

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



**FY 2024 Title II Formula Grants Program**

**THREE YEAR PLAN**

**Maura T. Healey  
Governor**

**Kimberley Driscoll  
Lieutenant Governor**

**Terrence M. Reidy  
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). There are two types of cases heard within the juvenile court system: civil cases, which include care and protection and child requiring assistance cases, and juvenile cases which include delinquency and youthful offender cases. A youth between the age of twelve<sup>1</sup> and eighteen may be prosecuted in the juvenile court system

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<sup>1</sup> 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

for

criminal-type offenses after referral to the 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. Adjudicated youthful offenders may be committed to DYS (1) until age 21, (2) until the age of 21 with a suspended adult sentence, or (3) receive any adult sentence allowed by law. Youth who receive adult sentences are held by DYS on a courtesy basis until age 18 to ensure sight and sound compliance under the JJDP and PREA.

YAD provides legal representation for indigent youth charged with delinquency or youthful offender offenses. YAD attorneys remain involved with youth from arraignment to discharge from DYS and represent youth in a host of different types of juvenile and administrative proceedings including school disciplinary proceedings and DYS classification and/or revocation proceedings. YAD oversight and support includes state operated public defender staff offices and private attorneys who accept appointments in the juvenile court. YAD implements a multidisciplinary approach to working with clients that includes assistance with related social work and school advocacy services and referrals.

DYS serves 5 populations: (1) youth diverted from formal prosecution; (2) arrested youth held overnight after courts have closed for the day; (3) youth detained awaiting court action; (4) youth committed to its custody in resolution of a pending matter; and (5) youth engaged in voluntary services post their statutory discharge from DYS. Detention facilities range from foster homes to hardware and staff secure residential facilities. There is a continuum of care for detained and committed youth. The continuum of care for a juvenile who

is committed to DYS includes Assessment, Residential Phase, Hardware Secure Treatment, Staff Secure Treatment, Community Supervision, and Discharge.<sup>2</sup> 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 DYS treatment facility varies depending on the youth's assessed strengths, risk and needs, and 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 violate their Grant of Conditional Liberty (similar to a parole agreement for adults), DYS may return a youth into a treatment facility to reassess their community plan and address emergent treatment needs. Most committed youth will return home under supervision long before their upper age of commitment, as youth are held in secure settings only as long as is necessary to address the reason for the revocation of conditional liberty.

## **Youth Crime Analysis and Needs and Risk Factors**

### **A. ANALYSIS OF YOUTH CRIME PROBLEMS**

There are four 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

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<sup>2</sup> 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.

serious offenses against persons and property tracked by the Federal Bureau of Investigation (FBI).<sup>3</sup> For the past ten years, Massachusetts' Part I juvenile arrest rate<sup>4</sup> has steadily declined since 2014 until an uptick starting in 2022. In 2023, the juvenile arrests for Part I crimes in Massachusetts rose 13% from the previous year (Figure 1).

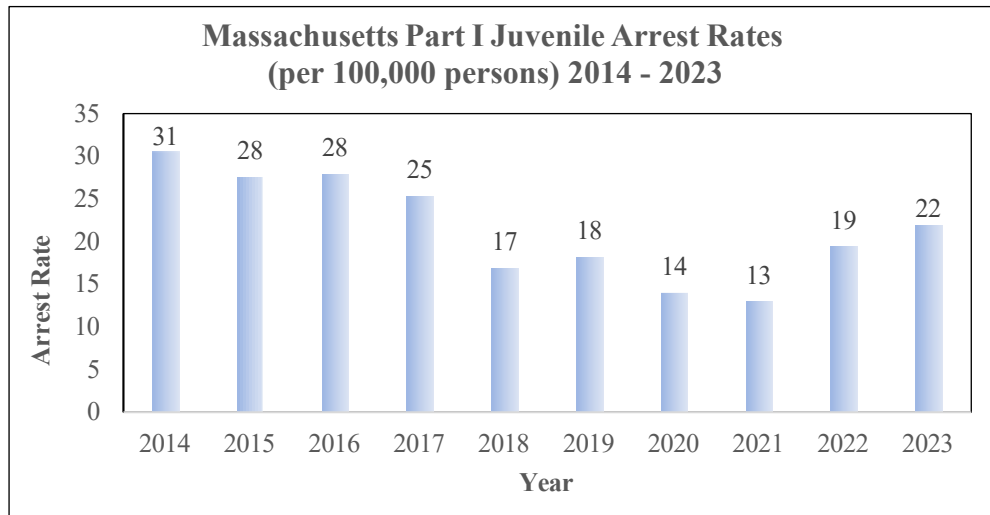
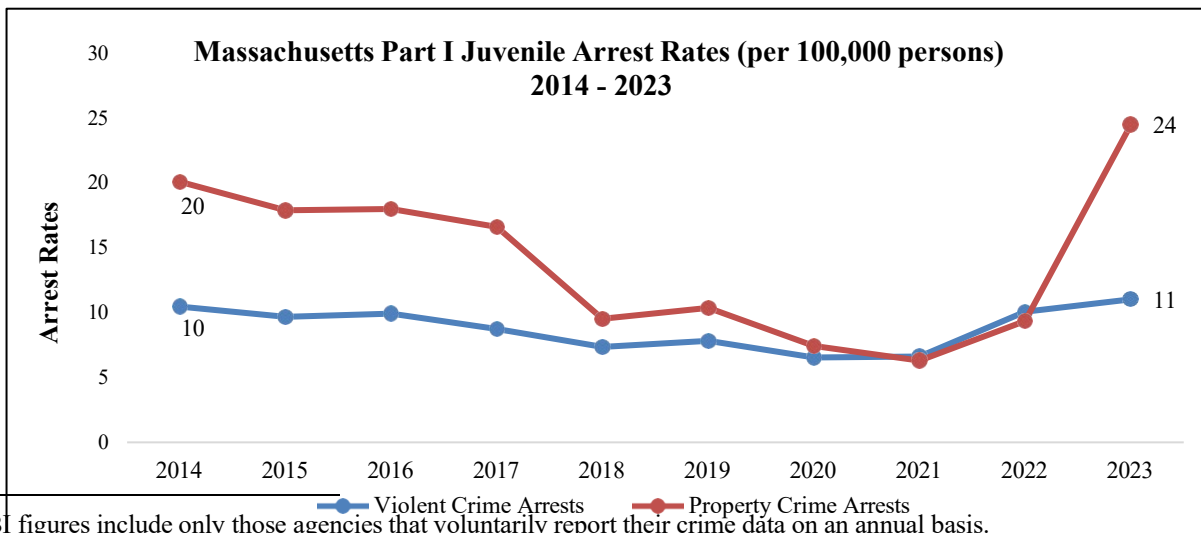


