

Office of the Child Advocate  
Juvenile Justice Policy and Data Board  
Thursday November 19, 2020  
1pm – 3:00PM

**Meeting held virtually due to COVID-19 emergency response**

**Subcommittee Members or Designees Present:**

Maria Mossaides (OCA)  
Rep. Dykema (House of Representatives)  
David Melly (Rep. Dykema’s office)  
Joshua Dohan (CPCS)  
Maggie Randall (Sen. Boncore’s Office)  
Tammy Mello (CLM)  
Rebecca Brink and Cristina Tedstone (DCF)  
Peter Forbes (DYS)  
Lindsey Tucker (DPH)  
Ed Dolan and Fabiola White (Probation)  
Nancy Connolly (DMH)  
Naoka Carey and Leon Smith (CfJJ)  
Dawn Christie (Parent representative)

**Other Attendees:**

Melissa Threadgill (OCA)  
Kristi Polizzano (OCA)  
Alix Rivière (OCA)  
Angela Brooks (AGO)  
Kathleen Bitetti (SAO)  
Jordan Meehan (MA Commission on LGBTQ Youth)  
Grace Picariello (Rep. Cronin’s office)  
Members of the public

**Meeting Commenced:** 1:02PM

**Welcome and Introductions**

Ms. Threadgill welcomed the attendees to the Juvenile Justice Policy & Data (JJPAD) Board meeting. She introduced members of the Board in attendance, guests and members of the public.

**Approval of Minutes from September Meeting**

Ms. Threadgill held a formal vote on the approval of the previous JJPAD Board meeting minutes.

The meeting minutes for September were approved.

## **Meeting Agenda**

Ms. Threadgill presented the agenda for today's meeting, including an update from the subcommittees' work, review of the 2020 Annual Report, and Board member updates.

## **Subcommittee Updates**

Community Based Interventions (CBI) Subcommittee: Ms. Threadgill explained this subcommittee's work on the Model Program guide continues, with discussion remaining on four topics:

1. Information from referrers at referral
2. Interactions with victims
3. Communication on unsuccessful diversion cases
4. Role of defense counsel

Ms. Threadgill noted the importance of addressing issues related to these topics in order to finalize the Diversion Model Program guide. She explained the goal is to finalize this document this winter and bring it back to the Full Board for discussion.

Data Subcommittee: Ms. Threadgill moved on to give updates on the Data Subcommittee's work which, in part, entailed finalizing and launching the Juvenile Justice System Data and Outcomes Website, a legislative mandate of this Board. This first version of the website has been officially rolled out with an official press release concurrent with the release of the Annual Report. The OCA and EOTSS have started discussions around the next iteration of this website. Ms. Threadgill expressed her hope that members of the Board would share this resource within their agencies and other stakeholders who could benefit.

This subcommittee also voted in October to finalize the data reporting standard recommendations included in the Annual Report. Ms. Threadgill mentioned the group expressed interest in continuing to analyze and discuss how COVID-19 may have impacted the data when they reconvene in the new year. Some Board members asked for clarification around this point. Of note, the Data Subcommittee expressed interest in what the impact of the pandemic has been on the rates of youth in detention, what the trends are, what potential long term trends could be, and any racial or ethnic disparities that might have been exacerbated by the pandemic. In particular, members suggested that it would be good to examine the impact remote hearings have on court decisions and outcomes. Members wondered if the decisions made in remote hearings mirror decisions made in-person hearings or not. Ms. Threadgill said she would bring this topic back to the Data Subcommittee in the new year.

Childhood Trauma Task Force (CTTF): Ms. Threadgill reminded the Board that at the September meeting she briefed the group about the *Framework for Trauma-Informed and Responsive Organizations* that the CTTF finalized in October. In October and November, the Task Force also discussed drafts of their 2020 legislative report which focuses on recommendations for implementing the *Framework*. The group's goal is to vote to finalize report at their December 1<sup>st</sup> meeting.

## **2020 Legislative Report**

Next, Ms. Threadgill opened the discussion on the draft Legislative Report, which members received on November 5<sup>th</sup>. She explained she would discuss the parts of the report including: a summary of the JJPAD Board’s 2020 work, updates on the 2019 recommendations this Board previously gave, the pandemic’s impact on juvenile justice and system data trends for this fiscal year and last.

