

# Juvenile Justice Policy and Data Board

Board Meeting  
December 19, 2024

# Agenda

1. Welcome & Introductions
2. Approval of October Meeting Minutes
3. OCA Announcements
4. Pretrial Report
  - a. Review & Discussion
  - b. Motion to Approve & Submit to Legislature
5. FY24 Annual Report Update
6. Subcommittee Draft Work Plans
7. Board Member Updates

# OCA Announcements

## AGO Diversion Program

- Created as part of the 2024 Act to Prevent Abuse and Exploitation
- Partnership with OCA & DYS' MYDP
- Requires mandatory diversion for youth under 18 charged with possessing, receiving, or sending sexually explicit images of another minor via cell phone or other technology

## Process:

1. Referrals can be made by the DAO or Juvenile Court to the AGO
2. MYDP Diversion Coordinators review an [educational pamphlet](#) with the youth to complete diversion programming

## *Next steps -- 2025*

For more information, visit the AGOs website:

<https://www.mass.gov/attorney-generals-youth-diversion-program>



# Juvenile Pretrial Phase Report

# Draft Findings

1. Pretrial conditions for youth can be developmentally inappropriate or not tailored to their specific cases.
2. Restrictive conditions, most notably GPS and home confinement, are overused.
3. The pretrial process lasts too long, causing harm to youth.
4. There are vastly different regional practices at this stage, leading to concerns about equity.
5. The pretrial statutory framework is unclear and does not account for all relevant circumstances.
6. There are disparities in who is detained pretrial, who gets placed on pretrial monitoring/supervision, and who is released on personal recognizance.
7. There are cohorts of youth who could be diverted away from pretrial detention, pretrial supervision/monitoring, or the system entirely.

# Draft Recommendations for State Improvement

Improve how conditions of release are set and re-visited throughout the pretrial process.

Divert more youth from detention and juvenile court involvement by expanding the range of pretrial supervision and pre-arraignment diversion options.

Support implementation of pretrial reforms and continue to measure the impact.

# Improve how conditions of release are set and re-visited throughout the pretrial process

## Recommendations:

1. Provide more guidance on setting pretrial conditions of release for youth
2. Develop a new “order of pretrial conditions of release” form
3. Provide guidance on the process for revising pretrial conditions of release for youth and addressing violations

# 1. Provide more guidance on setting pretrial conditions of release (COR) for youth

In developing guidance, the following concepts should be included:

- ✓ Starting with a presumption of release on personal recognizance
- ✓ Limit the number of COR when those are needed
- ✓ Determine when to use prosocial, treatment, or service-related conditions (e.g., attend therapy) and need for youth consent
- ✓ Put on the record what statute any conditions set are tied to (e.g., Section 58 versus 87)





# 1. Provide more guidance on setting pretrial conditions of release for youth (cont'd)

In developing guidance, the following should be considered:

- ✓ Avoid the use of restrictive conditions (e.g., GPS, home confinement) unless necessary given the facts and circumstances of the case, or in order to permit an alleged victim's participation in prosocial programs

When determining if/when restrictive conditions are necessary for the youth, judges should consider:

- Start with the least restrictive/most focused, and modify based on youth's behavior (e.g., start with curfew and if necessary, impose home confinement)
- Only use GPS as an alternative in cases where a youth would otherwise be detained
- Restricting the use of home confinement to cases where evidence presented establishes failure to appear (FTA) concerns or as a result of a 58A Hearing

## 2. Develop a new “order of pretrial conditions of release” form

The form should be updated with the following considerations:

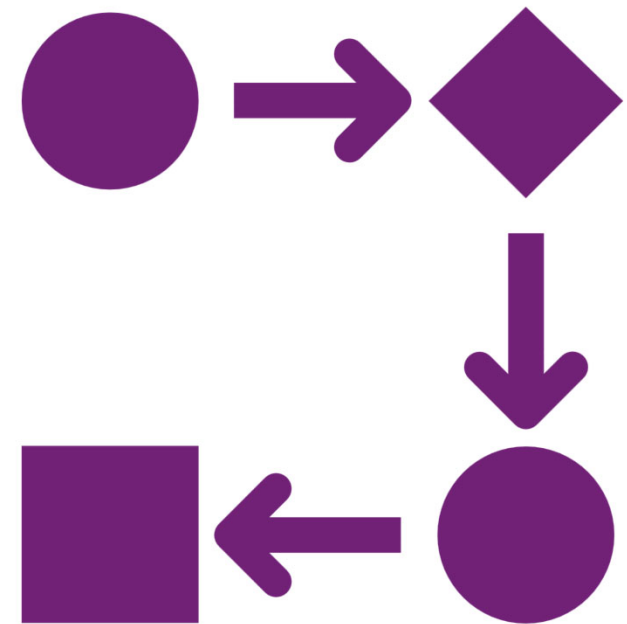
- ✓ Encourage individualized conditions by placing the “Other” box at the top of the form
- ✓ Remove adult specific conditions (e.g., “treatment at Community Corrections Centers”)
- ✓ Clearly indicate which statute/section (e.g., § 42A, 58, 58A, or 87) each condition is being set under and the reason for setting (e.g., flight risk, victim/witness safety)
- ✓ Make the form accessible at a 5<sup>th</sup> grade reading level
- ✓ Make the form available in multiple languages



### 3. Provide guidance on the process for revising pretrial conditions of release for youth and addressing violations

The following concepts should be included in any standard protocol:

- ✓ Mechanism for incenting compliance/positive behavior (e.g., a way for youth to “earn their way off” more restrictive conditions)
- ✓ Mechanism for modifying conditions in response to violations without requiring a motion for revocation
- ✓ Timeframes (when & how often) for revisiting conditions
- ✓ Processes/expectations for probation input
- ✓ Processes/expectations for victim input
- ✓ Ability to conduct hearings virtually



# Divert more youth from detention and juvenile court involvement by expanding the range of pretrial supervision and pre-arraignment diversion options

## Recommendations:

4. Create a continuum of interventions for supervision in the community during the pretrial period
5. Improve GPS technology
6. Divert more youth pre-arraignment by expanding opportunities for state diversion

## 4. Create a continuum of interventions for supervision in the community during the pretrial period

The continuum could include:

- ✓ Voluntary service referrals from MPS
- ✓ Offer wraparound supports such as:
  - ✓ Those procured by DCF as part of family support & stabilization
  - ✓ Expand DPH BSAS programs
  - ✓ Expand DMH Juvenile Court in house programming
  - ✓ MPS offering additional services modeled off Justice Support Centers in the adult system
- ✓ DYS could expand their community-based options



# 5. Improve GPS technology

The research found that youth have difficulty:

- 1) Remembering to charge the device and
- 2) Finding time to sit next to the device to charge it for hours.