Figure 1. Summary and NIBRS Data accessed via CrimeSOLV, Part I Juvenile Arrests (Summary and NIBRS), ages 12-17.

Upon further examination of the trends for Massachusetts juveniles arrested for crimes against persons and property, the patterns display an increase in juvenile arrests over time. The property crime rate increased 30% between 2014 and 2023, while the violent crime rate increased 13% over the same ten-year period (Figure 2).



<sup>3</sup> FBI figures include only those agencies that voluntarily report their crime data on an annual basis.

<sup>4</sup> 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).

Figure 2. Summary and NIBRS Data accessed via CrimeSOLV, Part I Juvenile Arrests (Summary and NIBRS), ages 12-17.

**(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 twelve 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. In SFY 2023, there were 6,601 juvenile delinquency cases filed in juvenile court, marking a 23% increase from the prior year, but a 36% decrease from the high of juvenile delinquency cases filed in SFY 2015 (Figure 3). During SFY 2023, males represent 73% and females represent 24% of juvenile delinquency cases.<sup>5</sup> The race/ethnicity<sup>6</sup> of the individuals appearing before the juvenile court reveal White youth accounted for 32% of the population, followed by Hispanic/Latinx youth (28%), and

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<sup>5</sup> The gender of youth before the Juvenile Court in delinquency cases is known in 6,457 of the 6,602 cases (98%).

<sup>6</sup> 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: Black or African American, and White. The reported ethnicity categories are Hispanic/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 12% of the sample, which could result in the undercounting of Hispanic individuals.

Black/African American youth (24%).<sup>7</sup>

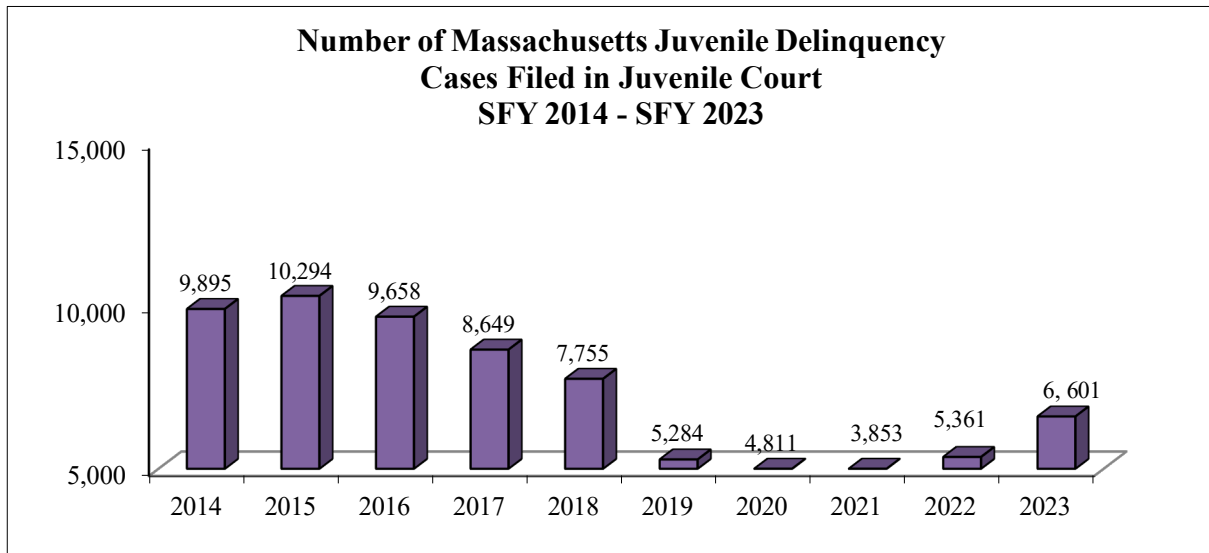
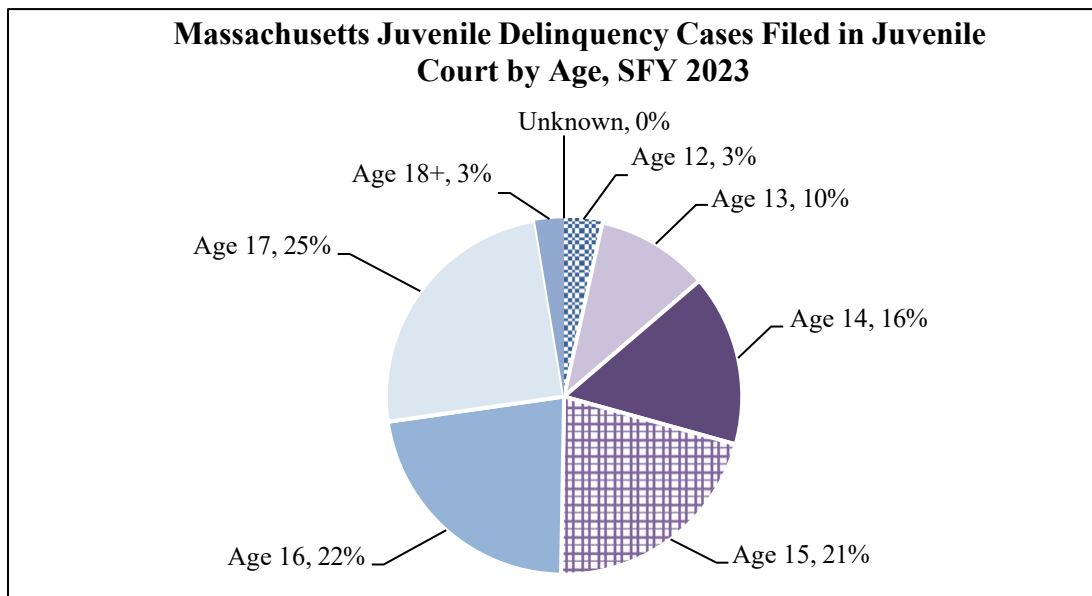