*Summary of the JJPAD Board 2020 Work*

Ms. Threadgill explained the report details the Community Based Interventions’ work to prepare to launch a statewide diversion coordination learning lab by writing a *Model Program Guide*.

The report also summarizes the Data Subcommittee work to improve data reporting quality and availability by creating a *Juvenile Justice Data Website*. This website was part of the mandate of the JJPAD Board. The report also explains that to improve data reporting quality, this subcommittee developed *Data Reporting Standard Recommendations* to compare demographic data across agencies. These recommendations are included in the report.

Ms. Threadgill explained to the Board the annual report also details updates from the Childhood Trauma Task Force (CTTF). Throughout this year, the CTTF established a statewide framework for trauma-informed and responsive practice. Additionally, in June, this Task Force published a report: *Protecting our Children’s Well-Being During COVID-19: Recommendations for Supporting Children and Families Who Have Experienced Trauma and Stress During the Pandemic*.

Ms. Threadgill asked if members had questions. A member expressed her gratitude for the work this Board, Ms. Threadgill and the Office of the Child Advocate has done, and offered outreach support once the report is finalized.

*Updates on the Board’s 2019 Recommendations*

Next, Ms. Threadgill reviewed the section of the report that provides updates on this Board’s 2019 recommendations. These included data reporting improvements and remaining gaps, diversion and community-based interventions recommendations, and a status update of specific implementation recommendations from *An Act Relative to Criminal Justice Reform*.

Ms. Threadgill provided more information around recommendation updates. She explained the Board received a lot more data this year compared to last year. This additional data includes, arraignments, dangerousness hearing, probation start dates, Department of Youth Services (DYS) population “snapshot” data, DYS placement type data, DYS Youth Engaged in Services (YES) data, some youthful offender data, gender data for youth on probation, sexual orientation and gender identity data from DYS, and improved race/ethnicity data from juvenile court and probation.

The report also details remaining challenges for the Board’s 2019 recommendations. Remaining gaps in data include: school-based arrests and court referrals, use of diversion, pretrial decision-making, plea offers and acceptances, adjudications and dispositions, responses to probation

violation notices, competency hearings and assessment, transfer hearings, and juvenile homicide cases. Members of the Board asked for clarification around the request for competency hearing data. Ms. Threadgill explained that CPCS made this request. Members discussed the missing data is for competency hearing requests and outcomes of assessments. Ms. Threadgill said she would speak with representatives from the DMH and CPCS to flesh out wording here.

Members also discussed that somewhere in the report, the Board should report data is needed to understand remote-hearings' outcomes on youth in the system. Members mentioned that, regarding missing data, the Board should decide on what next steps to take. A member suggested issuing a two-year follow up report on the 2019 Data report.

#### *Impact of COVID-19 on Juvenile Justice*

Ms. Threadgill went over the section of the report that details the impact of the COVID-19 pandemic on the juvenile justice system. She wanted to thank Dawn Christie (the Board's parent representative) and Parent Professional Advocacy League (PPAL) for surveying youth and family on the impacts of the pandemic on their lives. She also thanked Citizens for Juvenile Justice (CfJJ) for providing context on youth and families. Ms. Threadgill also thanked the state agencies for their contributions to this section. In addition to youth/family impact, and agency-level responses, the report takes a big picture look at the entire juvenile justice system response and provides hypotheses for impacts seen in the data. Ms. Threadgill asked if members wanted to discuss any additional recommendations concerning remote hearing outcomes brought up earlier. The group suggested prioritizing that work for 2021.

#### *Potential Impact of the pandemic on the data:*

Ms. Threadgill explained that measuring the impact of COVID-19 on the juvenile justice system is difficult since the Board only has fiscal year data, and the COVID pandemic response was just in the last quarter of the fiscal year. Therefore, the annual totals can be masking some data trends. The report tries to include what the hypothesis are around how the pandemic has impacted the data. These include:

- Reduced delinquency occurrences due to stay-at-home advisories
- Shifts from custodial arrests to court summons
- Reduced filings due to court closures
- Reduce use of pretrial detention, but that may have led to an increase in the use of pretrial supervision
- General court processing delays leading to an increased length of stay for detained youth, increased time on pretrial supervision, reductions in commitments to DYS, and reductions in the post-disposition probation caseload.

