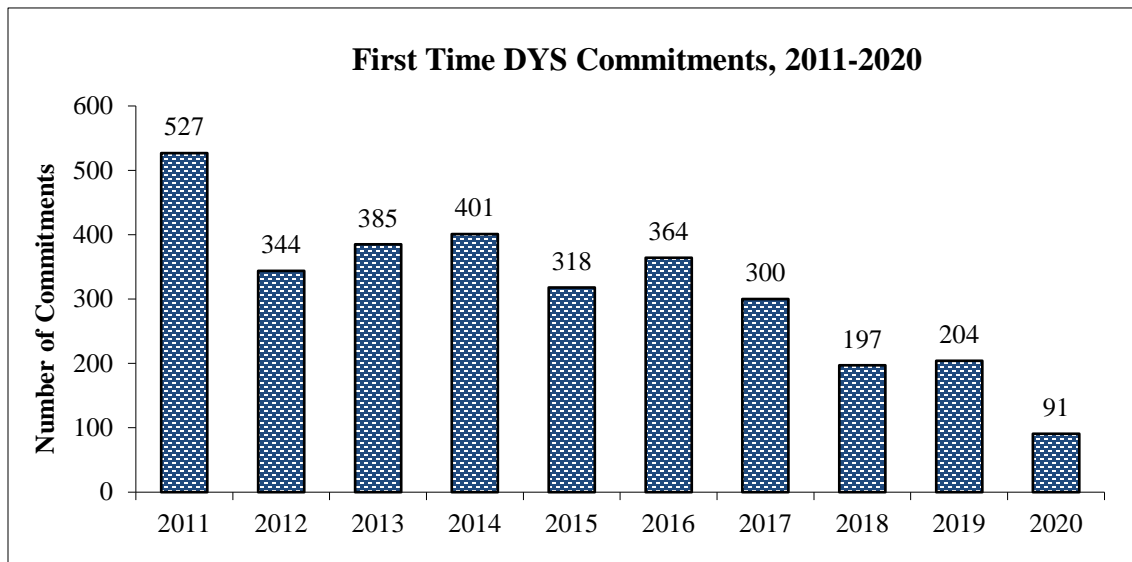


Figure 10. Massachusetts Department of Youth Services, Research Department, 2021.

In 2020, over three-quarters (79%) of first time commitments to DYS are minority youth (Figure 11).

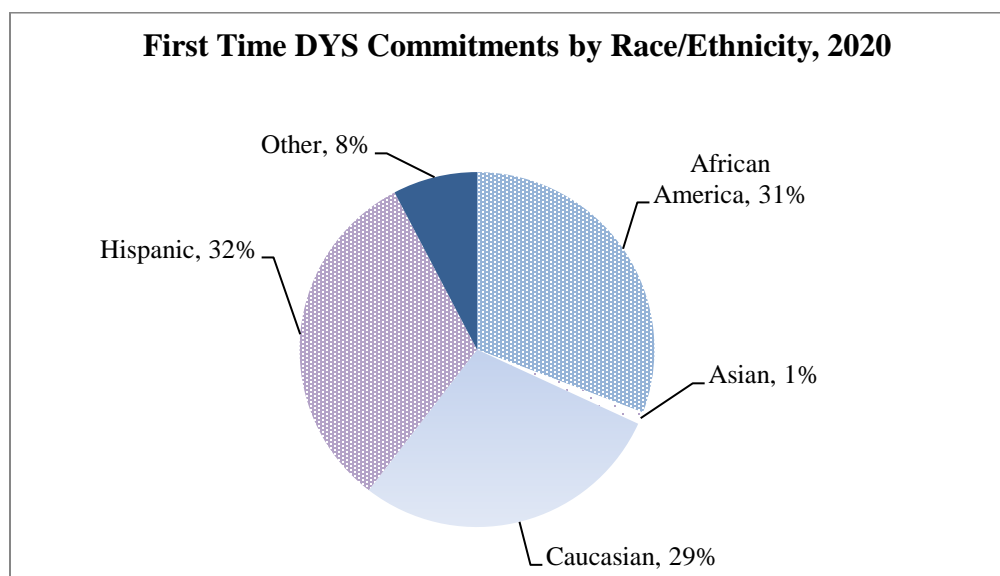


Figure 11. Massachusetts Department of Youth Services, Research Department, 2021.