Figure 3. Office of the Child Advocate, Massachusetts Juvenile Justice System: Data and Outcomes for Youth, Data about delinquency cases filed within the Juvenile Court, [Delinquency Filings Data Trends](#), July 2024.

More than two-thirds of youth with a delinquency case filed in juvenile court are ages 15-17 (68%) (Figure 4).<sup>8</sup>



<sup>7</sup> The race/ethnicity of youth appearing before the Juvenile Court in delinquency cases is known in 5,787 of the 6,601 (88%).

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

*Figure 4.* Executive Office of the Trial Court, Department of Research and Planning, Tableau Dashboard, Massachusetts Juvenile Court Demographics of Selected Juvenile Matters, Age Distribution of Children/Youth Subject to Juvenile Proceedings (Delinquency), July 2024.

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

## 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).<sup>9</sup>

In SFY 2023, 121 youthful offender cases were heard before the juvenile court involving young people between ages 14 and 18 (Figure 5). After the raised age of juvenile court jurisdiction, the number of cases rose in SFY 2015. In SFY 2015, the number of cases increased 43% from the preceding year followed by a similar trajectory in 2016 and leveled off in SFY 2017. Compared to the previous year, youthful offender cases declined 9% in SFY 2018, and increased 11% in 2019. SFY 2020 and 2021 saw a decline of 25% and 12% in youthful offender cases respectively from the previous year followed by a minor decline (1%) in SFY 2022. SFY 2023 saw a 21% increase in cases from the preceding year. Overall, within a 10-year period, there was a 20% decline in youthful offender cases heard before a juvenile court.

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



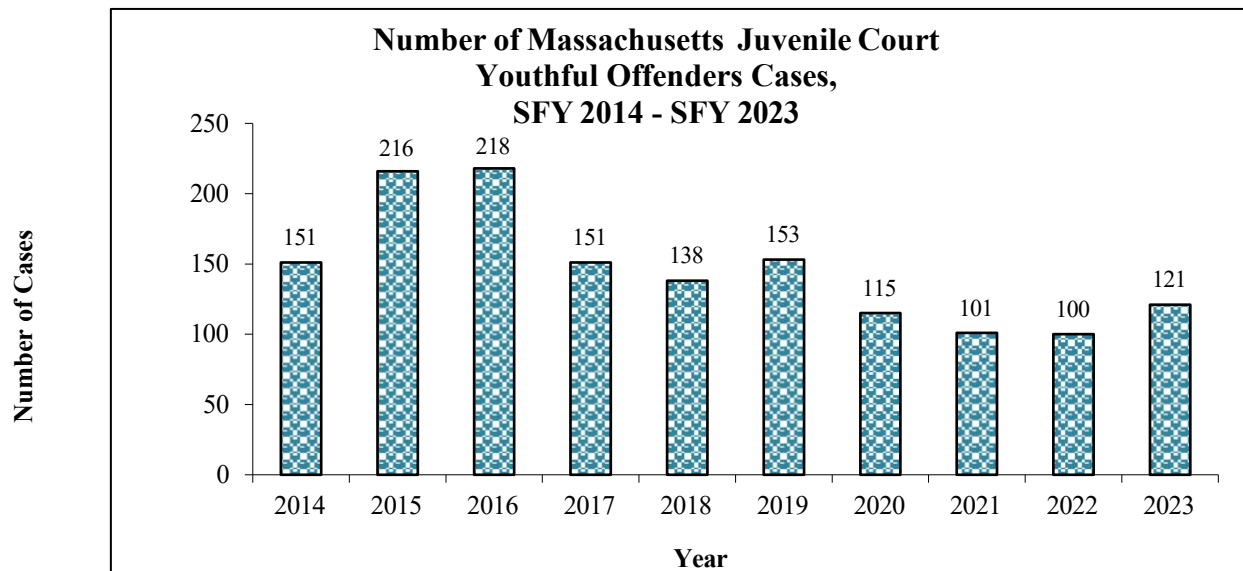


Figure 5. Executive Office of the Trial Court, Department of Research and Planning, Tableau Dashboard, Massachusetts Juvenile Court, Demographics of Selected Juvenile Matters, Racial Ethnic Distribution of Children/Youth Subject to Juvenile Proceedings (Youthful Offenders), July 2024.  
<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofSelectedJuvenileMatters/JuvenileMattersbyRaceEthn>

Examining the race/ethnicity of individuals charged as a youthful offender in SFY 2023, Black/African American youth account for 36% of the cases, Hispanic/Latinx youth account for 42% of the cases, followed by White youth (17%), and Unknown/Not Reported (4%).<sup>10</sup>

### 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).

<sup>10</sup> The race/ethnicity of individuals charged as Youthful Offenders is known in 116 of the 121 cases (96%).

