

Juvenile Justice Data and Policy Board

Meeting Minutes

November 21, 2019

Members and Designees in Attendance:

- Maria Mossaides, Chair (Child Advocate)
- Fabiola White (Probation)
- Edward Dolan (Probation)
- Kevin Kennedy (Chiefs of Police)
- Naoka Carey (CFJJ)
- Sana Fadel (CFJJ)
- Kathrine Lipper (EOE)
- David Melly (Rep. Dykema's office)
- Tammy Mello (Children's League)
- Barbara Kaban (CPCS) (called in)
- Lindsey Tucker (DPH)
- Dr. Nancy Connolly (DMH) (called in)
- Peter Forbes (DYS)
- Dawn Christie (Parent) (called in)
- Joshua Dohan (CPCS)
- Rachel Wallack (Juvenile Court)

Other Attendees:

- Melissa Threadgill (OCA)
- Crissy Goldman (OCA)
- Lindsay Morgia (OCA)
- Kristi Polizzano (OCA)
- Members of the public

Meeting Commenced: 10:09am

Approval of Minutes from June & September

The minutes were approved. Ms. Tucker abstained from September since she was not at that meeting.

Legislative Report: Early Impacts of An Act Relative to Criminal Justice Reform

Ms. Threadgill explained the structure of the Early Impact report and went over key themes and takeaways.

Data Trends:

Ms. Threadgill explained that there has been a significant drop in utilization of the juvenile justice system from FY18 to FY19. Juvenile arrests fell 32%, overnight arrest admissions fell 44%, applications for complaint dropped 25%, delinquency filings dropped 33%, admissions for pre-trial detention dropped 27%, probation delinquency monthly caseloads dropped 24% and first time commitments dropped 17%. It's important to note that this is the trend overall in Massachusetts and has been for some time. We can't say it's entirely because of the new legislation.

Ms. Threadgill continued to explain the bill targeted lower offenses and that impact seems to be conveyed in the data as well. The largest decreases in Applications for Complaint and Delinquency Filings were for school disturbances/public order, alcohol, motor vehicle, and property case types. The largest declines in admissions to pre-trial detention were for the lowest level offenses (45% for Grid Level 1 offenses, 35% for Grid Level 2 offenses), and the largest decline in first time commitments to DYS was, by far, a 74% drop for Grid Level 1 offenses.

Ms. Threadgill also explained that the data show youth of color are still disproportionately represented at every level of the juvenile justice system. In fact, disparities between white youth and youth of color has increased following passage of the new law. The data indicates the law had a more substantial impact on justice system involvement rates for white youth than for youth of color.

Ms. Threadgill also presented a summary of the Board's recommendations included in this report:

- *Children under 12 who commit serious criminal acts:* Some Board members recommend amending Chapter 119 to give DCF the responsibility and authority to develop, implement, and monitor a treatment plan for youth under 12 who have committed a serious criminal act, with Juvenile Court oversight as needed.
- *"First Offense" Misdemeanor (post Wallace decision):* Additional time is needed to better understand how the mandated processes will play out in practice and if there are any additional points of concern. The JJPAD Board will continue to follow this issue and make additional recommendations in the future should it prove necessary.
- *Role of Bail Magistrate:* The JJPAD Board recommends that the Legislature amend MGL Chapter 119 Section 67 (a) and (b) to return the decision regarding release of a youth who has been arrested and brought to a police station to the Bail Magistrate.
- *Bail Magistrate Fee:* The Board recommends eliminating the \$40 bail magistrate fee for youth under the age of 18.
- *Youth Between 12 and 14 Arrested for Serious Violent Offense:* Some Board members believe that the Legislature should amend M.G.L. Chapter 119, Section 67 to permit DYS to hold youth between the ages of 12 and 14 who have been arrested for a serious violent offense¹ until the next court session, unless they are deemed eligible for release on personal recognizance by the bail magistrate or a bail is posted.
- *Placement of Youth When Family Cannot/Will Not Resume Physical Custody Following Arrest:* JJPAD Board members agree that a statutory change is needed to ensure that all youth who have been arrested and cleared for release have an appropriate, safe, and legal place to spend the night. The Board did not reach consensus on how the statute should be changed, but instead presents the following options that were considered by the group:
 - Some Board members believe the Legislature should M.G.L Chapter 119, Section 67 to permit DYS to hold youth until the next court session if they are otherwise eligible for release but a parent/guardian cannot or will not take child.
 - Other Board members believe that the state budget line item for the Alternative Lock-Up (ALP) program, currently administered by DCF, should be amended to provide funding for the placement of youth at an ALP until the next court session if they are otherwise eligible for release but a parent/guardian cannot or will not take child and DYS is not statutorily authorized to hold the youth.