Interviewees also highlighted the “false alarm” notifications that went off throughout the day when youth were in approved areas (like their school), but out of cell phone range.



**Currently MPS is in the process of:**

1. Closing a bid to reprocur a GPS contract
2. Creating best practices for GPS supervision

# 6. Divert more youth pre-arraignment by expanding opportunities for state diversion

The Legislature should

Continue to fund and expand  
DYS Massachusetts Youth  
Diversion Program



Expand the list of  
offenses eligible for  
judicial diversion



# Support implementation of pretrial reforms and continue to measure the impact

## Recommendations:

7. Require training on aspects of the pretrial phase across state entities and encourage cross-entity trainings when possible
8. Increase the number of juvenile court judges to reduce the pretrial timeline and support reform implementation
9. Expand the availability, and promoting the use of, social workers in delinquency related cases
10. Increase data availability to support continuous quality improvement and data-informed policymaking



## 7. Require training on aspects of the pretrial phase across state entities and encouraging cross-entity trainings when possible

The Juvenile Court should implement a combined judicial system training for judges, clerks, DAOs, defense counsel, and probation.

Training should address the following topics:

- **Adolescent development**, and how that should inform condition setting for youth
- Setting conditions of release in Juvenile Court in **alignment with the guidelines developed under Recommendation 1**. Data related to condition setting and the “pretrial phase” should also inform training curriculum and discussions
- Using a **Positive Youth Development** framework (e.g., involving youth in the process) to inform condition-setting

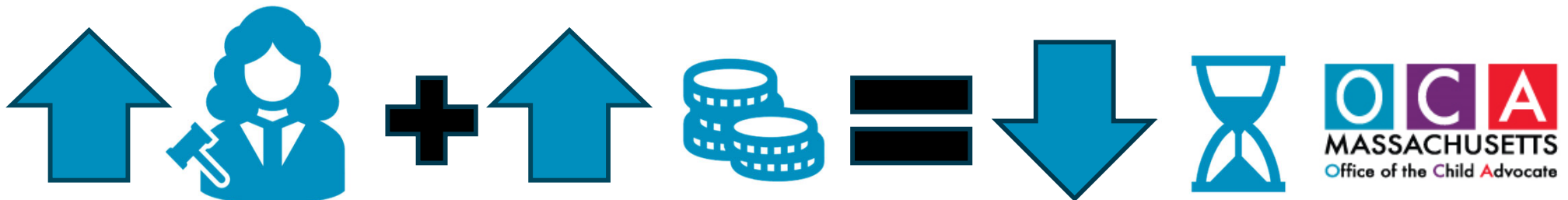


## 8. Increase the number of juvenile court judges to reduce the pretrial timeline and support reform implementation

State law caps the number of Juvenile Court Judges at 42. The state should **increase the cap** and the governor's office work should expeditiously **fill vacancies in the Juvenile Court**.

Additionally, the state should increase & fund:

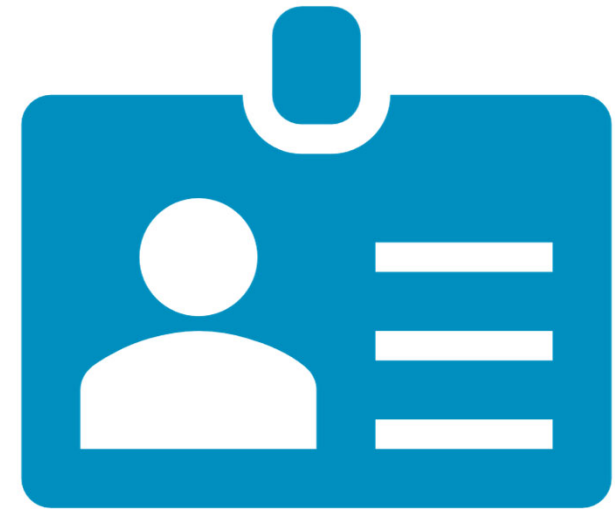
- other court personnel (e.g., clerks, law clerks, court officers)
- facility resources (e.g., courtrooms and judicial lobbies)



## 9. Expanding the availability, and promoting the use of, social workers in delinquency related cases

The state should continue to fund CPCS/YAD social workers to:

- Act as “system navigators” to connect youth in the juvenile justice system to community-based services
- Assist defense attorneys in identifying alternatives to detention/supervision



Bar Advocates should petition for funds to hire social workers, and the Juvenile Court should streamline the petition process.

# 10. Increase data availability to support continuous quality improvement and data-informed policymaking

## MPS

- Disaggregate violation notices by pre- and post-disposition & report this data on their public dashboards and to the JJPAD Board. (MPS is currently working on this.)
- As part of their new case management system, MPS should develop a system that has the ability to collect data on conditions and report this data publicly to the JJPAD Board.
- MPS is currently re-procuring their GPS service. Once a vendor is selected, MPS should work with the vendor to begin publishing public data reports and report this data to the JJPAD Board.

## Trial Courts

- Report “Released on PR” as an outcome option on their [Public Dashboard](#) detailing initial bail decisions.
- Report 58A hearing outcome data on the public dashboards.
- Review if judges are reading into the record why bail amount are set the way they are on a case.