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 2023, a total of 4,282 CRA applications were issued exclusively through the juvenile court. Of the CRA applications before the juvenile court in SFY 2023, males represent almost half (49%)<sup>11</sup> of the youth. The race/ethnicity demographics include 32.4% White youth, 28.7% Hispanic/Latino youth, 15% Black/African American youth, and 19% Unknown.<sup>12</sup>

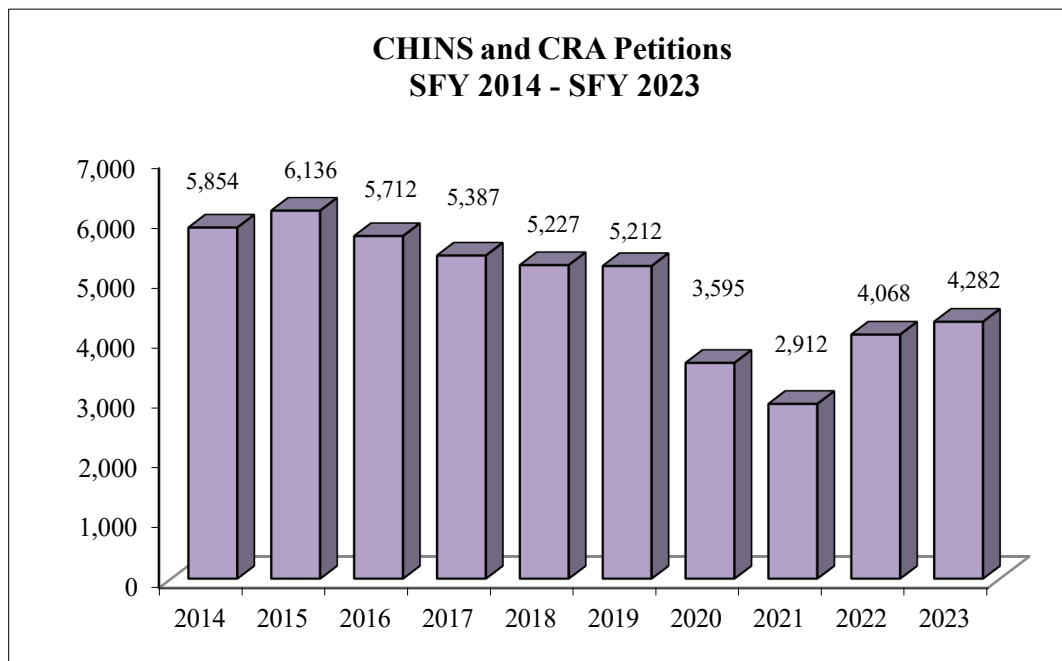


Figure 6. Executive Office of the Trial Court, Department of Research and Planning, Tableau Dashboard, Massachusetts Juvenile Court Demographics of Child Requiring Assistance Filings.

<https://public.tableau.com/app/profile/drap4687/viz/DemographicsofChildRequiringAssistanceFilings/CRACasesbyRaceEthnicity>

<sup>11</sup> The gender of youth appearing before the Juvenile Court in CRA cases is known in 4,087 of the 4,282 cases (96%).

<sup>12</sup> The race/ethnicity of youth appearing before the Juvenile Court in CHINS and CRA cases is known in 3,469 of the 4,282 cases (81%).

### **(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.

In FY23, 193 cases that were adjudicated delinquent resulted in a probation disposition, a 24% increase from FY22.<sup>13</sup> The majority (74%, n=142) of probation sanctions were for youth adjudicated delinquent on felony offenses. Half of all probation sanctions in FY23 were for youth adjudicated delinquent on person offenses. This is consistent with prior years.

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<sup>13</sup> Juvenile Justice Policy and Data Board, *Massachusetts Juvenile Justice System 2023 Annual Report*, January 2024.

## Juvenile Court Care and Protection Cases

Care and Protection cases in Massachusetts are heard in the Juvenile Court.<sup>14</sup> The following characteristics unique to the 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 2023, there were 2,153 Care and Protection Petitions in the Juvenile Court, a decline of 9% from the previous year (Figure 7).<sup>15</sup>

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<sup>14</sup> 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.

<sup>15</sup> "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.

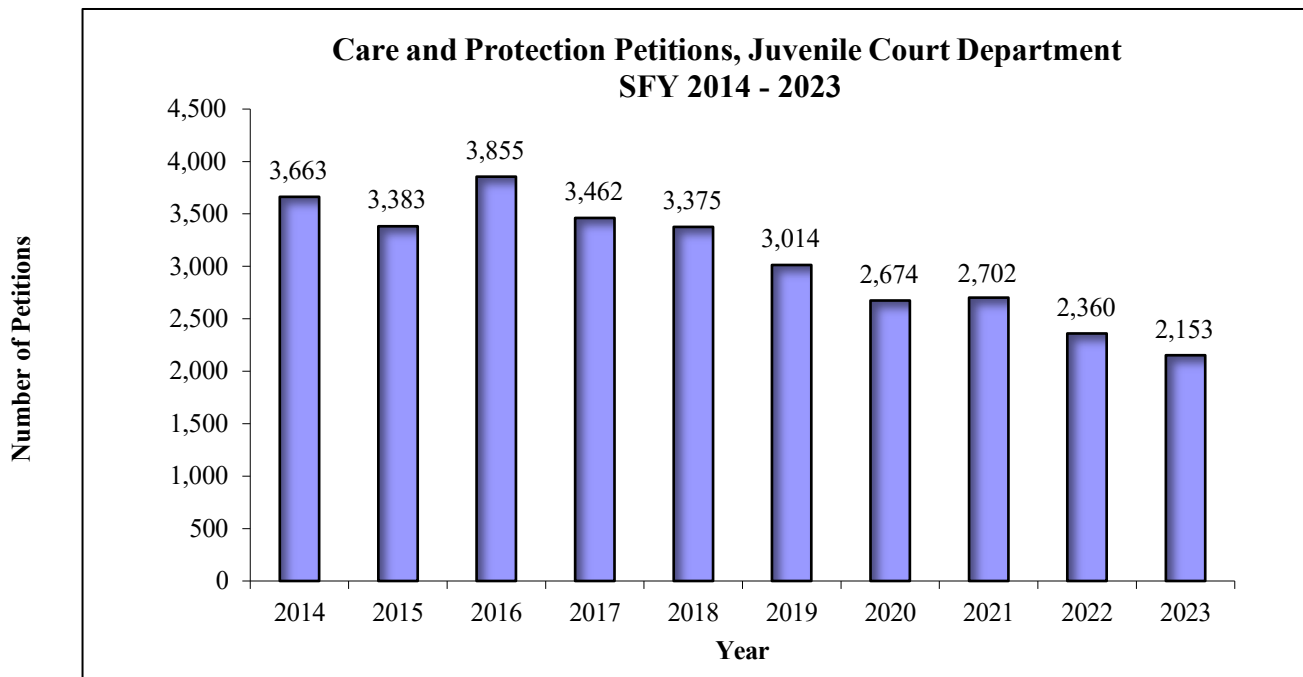


Figure 7 Massachusetts Trial Court, FY2023- End Case Filings, Tableau Dashboard, Department of Research and Planning, July 2024.