Ms. Threadgill presented an overview of the FY20 data section from the report. She cautioned that the analysis of how *An Act Relative to Criminal Justice Reform* affected youth in the juvenile justice system might have been impacted by COVID. Ms. Threadgill explained that it could be that some process points' numbers increased in the first three quarters, but

significantly decreased in the fourth quarter due to the pandemic. Additionally, this Board cautioned last year that after the first year of implementation, numbers often show an uptick in year two. This could have been the case, especially considering the clarification of the *Wallace* court case on first-time offenses. Despite these challenges, the trend following implementation of the legislation remains clear: there have been significant declines in number of youth who are being processed through the juvenile justice system, driven primarily by declines in court referrals for lower-level offenses.

Ms. Threadgill presented specific data trends for FY20 highlighted in the report. Overall trends include:

- Custodial arrests of youth decreased by 4%
- Application for complaint decreased by 7%
- Delinquency filings decreased by 7%
- Arraignment occurrences (for calendar year 2019) decreased by 12%
- Pretrial supervision caseload increased 21%
- Pretrial detention admissions decreased 15%
- Post-disposition probation caseload decreased 30%
- Commitment to DYS decreased 23%

Some members wondered why pretrial supervision cases have increased. Commissioner Dolan (Probation) mentioned this was happening in the adult world as well. Probation does not have a clear answer on this yet, but the Commissioner guessed that because there has been more of an emphasis on not using detention, and bail reductions, judges were more likely to use pretrial probation to supervise people before their trials. Members commented that the presumption of release during COVID might have impacted pretrial supervision caseloads for FY20 as well. It was discussed that this is a national trend too.

Ms. Threadgill discussed the data trends since FY18 (the year before the new legislation was implemented).

- Custodial arrests of youth decreased by 41%
- Overnight arrest admissions decreased by 60%
- Application for complaint decreased by 31%
- Delinquency filings decreased by 44%
- Arraignment occurrences decreased by 37% (since calendar year 2017)
- Pretrial supervision caseload increased 39%
- Pretrial detention admissions decreased 38%
- Post-disposition probation caseload decreased 55%
- Commitment to DYS decreased 36%

Ms. Threadgill explained the breakdowns of the data provided in the report and appendices. She highlighted findings that show Black and Hispanic/Latinx youth are still overrepresented at each process point. She also explained the change in utilization of the system is not consistent across race categories. In FY20, the rate of decrease was slower for Black youth, and in some cases, there was an increase in utilization for Black youth. A member expressed concerns

around the increase in Black youth for custodial arrests and overnight arrest admissions. A few members thought this could be related to COVID or specific regional differences as well.

Ms. Threadgill highlighted some progress around disparities for Latinx youth. The decrease for Latinx for some process points was larger than other groups.

Ms. Threadgill asked the group if there were any other additional edits the group wanted to make to the annual report. There were none.

Ms. Threadgill asked the group, if contingent on the edits discussed today there was a motion for a vote to approve the 2020 JJPAD Board Annual Legislative Report. A motion was made to vote on the report. Members of the Board voted accordingly:

Naoka Carey (CfJJ)—Yes

Christina Tedstone/Rebecca Brink (DCF)- Abstain

Ed Dolan (Probation)- Yes

Josh Dohan (CPCS)- Yes

Lindsey Tucker (DPH)- Abstain

Maria Mossadies (OCA)- Yes

Nancy Connolly (DMH)- Yes

Peter Forbes (DYS)- Abstain

Tammy Mello (CLM)- Yes

David Melly on behalf of Rep. Dykema (House of Representatives)—Yes

Dawn Christie (Parent Representative)—Yes

Margaret Randall, on behalf of Sen. Boncore (Senate)- Yes

### **The Annual Report was approved.**

Ms. Threadgill thanked the group for all their work this year. She informed the Board that the OCA will run a final check on the data and make final formatting edits. The report will be submitted to the Legislature on November 30, 2020. She also mentioned that the Criminal Justice Reform Caucus invited the OCA to present on the JJPAD work on December 3<sup>rd</sup> at 4pm. The OCA will share a link to register for this briefing to Board members.

### **Board Member Updates**

Ms. Threadgill asked Board members if anyone had updates to share with this group. There were none.

### **Closing Comments:**

Ms. Threadgill thanked the group for their time. In December and January, one-on-one meetings between the OCA and members of the Board will take place to gain feedback on the year and thoughts on work for 2021. Members will receive Doodle polls for availability for the first half of 2021 soon.

**Meeting adjourned: 2:05pm**