## CPCS/YAD

- CPCS/YAD recently implemented a new case management system, which YAD is currently fine-tuning to address the needs of their cases. YAD should design its system to be able to collect and report data on how often attorneys motion to modify COR and how often they visit clients. YAD should report this data publicly to the JJPAD Board.

## DAO

- DAOs should publicly report data to the JJPAD annually, including data on the number of motions to revoke disaggregated by violation type (new arrest vs. technical offense).

# Future Study...

Continue to research the topics that emerged during this research that the Board was unable to address in its recommendations for this project, including:

- **Use of cash bail:** continue to study state alternatives to detention for vulnerable populations, especially for youth currently held on cash bail with DCF involvement.
- **Delinquency prevention and intervention programming:** study the landscape of community-based delinquency-related prevention and intervention programs in Massachusetts and make recommendations for funding, expansion, and strategies to fill landscape gaps.

# Pretrial Report: Next Steps

December

OCA integrates remaining edits into report



January

OCA publishes final report and submits to the  
Legislature

# Project Update: FY24 Annual Report

# Data Notes



- This presentation looks at FY24 admissions data, and the changes in admissions since FY23 and FY18 (pre-CJRA)
- The data analysis presented here is preliminary and should be used for Board discussion purposes only.
- Data may change as the OCA does future QC checks. The final FY24 data analysis will be provided in the JJPAD Board's FY24 Annual Report.



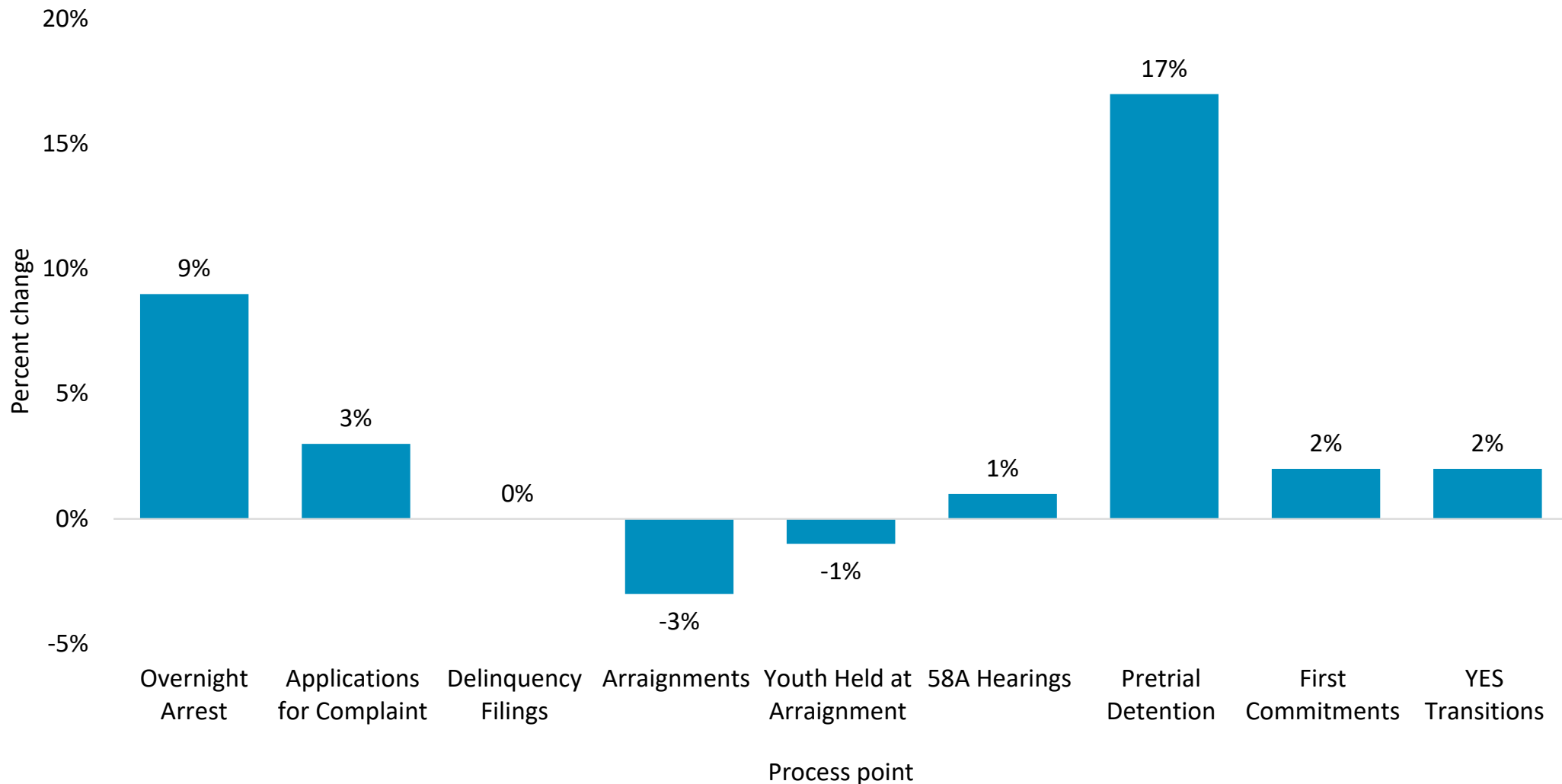
# Data Reviewed by Data Subcommittee ...