Secure Detention

Ideally, detention should be used for youth who are unlikely to appear in court if released or they have committed a certain serious offense and present a danger to others and the community. The Commonwealth is actively working to minimize the use of detention through the Juvenile Detention Alternative Initiative (JDAI).²⁰ The four strategic goals are:

1. Reduce detention rates of low-risk youth
2. Identify opportunities to reduce lengths of stay in detention through case processing reforms
3. Reduce racial and ethnic disparities
4. Replicate JDAI with fidelity at the local level

Despite the Commonwealth's efforts to minimize the use of detention through JDAI, many low-level offenders, who are often Hispanic and African-American, are placed in detention. Secure detention does more harm than good, particularly for youth who are held for minor or nonviolent offenses. Detention further impedes a youth's healthy development, educational progress, and is likely to result in increased criminal activity and recidivism.²¹ For example detained youth:

- Have a suicide rate 2-4 times that of youth in the community;
- Are 19% less likely to graduate than non-incarcerated youth;
- Are 13.5 times more likely to return to the juvenile justice system in the future; and
- Are 3 times more likely to be committed than a youth who remained in the community pending the outcome of their case.²²

According to DYS, in 2020 there were 570 juveniles sent to pre-trial detention.²³ The number of pre-trial detention admissions in 2020 declined 38% from the previous year and is

²⁰ *The Juvenile Detention Alternative Initiative (JDAI) in Massachusetts works to ensure that "the right youth, is in the right place, for the right reasons."* Accessed on 3/22/17 <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/jdai/jdai-work-plans-and-goals.html>

²¹ The Annie E. Casey Foundation. *Juvenile Detention Alternatives Initiative Progress Report, 2014*. Accessed on 3/31/17 <http://cms.aecf.org/m/resourcedoc/aecf-2014JDAIProgressReport-2014.pdf#page=5>

²² JDAI Research and Policy Series, *Detention: Research, Utilization and Trends*, Accessed on 4/24/2018. <http://www.mass.gov/eohhs/docs/dys/jdai/dangers-of-detention-brief.pdf>

²³ Not including juveniles previously committed to DYS custody.

77% lower than the high of 2,515 in 2010 (Figure 12). The average daily number of youth held in pre-trial detention decreased from a high of 165 in 2010 to 58 in 2019.²⁴

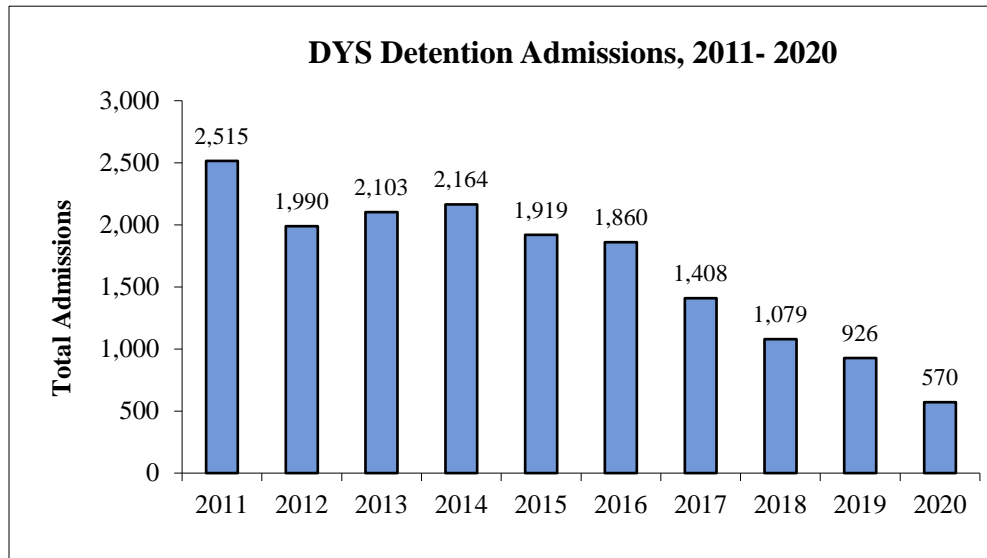


Figure 12. Massachusetts Department of Youth Services, Research Department, 2021.

