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**Testimony of Peter J. Forbes, Commissioner
Massachusetts Department of Youth Services
Joint Hearing of the House and Senate Committees on Ways and Means
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Good afternoon Vice Chair Friedman, Vice Chair Donato and distinguished members of the Joint Committee on Ways and Means.

My name is Peter Forbes and I am the Commissioner for the Department of Youth Services (DYS). I thank you for the opportunity to appear before you today and speak about our Department's mission, priorities, and Governor Baker's House 1 Fiscal Year 2022 budget.

As of this hearing, we are more than one year into the State of Emergency declared by Governor Baker for the COVID-19 pandemic, and in this time, DHS adapted quickly and strategically in how we administer services while ensuring a safe environment in our congregate care settings and the communities we serve. In addition, the national efforts to confront systemic racism has added urgency to the work that I am proud to say was already well underway at DHS.

The mission of our Department is to promote positive change in the life trajectory of the youth in our care and custody. Governor Baker's proposed FY 2022 budget of \$169.1 M will allow DHS to continue to invest in highly qualified staff and operate a service continuum that engages youth, families, and communities in strategies that promote positive youth development. This budget allows DHS to fund effective programming, recruit, retain, and train our dedicated workforce, and make strategic investments in evidence-based interventions and service models that can reduce recidivism of youth in the care and custody of DHS.

The Department provides young people with quality education, career readiness, employment opportunities, medical and behavioral health care, as well as other services to help them successfully reintegrate into the community. Our staff is focused on providing services that proactively address the needs of our changing population by providing effective programming that contributes to community safety. Governor Baker's proposed FY 2022 budget provides funding that will further enhance and advance our service system to align with the emerging science around adolescent brain development and trauma informed care.

We have a leadership team with extensive experience and expertise in this work, and we continue to expand our use of data to inform our decisions and monitor our performance. We are evaluating risk and needs assessment tools to ensure that “the right youth is in the right place for the right reason.” We are researching and adopting national best practices in our services and incorporating structured decision-making practices and tools into our work to achieve more objective and consistent decision-making.

In the face of the pandemic, we immediately implemented new operational practices to keep youth and staff safe while continuing to provide services and are evaluating the potential for their long-term inclusion in our services as we have received strongly positive feedback from youth and families. These include the implementation of virtual family visits, virtual court hearings and telehealth that was supported by the procurement of iPads and laptops; the expanded opportunities for virtual and on-line educational services that were supported with the procurement of Chromebooks that gave every youth greater access to content course material as well as thematic topics and electives; and, the implementation of a hybrid staff training model that allowed DYS to on-board new employees and maintain the certification of current employees during the pandemic. These new practices have been well received. Families reported that they were pleased with having the virtual visits as an option as they did not have to contend with transportation, travel time, and childcare. Youth with Chromebooks were able to engage in independent study and exploration outside of the classroom hours. The hybrid training approach allowed the Department to provide effective and safe training while reducing staff travel time and costs. Based on evaluations of their effectiveness, the Department will be incorporating several of these new practices into our operating model for implementation post the COVID-19 pandemic.

Throughout the year, our leadership team has been proactive in challenging staff to bring new ideas and share experiences that can lead to innovation in our service continuum and work environment. One example is the monthly Racial Equity and Fairness meetings where leadership and managers have been engaged in targeted discussions about racial disparity in the juvenile justice system. These meetings are a part of the Department’s strategy to promote equity and fairness and prevent disparate treatment. Another is our continued collaboration with the Juvenile Court, the Departments of Probation, Children and Families, Public Health, Mental Health, Elementary and Secondary Education, Early Education and Care, providers, and community-based organizations, to work on systems change and initiatives to make communities safer by diverting youth from entering into the juvenile justice system and reducing recidivism.

In Calendar Year 2020, DYS served 520 committed youth and had 570 detention admissions and 487 overnight arrest admissions. For the fifth straight year, the average daily number of youths detained or committed to DYS has **decreased**. DYS’ detained youth census has been declining for several years, and the COVID-19 pandemic caused a steeper decline over the past year as fewer youth were arrested and juvenile court proceedings were suspended. In CY 2020, a daily average of 97 youth was held on bail at DYS facilities awaiting their next court appearance and a daily average of 351 committed youth was served in our residential and community settings. This represents a 12% decrease in detained youth and a 20% decrease in committed youth from the prior year. Over the same period, the average age of detained youth did not change while the average age of committed youth increased. In CY 2020, the average age of detained youth was 16.4 years and the average age of committed youth was 17.8 years.