Custodial arrest
Court summons
Overnight arrest
Application for complaint
Delinquency filing
Arraignment
Held/not held at arraignment
58A "Dangerousness" Hearings
Pretrial supervision
Pretrial detention
Dispositions
Sanctions
Probation
First-time commitment to DYS
YES transitions
Dismissed delinquency cases (post- delinquency filing, pre-adjudication)
Other systems: CRA, DMH, DPH

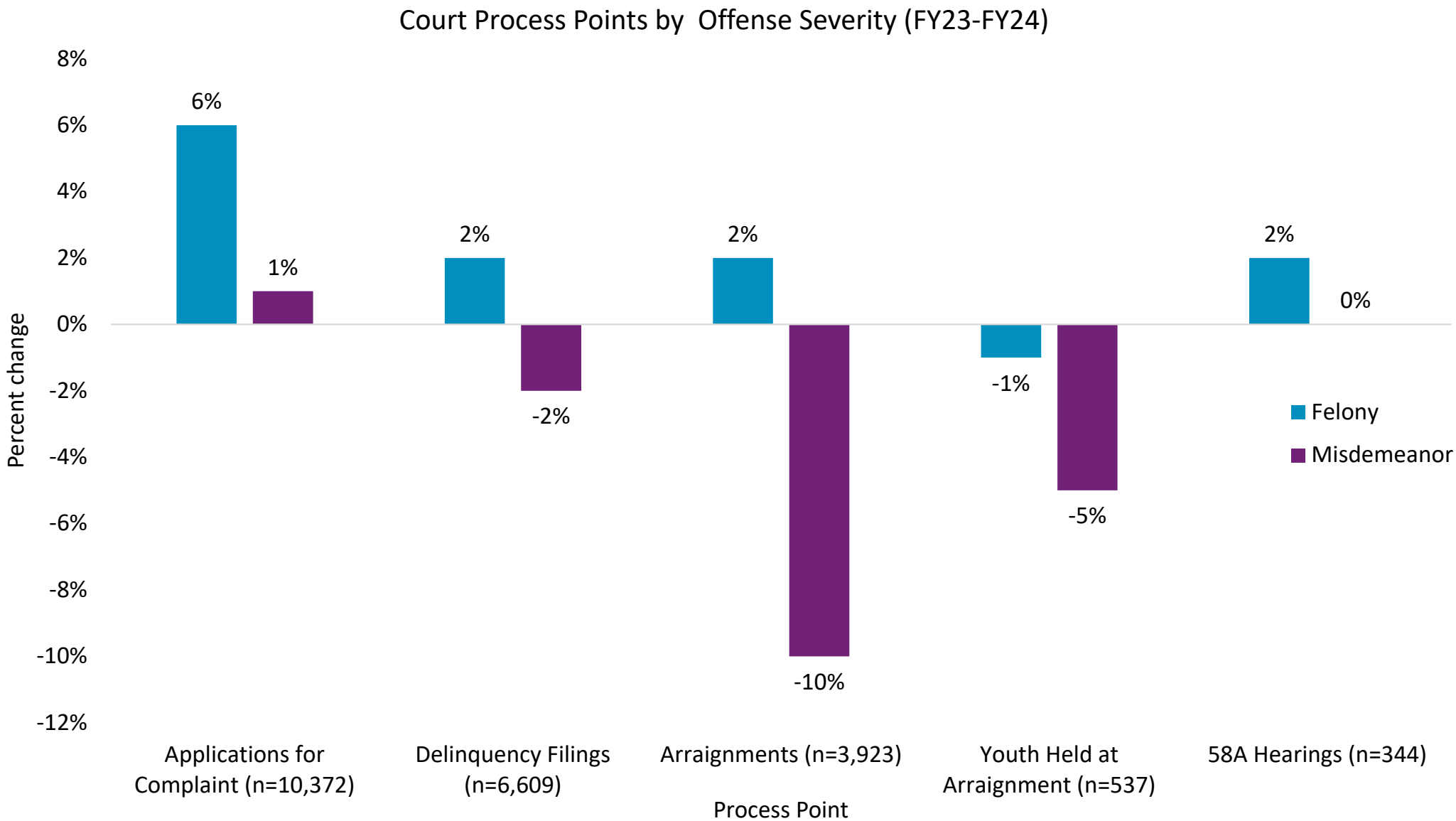
New Data in this year's report:  
Held/Not Held at Initial Arraignment

# Between FY23 and FY24, system use was relatively stable except ONA and Pretrial Detention Admissions, which increased 9% and 17%, respectively

MA Juvenile Justice System Trends (FY23-FY24)