<https://public.tableau.com/app/profile/drap4687/viz/MassachusettsTrialCourtYearEndFilingsFY2023/TabJCFY23FilingsType>

**(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.<sup>16</sup> As noted previously, DYS serves five distinct populations who may be either referred to or committed to its care or custody. Youth detained by the juvenile court awaiting further action are considered committed to DYS’ care and youth committed to DYS by the juvenile court in resolution of a pending matters are considered committed to DYS’ custody. Youth committed to DYS’ care are commonly referred to as “detained youth” and youth committed to DYS’ custody are typically referred to as “committed youth.” Youth committed to DYS’ custody are in DYS’ physical

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

custody 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.<sup>17</sup> “Committed to DYS” does not necessarily mean in the physical custody of DYS and living in a DYS facility. DYS has the discretion to place a youth committed to its care or custody within a residential or community setting and can place youth at home under supervision. Most youth committed to DYS’ custody will return to their homes under supervision at some point during their commitment.

### **Commitments**

In 2023, the DYS committed population totaled 206 youth,<sup>18</sup> 205 of which are first time DYS commitments. The number of individuals in the total DYS population on January 1, 2023, represents a decrease of 71% from the high of 717 on January 1, 2014 (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”.<sup>19</sup>

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<sup>17</sup> Massachusetts General Law, Chapter 119, Section 58.

<sup>18</sup> This is a point-in-time count on January 1, 2024.

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

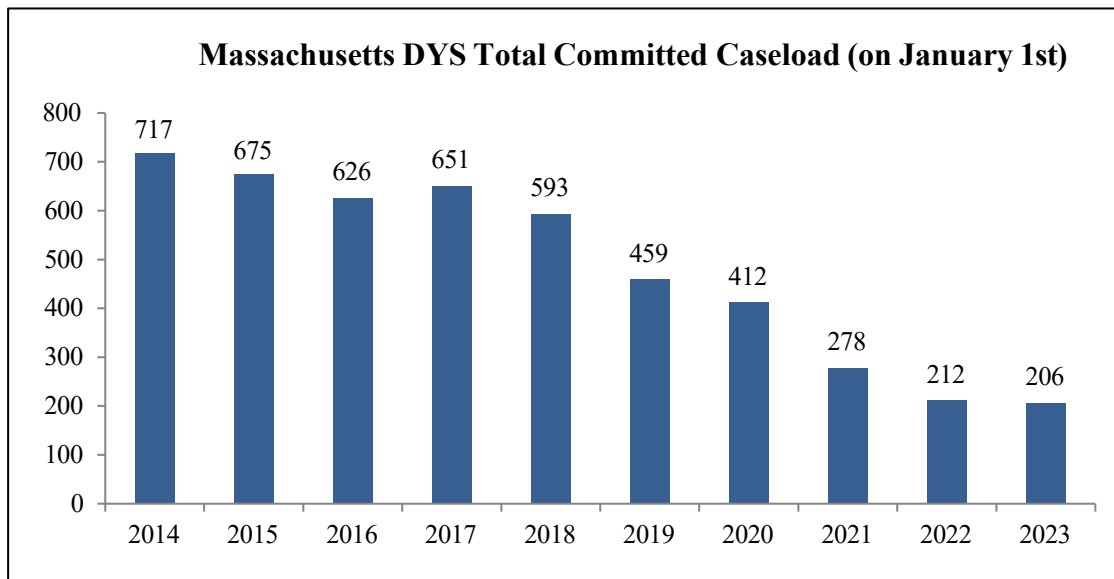


Figure 8. Massachusetts Department of Youth Services, Research Department, July 2024.

Youth of color represent 83% of the DYS committed population (Figure 9).

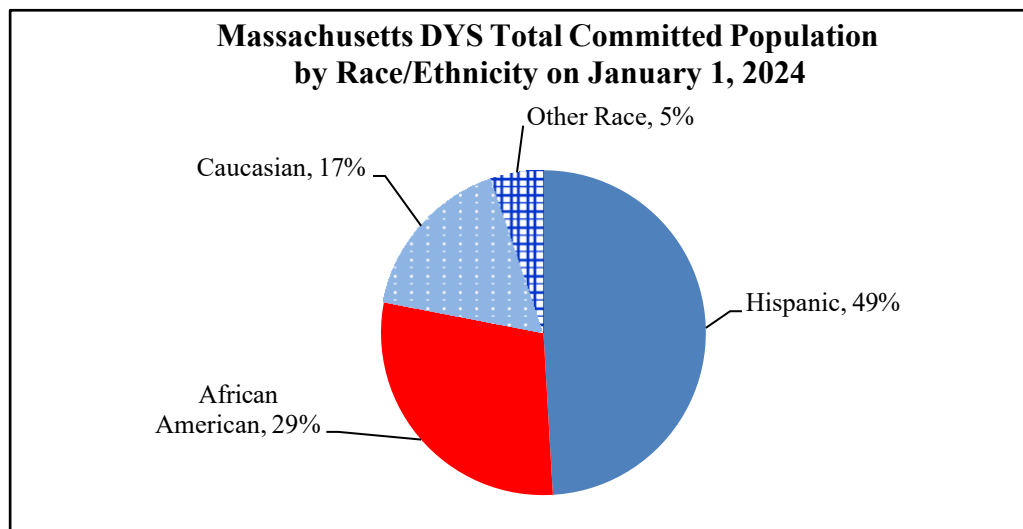


Figure 9. Massachusetts Department of Youth Services, Research Department, July 2024.