The detained and committed youth are served in a DYS service continuum that is both evidence-based and shaped by promising practices. The service continuum consists of state operated and provider operated programs:

- **38 Residential Programs** ranging from staff secure to hardware secure programs that provide a full array of education, vocational, recreation, clinical, medical and behavioral health services including mental health and substance abuse treatment. DYS will be closing 3 programs by the end of FY 21 as part of our continuing efforts to right size and reconfigure our programming to align our service continuum with our caseload and changing demographics.
- **3 Reception Centers** providing community-based options for detained youth who present lower risk profiles.
- **7 Independent Living Programs** providing residential and extensive community resource development services to older youth whose aftercare plan is designed around independent living.
- **21 District Offices** providing case management, community services and daily supervision for up to 250 youth who are living with a parent, guardian, foster parent or in a transitional living program.
- **9 Overnight Arrest Programs** serving the short-term, overnight needs of local police departments by providing overnight accommodations for youth arrested during evening hours and weekends pending their initial court appearance.

Having a dedicated and well-trained workforce that feels appreciated and satisfied in their work has been and always will be a key to the Department's success. In order to continue to facilitate job satisfaction, DYS is always exploring ways to improve the work environment for staff, from promoting from within, actively recruiting a diverse workforce, and reducing mandatory overtime. Facilitating a positive work environment has been integral to the Department's continued operations during this past year. Every day our congregate care staff have answered the call, reported to work and, without hesitation, adjusted and implemented the rapidly changing protocols that DYS designed to keep everyone safe while continuing to deliver effective programming. Whether it be security officers conducting daily screening, transportation officers traveling to deliver PPE, or our frontline staff working in a quarantined COVID-19 unit, the Department has been able to adapt and continue to provide services because of our dedicated and committed staff.

The backbone of the DYS workforce is comprised of juvenile justice youth development specialist (JJYDS), which currently represents 43% of DYS' workforce and is integral to the successful transition of youth in residential care back into the community. In FY 2020, DYS collaborated with AFSCME, representing almost 70% of our unionized workforce, to upgrade and rebrand our front-line staff from "group youth worker," which reflected a shift in emphasis in their job duties from a safety and security focus to an active role in supporting educational activities and promoting positive youth development as mentors, coaches, and advocates.

While the majority of DYS staff work in 24/7 congregate care settings, approximately 34% of DYS staff work in community district offices that allowed for a hybrid of in-office, field-based contact, and telework opportunities necessitated by the COVID-19 pandemic. With laptops already in the queue for distribution pre-COVID, DYS was able to effectively organize and strategize on how community-based services would be delivered to DYS youth in the community in the first few critical days of the pandemic and to leverage that experience by providing our workforce with the resources, technology, and tools to continue to work safely and effectively, both remotely and in their work locations.

Health Services

The Department's Health Services team has been instrumental in DYS' response to COVID-19. They worked with our Medical Consultant, the Executive Office of Health and Human Services, and the Department of Public Health, while following CDC guidelines, to create procedures and policies to model best practices and to protect the health of our young people and staff. They have been instrumental in implementing the Department's preventative measures that included screening procedures, contact tracing, and the roll out of our congregate care vaccination process.

Equity and Fairness

This year, our community, and communities across the nation experienced ignited outrage over persistent racial injustice, intense public discussion, and reflection about the state of racial equity and action in the United States and spurred additional reflection and discussion within DYS. The Department has remained committed to our Fairness and Equity work plan and the steady progress made in several key areas:

- Fairness related to decision making and treatment of youth,
- Diversity throughout the ranks of the DYS workforce, and
- Ensuring organizational well-being where staff and youth are treated fairly regardless of their race, ethnicity, or gender.

The Department strives to provide a fair and effective juvenile justice system. We believe a diverse workforce that is representative of the youth, families, and the communities we serve, builds trust and shows youth that positive change is possible as evidenced by staff who have experienced similar challenges in their youth. Recognizing the benefits of a more diverse workforce, the DYS 2020-2021 Diversity Plan includes measurable goals for promoting diverse candidates into management and leadership positions, and training of all staff on how racial and ethnic disparities impact the DYS workforce and service continuum. While we are always looking forward, I am proud to report that by in FY 2020, 33% of our senior management and leadership team were persons of color as compared to 26% in FY 2019, 23% in FY 2018 and 14% in FY 2017.