¹ Defined as "An act that has caused serious bodily injury, including permanent disfigurement, protracted loss or impairment of a bodily function, limb or organ, or a substantial risk of death; or a sexual assault."

- *SRO MOUs/SOPs*: To ensure the law is fully implemented, the JJPAD Board recommends that the Legislature designate a state agency or agencies to track and review MOUs and SOPs, and provide feedback and assistance when a school district or police department is not in full compliance.
 - The Board also recommends that if any agency is given an explicit oversight role, they should be allocated sufficient staff resources to support the work
- *SRO Role/Authority*: Some members recommend adding language to Chapter 71, Section 237 to clarify the circumstances under which an SRO would be permitted to intervene even if misbehavior does not involve criminal conduct, as well as when school personnel may request the presence of an SRO.

Ms. Threadgill went over the edits submitted prior to the meeting. There were no objections to those edits:

Page	Edit	Requested By
Page 7, 23 (Footnote 6, 31)	Change to read <u>“The Trial Court was not able to provide data on adjudications or dispositions for the purposes of this report. The Trial Court provided arraignment data through Calendar Year 2017. Data on arraignments for the time period this report focuses on – FY 18 and FY19 – was not provided.”</u>	EOTC
7, 22	One goal of “An Act Relative to Criminal Justice Reform” was to reduce the “number of incidents resulting from children’s unlawful or problematic behavior [resulting] in a response from the juvenile justice system.” This goal was set in light of a recognition that the brains of children and young people are still developing. and <u>The goal was also set due to</u> an increasingly strong body of research demonstrating that contact with the juvenile justice system can increase a youth’s likelihood for negative outcomes and even further delinquency over time. <u>In other words: diverting youth away from contact with the juvenile justice system can have public safety benefits as well. 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.</u>	Rep Dykema/OCA
7, 22	Change phrase as follows: “at every process point for which data is available <u>was provided</u> , there has been a significant drop in utilization of the juvenile justice system.”	EOTC
21	Figure 1 Edits: <ul style="list-style-type: none"> • Change title to “Key Juvenile Justice System Process Points” • Remove arrows suggesting flow from box to box • Change accompanying text to say “Aggregate data was provided for most, but not all, process points for the period of time examined in this report (FY18 to FY19). Data was not provided for the process points in light blue.” • Add Diversion box 	EOTC/OCA
22	Given data collection limitations and the confidentiality protections attached to data on juveniles, many of these long-term impacts cannot be measured <u>would be difficult to measure.</u>	EOTC
33	Add New Section under Utilization of Other Systems:	DCF/OCA