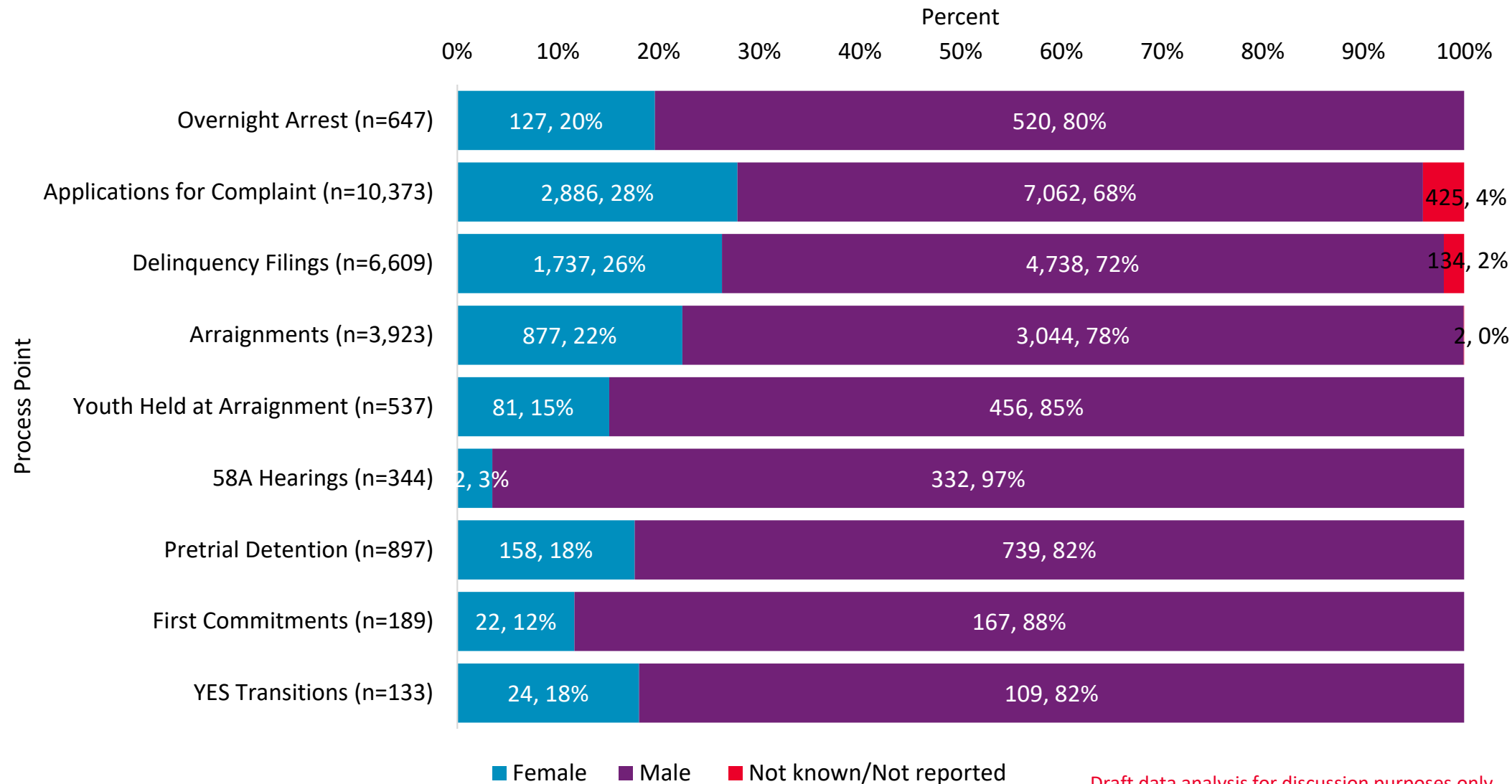


# Between FY23 and FY24 there were small increases in felony cases at most court process points



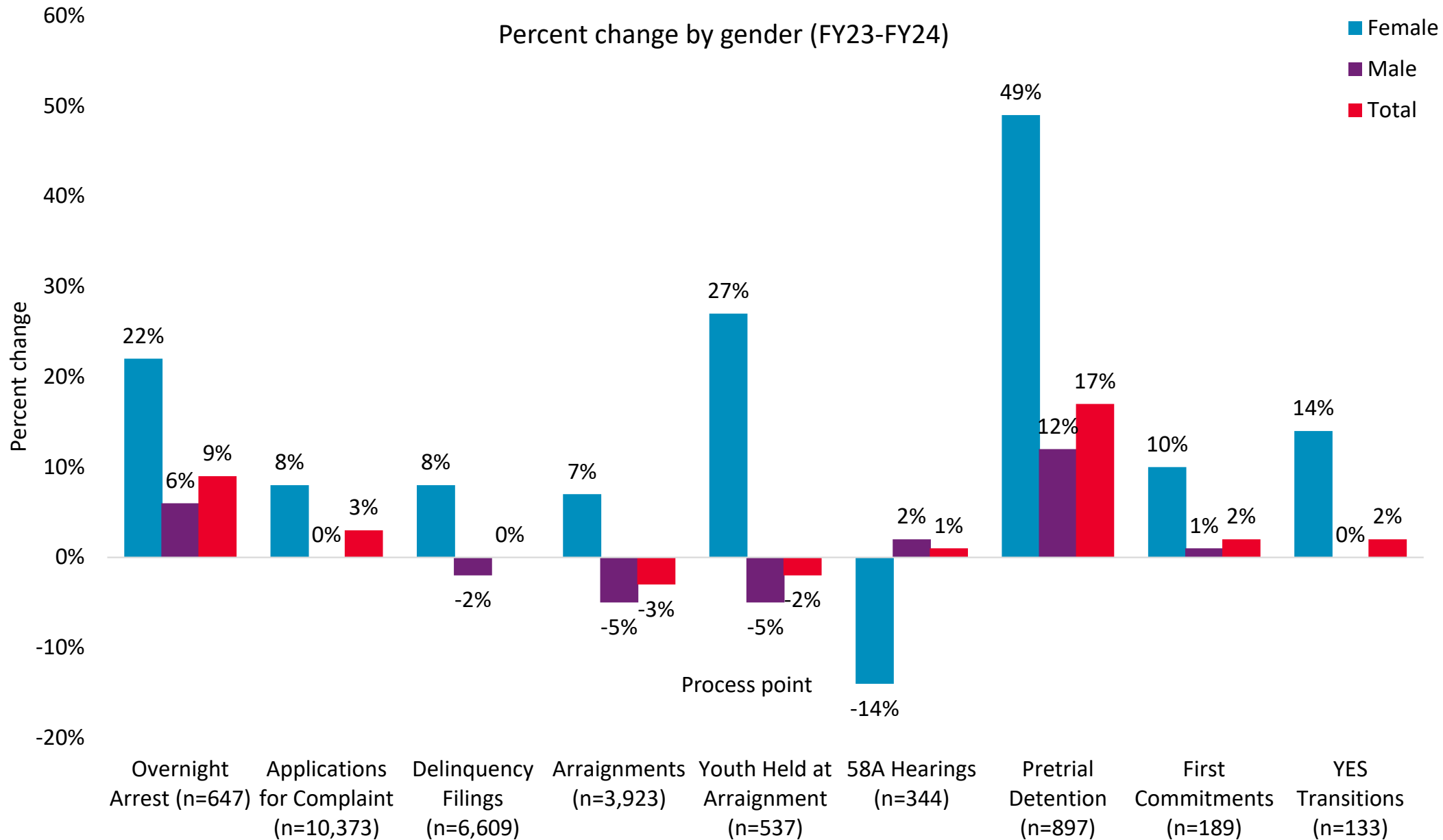
# In FY24, boys represent the majority of cases at each process point