Similar to the DHS committed population, minority youth are also overrepresented in the 2020 DHS detainee population. Minority youth comprise 79% of all DHS detentions, as follows: 40% Hispanic, 30% African American, and 9% youth of some other race/ethnicity.

Overnight Arrest Program

The Overnight Arrest Program, formerly known as the Alternative Lockup Program (ALP),²⁵ is designed to relieve police departments of the burden of caring for alleged juvenile delinquents (children under 18 years of age) during non-court hours. The Overnight Arrest Program safeguards that no juvenile will be detained in a police lockup for longer than the federally mandated six-hour time limit.

²⁴ Massachusetts Department of Youth Services, Research Department, 2020.

²⁵ The Alternative Lockup Program (ALP) was changed to the Overnight Arrest Program in July 2017.

In 2020, Hispanic youth had the highest number of admissions (36%) to the Overnight Arrest Program followed by youth who identify as African American and White, 29% and 18%, respectively (Figure 13).

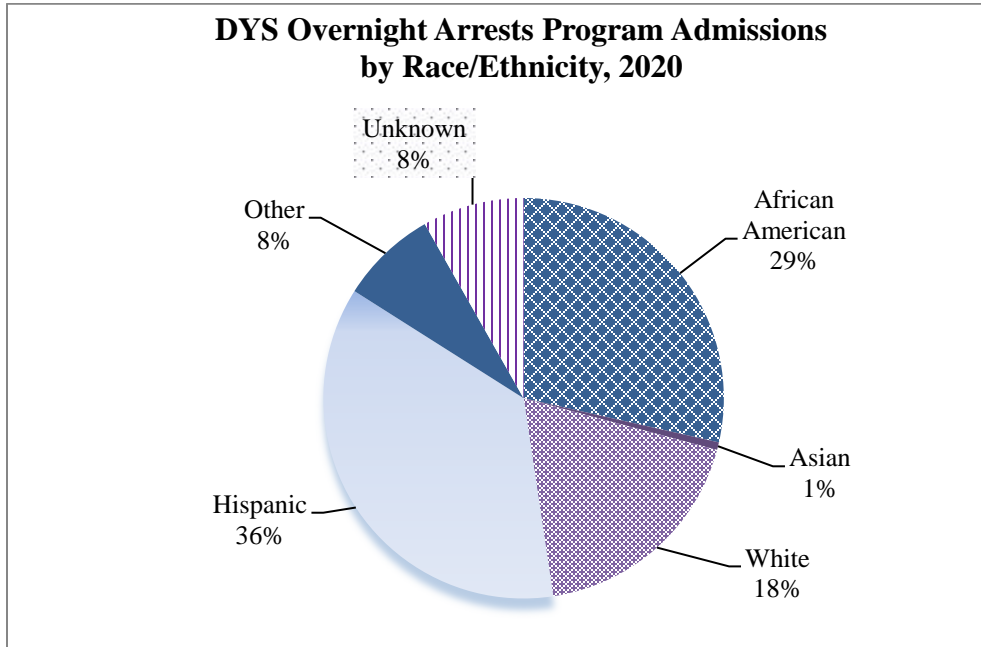


Figure 13. Massachusetts Department of Youth Services, Research Department, 2021.

B. Goals and Objectives

Currently, the Commonwealth of Massachusetts meets all 33 statutory requirements listed in 34 U.S.C. § 11133(a), as noted in the (revised) addendum. In April 2018, the State Legislature passed [*An Act Relative to Criminal Justice Reform*](#), which addresses many of the 33 statutory requirement and created the Juvenile Justice Policy and Data (JJPAD) Board. The State Legislature charged the JJPAD Board with evaluating juvenile justice system policies and procedures, making recommendations to improve outcomes based on that analysis, and improving the quality and availability of juvenile justice system data. The JJPAD Board has two standing subcommittees, one focused on data and one on community-based interventions such as diversion. The Childhood Trauma Task Force (CTTF), which was also created by the 2018 Act, by statute, operates under the umbrella of the JJPAD Board. The Chair of the Juvenile Justice Advisory Committee (JJAC) is a member of the JJPAD and participates in developing findings and recommendations.