	<p>Changes in DCF Case Composition</p> <p>It is also possible that changes to juvenile justice system practices in recent years has led to a shift in the composition of youth served by the Department of Children and Families, particularly adolescent youth in group care settings. This is not a question that can be easily answered with existing structured data, and yet it is an important area that merits deeper study. In the coming year, DCF will partner with the Office of the Child Advocate to design and implement a qualitative study which seeks to provide additional information on potential shifts to the DCF served youth population, with the goal of identifying needed changes to policy or practice.</p>	
40	<p>Update citation to reflect the following:</p> <p>“Commonwealth of Massachusetts, Disproportionate Minority Contact, Statewide Assessment Report”</p>	EOTC
40	<p>Put more simply, this type of analysis can help us understand if the differences we see are due to differences in charge type or criminal history characteristics rather than differential treatment.</p>	EOTC
40	<p>Add paragraph after bulleted point:</p> <p><u>“In examining the population characteristics, racial and ethnic disparities exist in the court-based stages of the decision to issue a complaint, decision to hold an arraignment event, decision to detain the defendant at arraignment, initial disposition and sanction decision. When controlling for race and ethnicity in a logistic regression, there was racial disparity found in two of the four stages that were analyzed, and ethnic disparity found in three of the four stages analyzed.”</u></p>	EOTC
40	<p>After new paragraph (above), add new subsection heading:</p> <p><u>“Addressing Racial and Ethnic Disparities: Next Steps”</u></p> <p><u>Taken together, the above data and information demonstrates that racial and ethnic disparities exist in our juvenile justice system at every decision point for which data was provided, and they cannot be entirely attributed to other factors, such as charge type or criminal history.</u></p> <p>Despite the many positive results.... (continue with remainder of paragraphs in this section)</p>	EOTC/OCA
43	<p>Data regarding the use of diversion or civil infractions by juvenile court judges is not available was not provided by the Trial Court.</p>	EOTC
Page 42, footnotes 56 and 57	<p>Data provided can only be broken down by charge type, which may include both low-level offenses and more serious offenses.</p>	EOTC

ADDITIONAL DATA EDITS:

- OCA is double-checking arrest data with EOPSS (seems low compared to Applications for Complaint)

- EOPSS will provide race/ethnicity breakdowns for arrest data early next week
- DMH may provide data on DMH referrals and Juvenile Court Clinic Referrals this week
- Updated source for MA youth population race/ethnicity breakdowns (led to v. minor changes in gen pop breakdowns)
- Updated CRA data (technical error – filings were slightly higher all three years than in version we originally included)
- Edited text above Figure 19 to accurately reflect data in graph (technical error - two percentages had been flipped)
- Added % change from FY18 to FY19 in Appendices Tables

Ms. Threadgill asked if there was any further discussion or edits to the report Board members would like to make. There were none.

Ms. Threadgill called for a vote on the report including the discussed edits. The vote was as follows:

Approve:

- Maria Mossaides, Chair (Child Advocate)
- Kevin Kennedy (Chiefs of Police)
- Naoka Carey (CFJJ)
- David Melly (Rep. Dykema's office)
- Tammy Mello (Children's League)
- Dawn Christie (Parent)
- Joshua Dohan (CPCS)

Abstain:

- Edward Dolan (Probation)
- Kathrine Lipper (EOE)
- Lindsey Tucker (DPH)
- Dr. Nancy Connolly (DMH)
- Peter Forbes (DYS)
- Rachel Wallack (Juvenile Court)

Legislative Report: Increasing Access to Diversion and Community- Based Interventions for Justice Involved Youth

Ms. Threadgill presented the second report for the legislature. Ms. Threadgill explained that the Community- Based Interventions (CBI) subcommittee had met from January through November and worked very hard on the following report. She explained that the findings and recommendations were already presented to this group in September but wanted to give the group opportunity go over them again if they wanted. The findings of the report included:

1. Diversion Works- Diverting youth from formal processing by the juvenile justice system can be an effective intervention strategy for many youth.
2. Diversion being used more and more- Juvenile justice decisions-makers across the commonwealth are increasingly aware of the importance of diversion, and more and more decision-makers are establishing diversion practices.

3. Wide variation in how diversion used- There is wide variation in diversion polices and practices across the state and an opportunity to improve outcomes by adopting evidence-based practices.
4. More data needed- We do not currently collect the data that would be needed to fully understand or assess our current diversion system(s).
5. Systemic inequities- The current structure of our diversion system likely contributes to systemic inequalities.
6. Gaps in community-based interventions- Although Massachusetts devotes significant funding to behavioral health and youth services, juvenile justice system practitioners see distinct gaps in availability of community-based interventions for justice-involved youth.
7. More infrastructure needed: More infrastructure support is needed to effectively overcome barriers and connect youth with services that do exist.