Process Point by Gender (FY24)



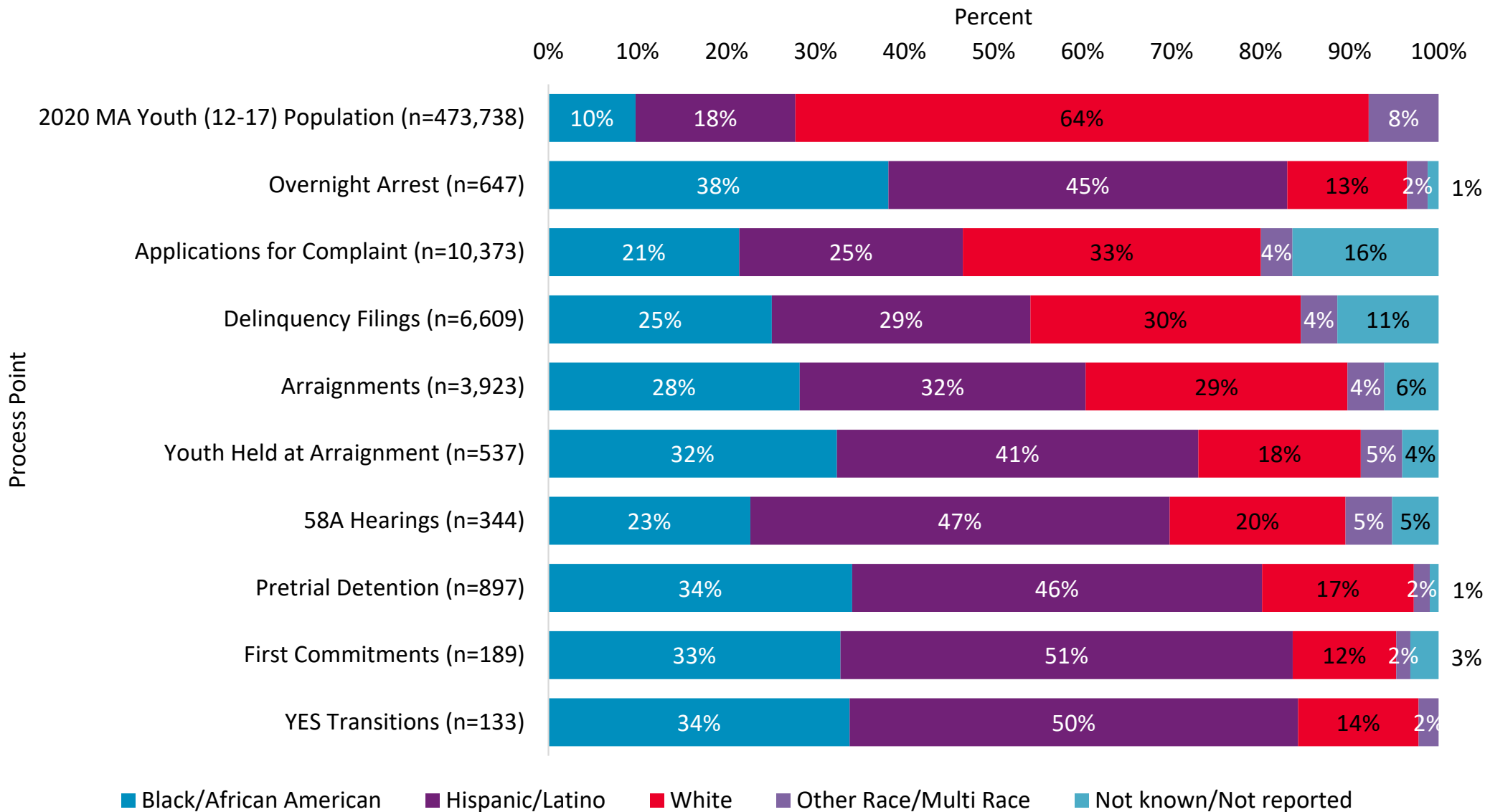
Draft data analysis for discussion purposes only