The number of first-time DYS commitments fluctuated the first half of the ten-year period, then decreased during the second half. The number of first time DYS commitments decreased 21% in 2015 from the prior year, followed by an increase of 14% from 2015 to 2016. As of 2017 onwards, first time DYS commitments notably decreased. Overall, the number of new DYS commitments fell 49% over the ten-year period (Figure 10).

Number of Commitments

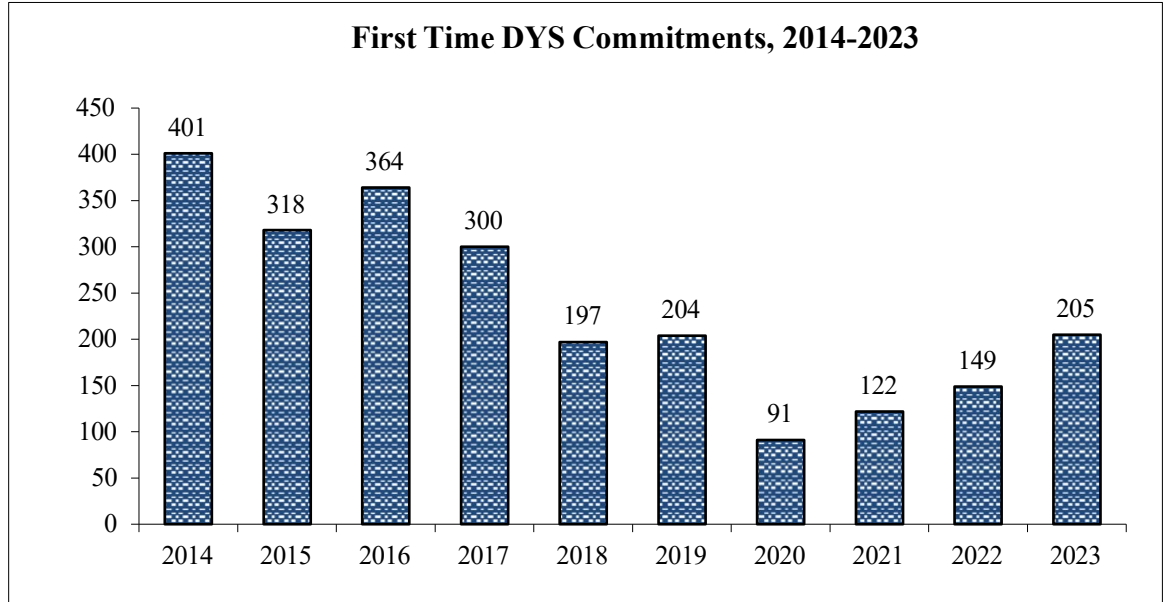


Figure 10. Massachusetts Department of Youth Services, Research Department, July 2024.

In 2023, over three-quarters (84%) of first-time commitments to DYS are minority youth (Figure 11).

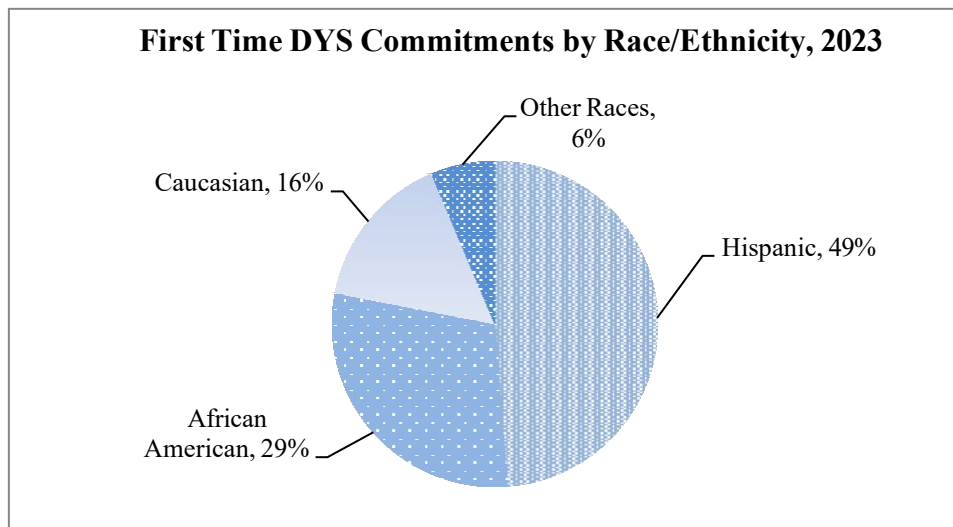


Figure 11. Massachusetts Department of Youth Services, Research Department, July 2024



## 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).<sup>20</sup> 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.<sup>21</sup> 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.<sup>22</sup>

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<sup>20</sup> *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>

<sup>21</sup> 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>

<sup>22</sup> 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>

According to DYS, in 2023 there were 868 juveniles sent to pre-trial detention.<sup>23</sup> The number of pre-trial detention admissions in 2023 increased 19% from the previous year but is 60% lower than the high of 2,164 in 2014 (Figure 12).