The priorities and objectives identified in this Three-Year Plan are designed to align with and build upon previous successes, as well as support and complement the JJPAD Board's findings and recommendations as detailed below. Our Three-Year Plan will show that not less than 75 percent of the Formula Grants Program funds, excluding funds made available to the State Advisory Group under the JJDP Act, shall be used to support program area C: (comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, healthcare agencies, and private nonprofit agencies offering youth services).

PRIORITY I: DIVERSION GAPS

GOAL: Reduce gaps in Diversion programming throughout the State that contribute to racial and ethnic disparities

The JJPAD Board identified the need to expand and refine diversion options based on its conclusion that diverting youth from the juvenile justice system can be an effective strategy for many youth – improving life outcomes for youth, preserving and protecting public safety, and reducing court processing costs for the Commonwealth. Rigorous research has found that youth who have participated in diversion programs are less likely to reoffend than youth who are formally processed through the juvenile court.²⁶

There are no statewide standards or guidelines in Massachusetts regarding the use of diversion, no entity that provides oversight for diversion practices, and no state entity that provides technical assistance or funding to support the adoption of best practices or use of evidence-based treatment services. As a result, local decision-makers have developed their own diversion policies, programs and practices, funded from their own discretionary budgets and any outside grant funding support they can obtain. The JJPAD Board recognized that there was an opportunity to improve outcomes through increased adoption of evidence-based practices among diversion programs in the Commonwealth.²⁷

At every decision point for which we have data, African American and Latinx/Hispanic youth are more likely to be advanced through the justice system – rather than being diverted – than white youth. These disparities are particularly high at early decision points – including the decision to take a youth into custody rather than issuing a summons, to issue a delinquency complaint, or to arraign a youth – and an analysis of the data shows the disparities cannot

²⁶ <https://www.mass.gov/doc/diversion-model-program-guide/download>

²⁷ <https://www.mass.gov/doc/diversion-model-program-guide/download>

entirely be attributed to other factors, such as charge type or criminal history. The JJPAD Board relied on this information to conclude that the absence of standardized, consistent and clear guidelines and inconsistent adoption of evidence-based diversion models likely contributes to the systemic demographic and geographic inequities we find present in our system.²⁸

1. Objective 1: Provide funding to complement/supplement model diversion programming to be implemented by the Department of Youth Services (DYS)

- a. The Office of Grants and Research (OGR) will provide competitive grant funding opportunities through an availability of grant funds (AGF) solicitation to complement/supplement future model diversion programming implemented by DYS.

2. Objective 2: Reduce number of sight and sound (S&S) separation violations within court holding facilities by providing hearing alternatives and targeted training and technical assistance (TTA)

- a. The JJAC and OGR will assess the possibility of supporting the continuation and expansion of virtual hearing options for certain non-substantive matters to avoid S&S separation violations within court holding facilities. Formula Grant funding may be used to fund pilot program(s) in targeted areas of the Commonwealth.
- b. The OGR Compliance Monitor will conduct 100% site visits every three years to ensure compliance throughout the Commonwealth's Compliance Monitoring Universe. An emphasis will be placed on those facilities with the highest rate of S&S violations for individualized technical assistance and targeted programming.

²⁸ <https://www.mass.gov/doc/diversion-model-program-guide/download>

- c. The OGR and JJAC will host training with Court Holding Facilities' personnel, to be provided by federal grant manager and TTA providers, on proper S&S separation data collection and operating procedures and assess the need for annual training in targeted sites.

3. Objective 3: Reduce racial and ethnic disparities (RED) in diversion access

- a. The OGR and JJAC will identify the rates of RED in diversion access and assess its causes. The RED Coordinator, housed with OGR's Research and Policy Analysis Division (RPAD), will obtain data necessary for complying with OJJDP Relative Rate Indices (RRIs) requirements to the full extent possible, which will then be used to guide the development and provision of competitive Formula Grant funding opportunities to improve access to diversion programs.