# However, between FY23-FY24, there was a greater rate of increase for girls than boys



# Black and Latino youth represent over half of cases/admissions at each process point

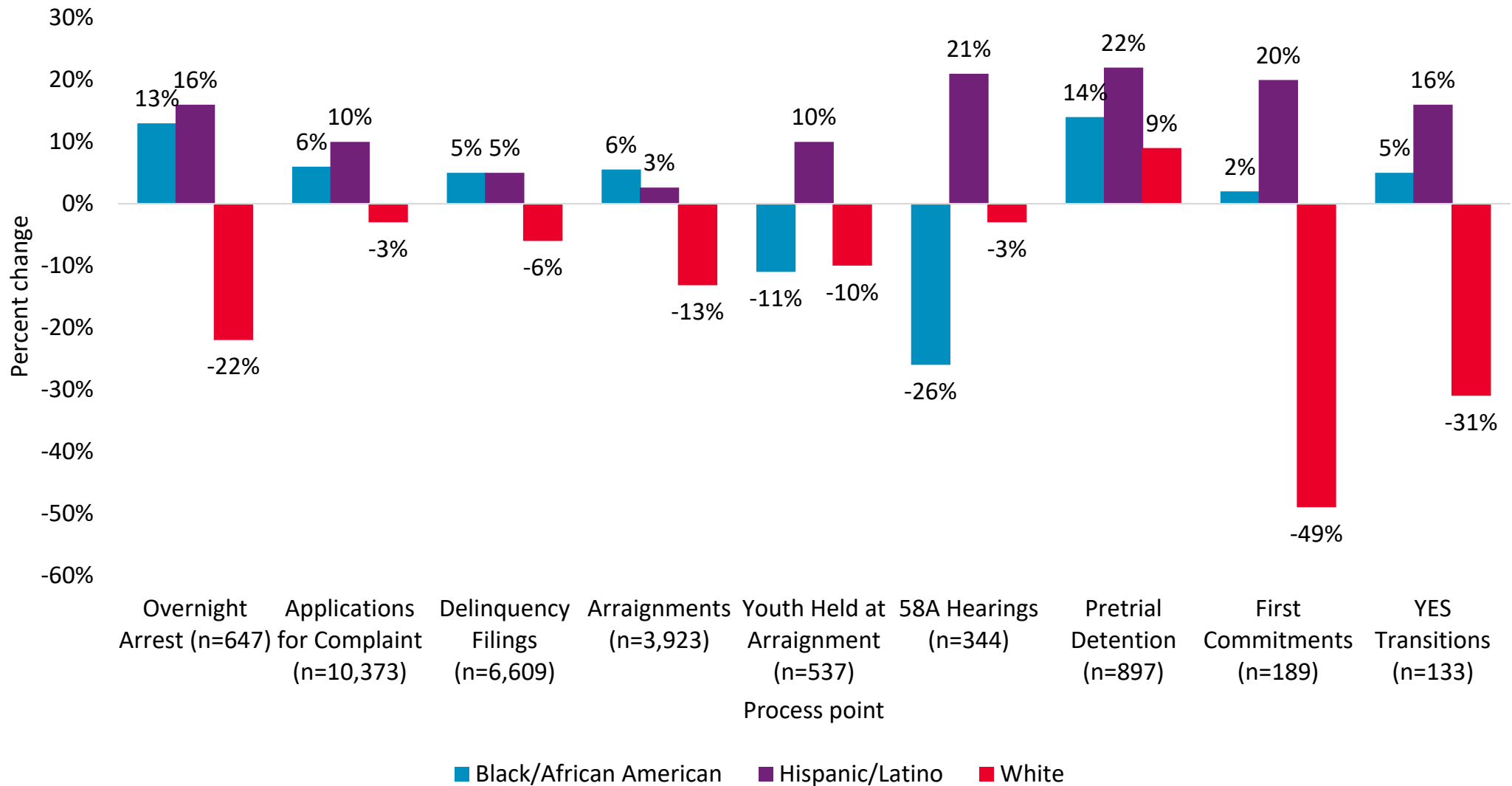
Process point by race/ethnicity (FY24)



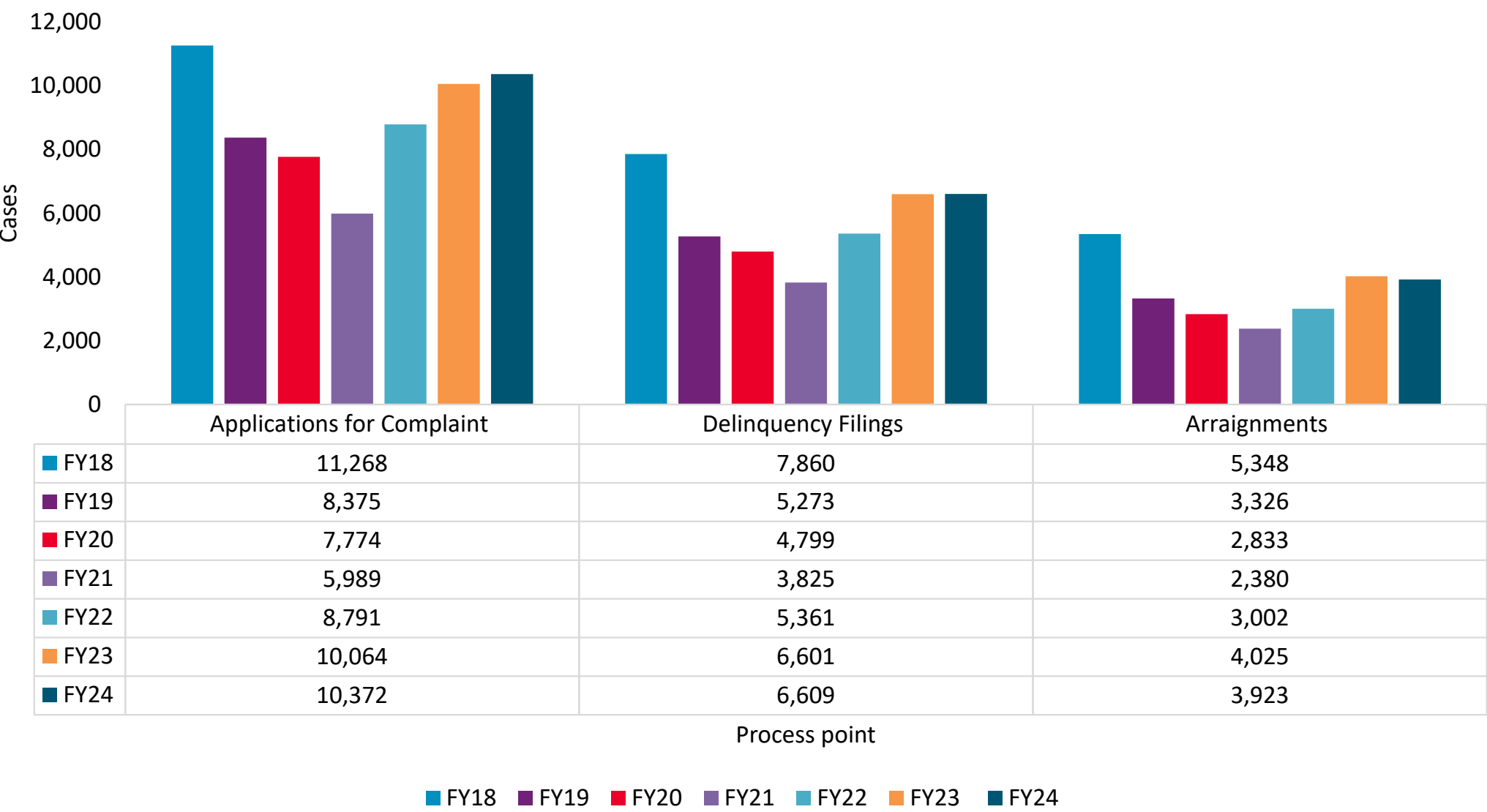
Draft data analysis for discussion purposes only