The Department has continued to support activities that allow staff and youth to engage in a dialogue about the challenges associated with racism and its impact on persons of color. In addition to the monthly Equity and Fairness meetings, these efforts included:

- Training 32 staff to take on the roles of facilitators and trainers on diversity, equity and inclusion
- Developing new recruitment and retention strategies for attracting more diverse and qualified candidates and interview panel members, as well as revisions to policies and practices that may be creating barriers to job opportunities across all job titles
- Convening the Racial Trauma conference for DYS educators and clinicians to develop a shared understanding of the DYS approach to racial trauma, build their knowledge on how racism triggers trauma, and examine strategies for helping youth to cope
- Collaborating with the MA Commission on LGBTQI Youth to develop guidance and training for DYS staff in how to work with LGBTQI youth, and practice changes in re-entry and reintegration programs that address the unique experiences and needs of LGBTQI youth and reduce the likelihood to recidivate.

Staff Safety

Youth and staff safety across the DYS service continuum continues to be a priority for the Department. Since the issuance of the DYS Safety Task Force report, [*Recommendations for Promoting Youth and Staff Safety in DYS Residential Programs*](#) in February 2018, several of the DYS standing committees have continued to work on its recommendations for improving staff retention, programming, messaging, and the agency's responses to incidents. The Department's policies are being reviewed regularly by our Policy Steering Committee. The Workforce Planning and Development Workgroup is working on strategies for improving recruitment, on-boarding, training, and coaching of employees. The DYS Safety Committee is regularly reviewing data on assaults, restraints, room confinement, and industrial accidents and working on strategies and action plans for improving safety at the state and program levels.

Our on-going internal efforts to improve safety continue to yield positive results. In CY 2020, the Department experienced a continued downward trend in the use of restraints and room confinement from the prior year. The use of restraints is down 24% and the use of involuntary room confinement is down 21%. While the number of youth on staff assaults decreased slightly over the prior year, the number of youth on youth assaults decreased 24%. Overall, assaults are down 15% from CY 2019, representing the fewest assaults in DYS' recent history.

Educational and Career Readiness Services

Educational services and career readiness are core components to DYS programming for youth in our care and custody. The Department believes that one of the most important and powerful activities supported and delivered by DYS is education. Our youths' success and achievements in the education domain are the results of the combined leadership efforts of the staff at DYS and our contracted education and career readiness service providers. Notwithstanding the challenges presented by the COVID-19 pandemic, this past year we had 52 youth who earned their high school diploma, 22 youth who earned their GED/HiSET, and 75 youth who took and completed online college courses or attended classes in the DYS facilities taught by college adjunct faculty. We also had 185 youth who participated in the LEAD program and its offerings of career readiness and employment experience, and 91 industry recognized career readiness attainments were earned by youth while in DYS residence. They included 45 CPR and first aid attainments, 26 OSHA 10 (General Industry, Construction, Agriculture and Healthcare) attainments, and 15 ServSafe attainments. The Governor's FY 2022 budget provides the funding for these educational, and career, vocational and technical education services that are so foundational to realizing positive life outcome for our youth.

To appreciate the impact that our educational services has had on DYS youth, we recently completed the Youth Outcomes Project, a longitudinal study that tracked eight groups of youth who were committed to DYS custody for the first time from 2012 to 2020. The study found that 86 out of 106 students (81.1%), who failed the English MCAS prior to DYS commitment, passed the MCAS while in DYS residence and 154 out of 255 students (60.3%) improved their English MCAS performance to a higher achievement category. In Math, 125 out of 214 students (58.4%), who failed the Math MCAS prior to DYS commitment, passed while in DYS residence, and 151 out of 295 students (51.2%) improved their Math MCAS performance to a higher achievement category.