Ms. Threadgill reminded the group of the following recommendations that were presented at the last Board meeting:

1. Improve communication and coordination of diversion work by creating diversion coordinator positions across the state.
2. Improve quality and consistency of diversion work by developing common infrastructure, polices and procedures that diversion coordinators follow.
3. Test and refine statewide diversion coordination program concept by starting with a three-site pilot.
4. The diversion coordinator should track a variety of data to support coordination, program management and evaluation, and the program should make regular public reports.
5. Information from diversion programs should not be a part of the youth’s court record or be used against youth in future legal matters
6. Develop diversion grant program to fill local gaps in services for youth with more substantial needs being diverted from system.
7. Prioritize expanding evidence-based treatment services for justice -involved adolescents as part of ongoing behavioral health initiative
8. Launch working group focused specifically on transportation barriers for youth/families seeking to obtain services.

Ms. Threadgill opened the floor for any big picture commentary. There was none, so the group moved to the handout indicating edits to the report received prior to the meeting:

Page	Edit	Requested by
7	Use of diversion can improve public safety by helping make this percentage even smaller. 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.	Rep. Dykema/OCA
7	Diversion programs are most effective when they set diversion conditions based on a youth’s risk of re-offense and their specific needs:	CfJJ

7, 25	Higher-risk youth who are diverted should be offered higher intensity diversion options, which may include more services and more oversight. Existing research suggests that formal diversion programs are most effective and save states more money when they are targeted towards higher-risk populations of youth, <u>focus specifically on the individual needs of the young person that are driving delinquent behavior, and match the young person to the intervention that is responsive to their needs. For example, a young person might get involved in a fight because of bullying, a trauma history, family conflict, or a substance use problem, each of which would require a different response and, potentially, a different program.</u>	CfJJ
7, 25	Effective diversion programs should also include evidence-based interventions that meet <u>evaluate and respond to</u> the specific <u>individual</u> needs of the youth.	CfJJ
13	As appropriate, connect youth and their family <u>families</u> with community-based services and advocacy support	CfJJ
13, 47	Add to bulleted list of Diversion Coordinator Responsibilities: - <u>Reporting on gaps in services or unmet service needs in the communities in which they work</u>	CfJJ
35	Put more simply, this type of analysis can help us understand if the differences we see are due to differences in charge type or criminal history <u>characteristics</u> rather than differential treatment. <u>When controlling for race and ethnicity in a logistic regression, there was racial disparity found in two of the four stages that were analyzed, and ethnic disparity found in three of the four stages analyzed.</u>	EOTC

Board Member Discussion:

- Ms. Mello voiced appreciation for the language added around “individual needs” in addition to risks, and also suggested added the “needs of parents or caretakers” to the report.
- Mr. Forbes asked where diversion coordinators will be located? Ms. Threadgill explained the group has not made recommendation on that yet. The idea was for the group to agree on a shared vision of what the program should look like (what’s best for kids) first. The CBI Subcommittee will return to this topic early next year.
- Mr. Dolan brought up the concern about services matching and if the diversion coordinator would be able to navigate that. He noted that a youth with certain needs in Boston has different available services compared to elsewhere. He mentioned that is one of the challenges probation constantly deals with. Ms. Threadgill mentioned that Ms. Carey’s edit to include “report on gaps” as part of the diversion coordinator’s responsibilities will hopefully address that concern. Ms. Mossaides added that appropriate services should not be based on geography. Additionally, she mentioned that in all the work she’s involved in, transportation is a huge barrier. She added that we need to figure out how to

monitor that concern. When you do service mapping in the commonwealth there are huge gaps in certain areas of the map.