# Between FY23-FY24, at most process points, cases involving Black and Latino youth increased, while cases involving white youth decreased

Percent change by process point and race/ethnicity (FY23-FY24)



# Number of court cases plateaued in FY24





# Data Summary:

## Overall Juvenile Justice Data Trends

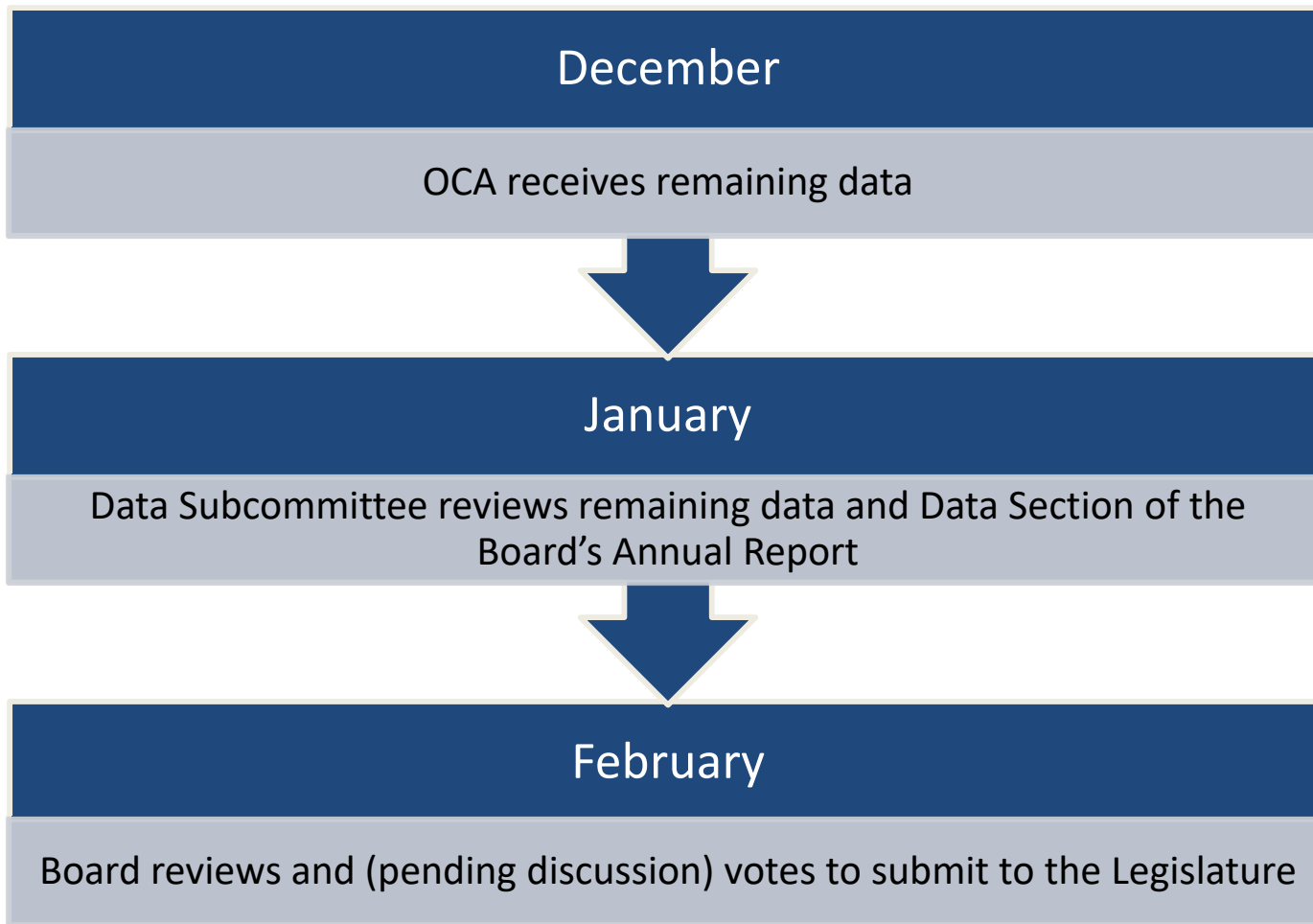
- Between FY23&FY24 system use was relatively stable except ONA and Pretrial Detention Admissions, which increased 9% and 17%, respectively.
- There was a small increase in cases involving a felony at most process points
- Between FY23&FY24 there was an increase in cases involving girls and Black and Latino youth
- The number of cases at most process points are still down pre-CJRA and the number of cases plateaued in FY24

# Questions & Discussion



- What takeaways from the data did you have?
- What surprised you about the data?
- What questions do you still have?

# FY24 Annual Report: Next Steps



# Subcommittee Work Plans

# What to expect in 2025

## Full Board

- Winter: Review & Discussion 2024 Annual Report; Set 2025-2026 work plan

## CBI Subcommittee

- Return to Dually Involved Youth (DIY) project

## Data Subcommittee

- **January:** 2024 *Annual Report* data review
- DIY Data Deep Dive & Case File Review

## Childhood Trauma Task Force

- Analyze training data and discuss recommendations

# Subcommittee 2025 Schedule

Subcommittee	Fall/Winter meetings
Data	Will continue with quarterly meeting January meeting date TBD based on data availability
CBI	4th Monday of each month starting in February 2025
CTTF	Will continue with quarterly meetings beginning in March 2025



# Board Member Updates

- Are there any new initiatives the group should be aware of?
- Does your agency/org have any new policies or standard practices the group should know about?
- Are you hosting/attending any upcoming events relevant to this group?
- Anything else you wish to share with the group?

# Next Meeting

TBD

~Beginning of February 2025



*(All meetings are virtual; Zoom information is in each calendar invitation)*



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