PRIORITY II: TRAUMA-INFORMED RESPONSIVE CARE

GOAL: Provide Trauma-Informed Responsive Care by investing in Law Enforcement and Behavioral Health partnerships

A primary recommendation in 2019 from the CTTF was to develop and adopt a statewide framework for Trauma-Informed and Responsive (TIR) practice, and provide implementation supports to help child-serving organizations adopt the framework. This became a primary focus of the CTTF's work in 2020; OGR and JJAC plan to align efforts and build upon CTTF's recommendations by improving linkages between law enforcement and behavioral health professionals.²⁹

1. Objective 1: Provide appropriate responses to address youths' social and emotional needs at each phase in the juvenile justice system

²⁹ <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

- a. The OGR will use the JJAC to convene stakeholders for information-sharing sessions relating to best practices in addressing childhood trauma and implementing trauma-informed practices; integrate identified best practices within training and funding opportunities.

2. Objective 2: Collaborate with the Childhood Trauma Task Force to provide funding for model programs that meet the greatest needs of youth that have experienced trauma

- a. The OGR will support DYS's Diversion Lab by creating/buttredding linkages to the Executive Office of Health and Human Services (EOHHS) behavioral health redesign. These linkages may include competitive planning grants for programs designed to support immediate and effective connections between law enforcement and community-based child and adolescent behavioral health providers, including existing providers of diversionary services. The collaboration between Behavioral Support Specialists and law enforcement will enhance capacity to divert youth from the juvenile justice system, increase clinical interaction and reduce police interaction.

3. Objective 3: Ensure the appropriate care and response is provided for each youth at each stage of the juvenile justice system to reduce racial inequities within the juvenile justice system

- a. The OGR will work with the JJAC to provide competitive grant funding opportunities that support collaborative efforts between law enforcement and behavioral health specialists to reduce disparities across all stages of the juvenile justice system.

4. Objective 4: Coordinate JJAC resources/efforts with the EOHHS Behavioral Health Road Map

- a. Massachusetts has reinforced their commitment to Behavioral Health Reform with the Roadmap for Behavioral Health Reform Program.

<https://www.mass.gov/service-details/roadmap-for-behavioral-health-reform>

PRIORITY III: SYSTEM DATA COLLECTION/SHARING NEEDS

GOAL: Improve the availability of juvenile justice system data to support Massachusetts' ability to make data-informed decisions about policy and practice

A key issue identified by the JJPAD was need to eliminate gaps in data. The JJPAD found that this was necessary because without data, it is impossible to know how effective diversion programming is and whether it is contributing to disparities. Additionally, a recent audit identified that a critical juvenile justice stakeholder, our state district attorney offices, are grappling with antiquated data systems that can compromise effective data collection, particularly regarding juvenile diversion. The OGR and JJAC have long prioritized enhancing data collection as a tool to ensure compliance with the Act as well as to promote effective programming for system involved youth. Building on the JJPAD and state auditor's findings, the OGR and JJAC plan to address the following objectives.

- 1. Objective 1: Provide funding to District Attorney's Offices across the Commonwealth to implement a pilot model system data program**

- a. The OGR will work with the JJAC to provide competitive grant funding opportunities that enable District Attorney's Offices across the State to collect and analyze relevant data so they may make data-driven decisions.

2. Objective 2: Utilize the newly available data to reduce racial and ethnic disparities in all contact points of the juvenile justice system

- a. The RED Coordinator will participate on the Juvenile Detention Alternative Initiative (JDAI) to assist DYS with its statewide goal of reducing RED throughout the Commonwealth and pursue available competitive funding to implement RED-reduction projects.

C. IMPLEMENTATION

The OGR in coordination with the JJPAD Board are aligning our priorities with those of other juvenile justice stakeholders, to take advantage of the body of work done by the JJPAD and leverage our resources to further work that complements our priorities, as you can see in our implementation recommendations below.