Recidivism

For the more than a decade, the Department has conducted an annual recidivism study. Recidivism is the most common measure used to determine the effectiveness of interventions with juvenile offenders. DYS defines recidivism as a conviction in the adult system for an offense committed within one year of discharge from DYS' custody. In CY 2020, DYS completed its study of recidivism rates of 349 youth formerly committed and discharged from DYS in 2016. Key findings from the study include (1) youth who were arraigned at a younger age and youth with higher numbers of court appearances prior to their DYS involvement had higher recidivism rates; and (2) youth earning a high school diploma or HiSET prior to DYS discharge had a lower recidivism rate than youth without a diploma or HiSET prior to discharge. DYS will continue to explore the relationship between recidivism rates and the factors that may influence them with a focus on how DYS and its partners can reduce recidivism within the juvenile justice system.

Youth Engaged in Services (YES)

Since 2016, the Youth Engaged in Services (YES) services have been offered to all youth who are discharged from DYS custody. YES allows DYS to continue to provide support to youth during the highest risk period for recidivism which is the first six months post-discharge. Through a YES voluntary agreement, a youth agrees to abide by the conditions of the agreement in exchange for continuing case management and other transitional supports, such as housing, clinical services, continued education, treatment and/or job training. In CY 2020, 131 youth (54% of those who discharged) signed an agreement with DYS for voluntary services. To date, the average duration of voluntary services engagement is 403 days. We are finding that youth in the YES program are experiencing positive outcomes. Currently, 54% of YES youth have obtained their high school diploma or HiSET, up from 52% last year and 45% the year before. From CY 2015 – 2019, 45.2% of YES youth obtained their high school diploma or HiSET attainments and 14.5% did so while enrolled in the YES program. In addition, preliminary data indicates that when compared with a like group of youth who did not sign up for YES services, YES youth were less likely to recidivate than youth who did not sign up for YES. DYS has recently partnered with the Boston University Wheelock College of Education and Human Development CERES Institute for Children and Youth to further evaluate the efficacy of the YES program and its impact on recidivism. The Governor's FY 2022 budget supports DYS to continue providing YES supports.

Strategic Planning

DYS is in the final phase of completing its 2021-2024 strategic planning process. Over the last year, DYS has engaged with key stakeholders across the juvenile justice system through surveys, focus groups, and most recently a SWOT analysis (strengths, weaknesses, opportunities, and threats) to assess the future landscape of the youth and communities we serve and effective strategies to assist in carrying out our mission. Concurrently, DYS is collaborating with the Division of Capital Asset Management and Maintenance (DCAMM) on a 10 Year Facility Master Plan that will evaluate the structural condition of DYS' facilities as well as the facilities' ability to enhance or limit the operating strategies designed to deliver effective services.

Upon completion of its Strategic Plan and Facility Master Plan, DYS will review the findings and implement the strategies identified to ensure the Department continues to serve the Commonwealth through innovation and national best practices.

Conclusion

The FY 2022 House 1 budget of \$169.1 M submitted by Governor Baker and Secretary Sudders supports continued progress for the Department of Youth Services and allows the Department to reallocate funds to better meet the needs of our current population. We will continue to adapt and respond to the challenges of the COVID-19 pandemic, and to align our resources in the most efficient manner to sustain improvement in our priority areas and adapt to the changing age and needs of our core population. DYS is committed to ending racial inequality in the juvenile justice system, and will maintain open communication with our partners, staff, youth, families, and the communities we serve to ensure a justice system that is fair and equitable to all. We will continue to improve our residential treatment and community re-entry services to increase our success with the highest risk youth population. Our focus will be to continue to develop and implement programming that is effective with an evolving population that is older, presents a more serious offense history and more complex behavioral profile.

In short, DYS will focus on delivering a system where:

- Youth in the Department's care and custody can achieve their maximum potential in school, work and life,
- Families are supported,
- Communities are safer,
- Recidivism rates are lower for the DYS involved youth, and
- DYS staff and partners are valued and recognized for their dedication, skill and professionalism.

DYS will continue to be strategic in our investments and maintain a platform of core service elements – education and vocational services, clinical and medical services, a qualified workforce, safe programs – in order to be successful in achieving our mission.

I look forward to working with this Committee and the entire Legislature to successfully continue to make progress on our core goals and objectives. On behalf of Governor Baker, Lt. Governor Polito and Secretary Sudders, I want to thank you for the opportunity to testify before you today on how our proposed Fiscal Year 2022 budget will further the Department's mission.

Thank you for your time.