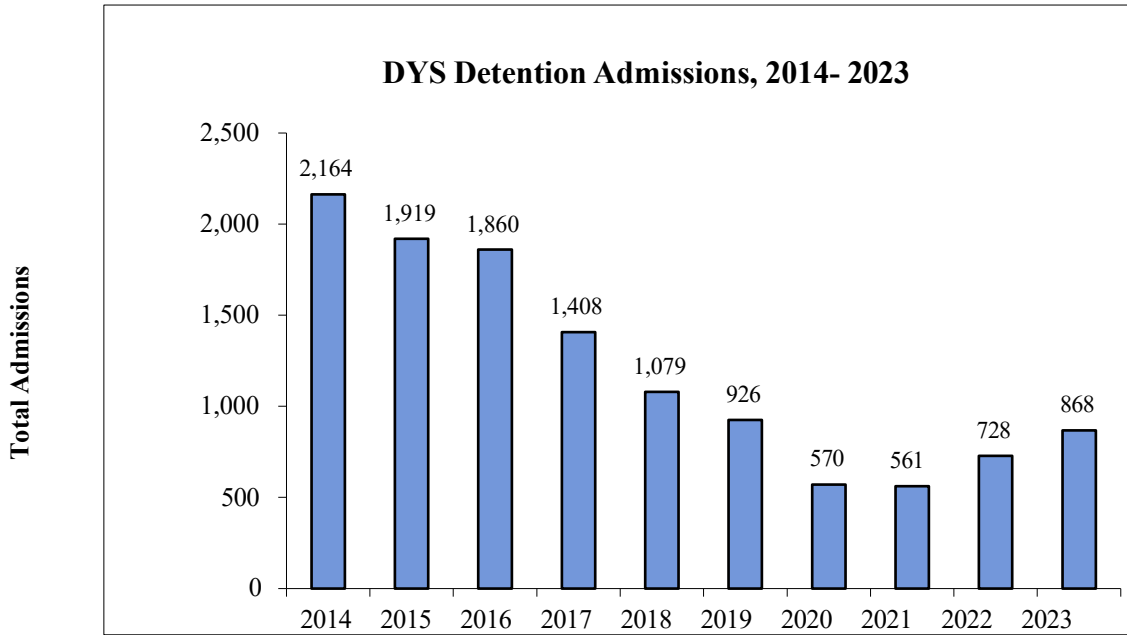


Figure 12. Massachusetts Department of Youth Services, Research Department, July 2024.

Like the DYS committed population, minority youth are also overrepresented in the 2023 DYS detainee population. Minority youth comprise 84% of all DYS detention admissions, as follows: 43% Hispanic, 36% African American, and 5% youth of some other race/ethnicity.<sup>24</sup>

<sup>23</sup> Not including juveniles previously committed to DYS custody.

<sup>24</sup> Massachusetts Department of Youth Services, Research Department, 2024.

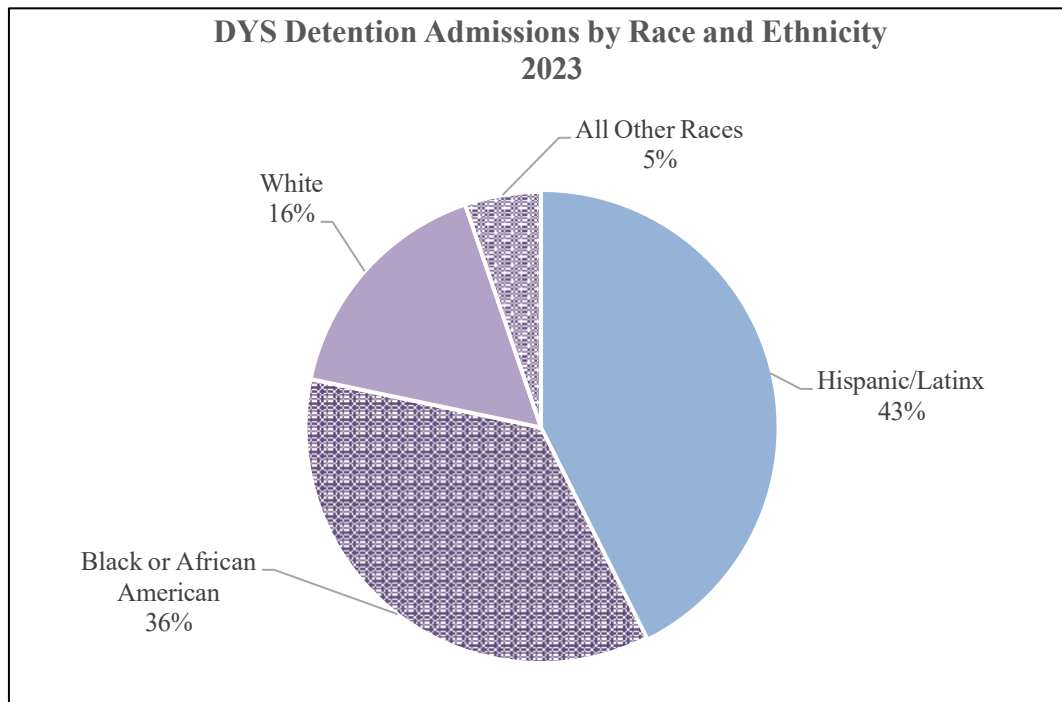


Figure 13. Massachusetts Department of Youth Services, Research Department, July 2024

### Overnight Arrest Program

The Overnight Arrest Program, formerly known as the Alternative Lockup Program (ALP),<sup>25</sup> 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. Youth ages 15-17 account for 87% of the Overnight Arrests admissions (Figure 14).