PRIORITY I: DIVERSION GAPS

In November 2019, the JJPAD Board made a number of recommendations to improve access to diversion and community-based interventions. Their report identifies three recommended next steps:

- (1) development of a diversion grant program to fill local gaps in services for youth with more substantial needs being diverted from the system;
- (2) prioritization of expanding evidence-based treatment services for justice-involved adolescents as part of ongoing EOHHS behavioral health initiative; and

(3) improvement of the quality, accessibility and usability of juvenile justice system data, to allow the Commonwealth to better identify trends over time, address emerging issues, and provide data-informed policy recommendations.³⁰

Despite the progress made on numerous fronts, significant gaps in data availability remain. A full accounting of the juvenile justice system process points for which data is/is not currently available can be found in the Board's June 2019 report. Data on the use of diversion has remained a significant gap. Currently in Massachusetts, four separate decision-makers – police, clerk magistrates, district attorneys, and judges – have the statutory authority to divert youth from the justice system. However, there are no statutory requirements that any of these decision-makers collect or publicly report data on the use of diversion, and the JJPAD Board remains unable to report on the number or demographics of youth diverted at various process points.³¹

The Board also made a series of recommendations concerning the design and launch of a Statewide Diversion Learning Lab. As a result, in the fall of 2020, DYS and the Office of the Child Advocate (OCA) announced that, pending appropriation, DYS would be launching the Statewide Diversion Learning Lab using the Model Program Guide as a template. Funding for this program is included in the OCA's line item in the Governor's updated FY21 budget (H2) as well as the House and Senate budgets.

Specifically, the Board noted that the Diversion Learning Lab would:

- improve communication and coordination of diversion work by creating Diversion Coordinator positions across the state;

³⁰ <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

³¹ <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

- improve quality and consistency of diversion work by developing a common infrastructure, policies, and procedures for Diversion Coordinators to follow;
- test and refine a statewide Diversion Coordination program concept beginning with a three-site learning lab;
- have the Diversion Coordinator track a variety of data to support coordination, program management and evaluation, and the program should make regular public reports; and
- ensure that information from diversion programs not be incorporated into a youth’s court record or be used against youth in the future.³²

In 2020, the JJPAD Board focused on further developing programmatic recommendations for the Statewide Diversion Program. The recommended program design builds on the Board’s previous recommendations, including creating state diversion coordinator positions, common policies and procedures for these Coordinators to follow, and tracking and reporting a wide variety of data on the program. It also recommends that information from a youth’s participation in diversion not be used against them in future legal matters or be a part of a youth’s court record.³³

The JJPAD Board identified a number of steps the Commonwealth should take to improve access to effective diversion:

- Increase the number of youths who are diverted from the juvenile justice system
- Improve the quality and consistency of juvenile diversion programs
- Assure access to counsel for all youth in a timely and appropriate manner so that they have assistance in participating in the process of determining whether diversion is appropriate and in identifying a diversion program

³² <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

³³ <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

- Reduce racial, ethnic, and geographic disparities in the use of diversion
- Better connect justice-involved youth and their families with appropriate community-based interventions
- Increase the ability to track and evaluate the use of diversion in Massachusetts, with the goal of continuous improvement ³⁴

Without more detailed information, the JJPAD Board cautioned that the percentage of youth who are currently processed through the criminal justice system who could be successfully diverted instead could not be determined; however, based on available data on court disposition rates and probation caseloads, they believed it likely that significantly more youth – potentially, thousands each year – could be successfully diverted. ³⁵

A portion of these youth would likely be considered low-risk/low-need and could therefore be successfully diverted with minimal conditions and no need for additional services. But another portion of these youth will have more significant needs – and one possible explanation for why they are not currently being diverted is that existing diversion programs lack the capacity to properly serve these youth. ³⁶

PRIORITY II: TRAUMA-INFORMED RESPONSIVE CARE

One of the JJPAD’s recommendations is to prioritize the expansion of evidence-based treatment services for justice-involved adolescents as part of ongoing behavioral health initiative. The JJPAD Board recommended that the ongoing efforts to expand/re-design behavioral health services in Massachusetts should prioritize increasing the availability of the following:

³⁴ <https://www.mass.gov/doc/diversion-model-program-guide/download>

³⁵ <https://www.mass.gov/doc/diversion-model-program-guide/download>

³⁶ <https://www.mass.gov/doc/diversion-model-program-guide/download>

- community-based behavioral health services demonstrated to improve outcomes for higher-risk/justice-involved adolescents, such as Multi-Systemic Therapy, Multidimensional Family Therapy, or Functional Family Therapy;
- treatment services designed for special populations of youth, including youth who are homeless and youth with a history of sexual offending, trauma, co-occurring disorders, or a serious mental illness, as well as services that specifically address racial trauma; and
- services available for non-English speakers ³⁷

PRIORITY III: SYSTEM DATA COLLECTION/SHARING NEEDS

In its June 2019 report, JJPAD “expressed serious concerns about district attorneys’ ability to use DAMION (MDAA case management system) to give JJPAD all the information it needs to meet its responsibilities: *The database used by the District Attorneys (“DAMION”) is several decades old and not currently capable of tracking all of the data requested by the Legislature.*” The JJPAD Board found that the lack of available juvenile justice system data often impedes the ability to make data-informed decisions about policy and practice, and also that there are numerous barriers to improving availability. The report made the following recommendations:

- The OCA should serve as the central coordinator for juvenile justice system aggregate data.
- The OCA should develop a juvenile justice system data website.
- The Legislature should consider policy changes to improve data availability.

³⁷ <https://www.mass.gov/doc/diversion-model-program-guide/download>

Since that report, the OCA, the JJPAD Board, and juvenile justice entities have made progress on several fronts. Starting in 2019, the OCA has submitted annual data requests to holders of juvenile justice system data, and compiled this data from a variety of juvenile justice system entities to provide a big-picture look at how the juvenile justice system is currently utilized – how many youth are processed by the justice system each year, what the demographics of the impacted population are at various points, and what they are charged with – as well as some basic information on utilization of other state systems that may serve these youth. The 2020 report builds on that work by updating the 2019 report to include FY20 data and adding additional data for some process points and demographic groups.

Although there has been progress on improving the data management system, much work still needs to be done. Future funding will support the efforts begun in 2020 by the JJPAD Data Subcommittee that focused on two key data-related projects. *Creating and launching a juvenile justice system data website*: As recommended in the JJPAD Board’s June 2019 report on juvenile justice system data, and as envisioned by the Legislature in *An Act Relative to Criminal Justice Reform*, the OCA has developed a juvenile justice system data website making available aggregate juvenile justice system data publicly accessible. The website, which was developed in partnership with the Executive Office of Technology Services and Security (EOTSS) and which launched in November 2020:

- Makes available aggregate statistical data on juvenile contacts with justice agencies, showing trends over time where multiple years of data are available.
- Includes contextual information, developed in partnership with participating agencies, to help readers better understand the data they are viewing and how the justice system works.

- Is interactive, allowing users to break information down by demographics or geographic regions to the extent possible given confidentiality limitations with regards to juvenile data ³⁸

In addition to the JJPAD’s findings regarding the Commonwealth’s data needs, a March 2021 audit completed by Massachusetts State Auditor Suzanne Bump of district attorney offices statewide, noted that offices continue to utilize an outdated case management system that may compromise efforts to collect and utilize data, particularly related to juvenile diversion. The audit findings concluded with “Therefore, OSA (Office of the State Auditor) believes that Cape and Islands District Attorney’s Office needs to continue to work with MDAA and the other district attorneys’ offices to implement a new case management system as soon as possible.” As a result, the OSA said the system used by all 11 of the state’s district attorney offices is “not equipped to provide critical data about young people involved with the criminal justice system,” as required under the 2018 criminal justice reform law. This is an ongoing issue that has been previously identified district attorney offices statewide and for which the district attorneys have invested their own funds. This case management system improvement project, however, is an expensive and significant investment requiring legislatively approved funding via a technology bond bill.³⁹

The OGR and JJAC are committed to supporting the JJPAD’s work as well as provide assistance to this critical stakeholder, where needed, and consistent with its priorities.

³⁸ <https://www.mass.gov/doc/jjpad-board-2020-annual-report-0/download>

³⁹ <https://www.mass.gov/doc/audit-of-the-cape-and-islands-district-attorneys-office/download>