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

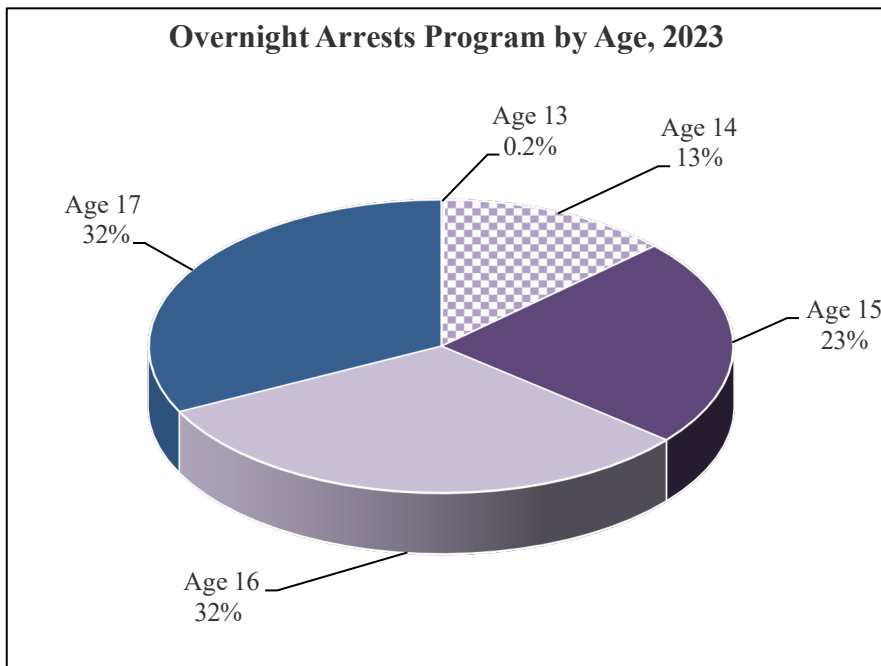
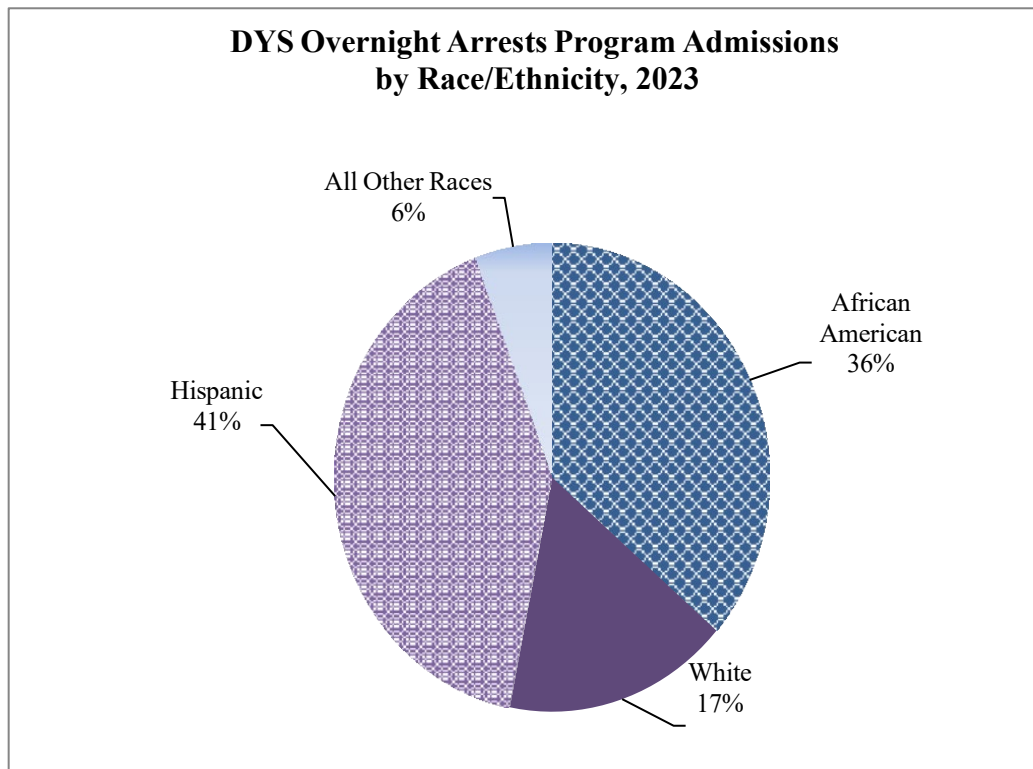


Figure 14. Massachusetts Department of Youth Services, Research Department, July 2024.

In 2023, Hispanic youth had the highest number of admissions (41%) to the Overnight Arrest Program followed by youth who identify as African American and White, 36% and 17%, respectively (Figure 15).



## **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.<sup>26</sup>

The board has previously reported that there is a wide variation in diversion policies and practices across the state. This likely contributes to systemic inequalities, as diversion practices differ depending on what town or city a youth is arrested in and which police officer, clerk magistrate, district attorney, or judge they encounter. This discrepancy is something the Board has reported on in each annual report as well as in a 2019 report on improving diversion in the Commonwealth. The 2019 report and the work of the JJPAD Board and CBI Subcommittee led to the launch of a state-funded diversion program in January 2022 with three “Learning Lab”, now named Massachusetts Youth Diversion Program (MYDP) sites in Essex, Middlesex, and Worcester counties. In January 2023, two additional sites serving Plymouth and Hampden counties launched.<sup>27</sup> As a result, in FY23 Essex County received 20% Massachusetts MYDP referrals, Worcester County received 56% MYDP referrals, Hampden County received 2% MYDP referrals, Middlesex County received 19% MYDP referrals, and Plymouth County

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

<sup>27</sup> Juvenile Justice Policy and Data Board, ‘Massachusetts Juvenile Justice System’ <https://www.mass.gov/lists/jjpadcttf-legislative-reports-and-key-documents#2024-legislative-reports->

received 3% MYDP referrals. Half of all referrals to the MYDP came from judges. More than half of all referrals to the MYDP were for alleged persons related offences.<sup>28</sup>

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 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.<sup>29</sup>

**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)**

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<sup>28</sup> Juvenile Justice Policy and Data Board, ‘Massachusetts Juvenile Justice System’ <https://www.mass.gov/juvenile-justice-policy-and-data-board>

<sup>29</sup> <https://www.mass.gov/doc/diversion-model-program-guide/download>

- 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 site visits 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 and jail removal violations for individualized technical assistance and targeted programming. 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 CTF's work in 2020; OGR and JJAC plan to align efforts and build upon CTF's recommendations by improving linkages between law enforcement and behavioral health professionals.<sup>30</sup>

- 1. Objective 1: Provide appropriate responses to address youths' social and emotional needs at each phase in the juvenile justice system. 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 (MYDP) by creating/buttrussing 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**

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

**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 its 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 the 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.