- Mr. Dolan recommended changing the word “pilot.” In his experience, that has a negative connotation, or one that implies this work will end after the pilot. He also suggested that fidelity and monitoring need to be built into the budget request. Ms. Mello suggested changing the word “pilot” to something else. Mr. Dolan brought up an example of a “learning lab.” Ms. Threadgill asked the group if renaming “pilot” to “learning lab” was okay. The group agreed.
- Ms. Wallack asked that the report make clear that the Diversion Coordinator has express authority to share data. She mentioned that depending on where the Coordinator sits, there can be barriers. Ms. Carey and Mr. Dohan asked if there would be any problems since it would be aggregate data. Ms. Threadgill brought to the group’s attention that recommendation #5 goes into that a little, and that the details of information sharing are very important and that can be an area of focus for the CBI group work next year.

Ms. Threadgill asked if there was any further discussion or edits to the report Board members would like to make. There were none.

Ms. Threadgill called for a vote on the report including the discussed edits. The vote was as follows:

Approve:

- Maria Mossaides, Chair (Child Advocate)
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Abstain:

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- Dr. Nancy Connolly (DMH)
- Peter Forbes (DYS)
- Rachel Wallack (Juvenile Court)

Childhood Trauma Task Force Report-Out

Ms. Threadgill briefly went over the Childhood Trauma Task Force updates. This report will be submitted in December. She discussed the Task Force’s Year 1 Process:

- Conducted a literature review on childhood trauma with a national scope.
- Conducted a survey of community-based organization, state agencies, and juvenile justice practitioners across the Commonwealth to identify trauma screening, assessment and intervention services available for youth under 18.
- Invited state agencies to present on their efforts to make their organizations more trauma-informed.
- Invited other community-based organizations/outside experts to present on their work with specific populations of youth in specific settings, such as schools and hospitals.

Ms. Threadgill went over the initial findings in the report:

1. The Commonwealth must prioritize addressing childhood trauma to support the health and well-being of out children, families and communities.
2. There have been numerous, significant and impactful efforts in recent years to make sure services and systems “trauma-informed” in the Commonwealth.
3. There is no consistent, statewide agreement or understanding of what it means to be “trauma-informed” in practice.
4. There is no consistent, statewide approach to identifying children who have experiences trauma, and there is debate amongst professionals about the best ways to do so.
5. There is also no consistent, statewide approach to responding to children who have experiences trauma.
6. State and local agencies may have practices or policies in place that could traumatize children and families, thus re-traumatizing already vulnerable populations.

Ms. Lipper asked if the group looked at other states for policy examples. Ms. Threadgill responded yes, but that in terms of state policies, this is relatively new. California, Connecticut and Delaware are examples the group is looking at.

Mr. Dohan asked to highlight finding number six and suggested adding community trauma, policing practices, suspensions/expulsions, other actor’s neglect/harmful behavior.

Chief Kennedy mentioned there is a program in Plymouth and Middlesex count that informs schools if there was an arrest in a student’s home the night before. Mr. Dohan mentioned in addition to needing to collect all this data, there is secondary trauma that exists. Ms. Threadgill noted that the report references structural racism and trauma and state agencies decisions that might cause trauma.

Ms. Threadgill continued and informed the group that in addition the report, there are initial recommendations in progress. These recommendations include:

1. Massachusetts should develop and adopt a statewide framework for trauma-informed and responsive practice.
2. Massachusetts should provide support for child-serving organizations seeking to adopt the TIR practice framework.
3. The CTTF should include representation from school districts.

Mr. Forbes suggested adding “staff members” to Finding number 4 in order to discuss secondary trauma staff may experience. He brought up that DYS is currently trying to do more with that piece and is working with an outside consultant he could put the CTTF in touch with. Ms. Threadgill said she would additionally strengthen the concept of secondary trauma in the report.

Ms. Threadgill said the goal is to finalize this report at the CTTF meeting on 12/3 and submit it to the legislature.

2020 Work Planning Process

In the last minutes of the meeting, Ms. Threadgill updated the group on next year’s workplan. During this next month, the OCA plans on scheduling meetings with each agency/organization represented on the JJPAD board to discuss ideas/goals for next year, board/subcommittee representation, communication, meeting frequency, pluses deltas from 2019, and anything else members might want to discuss. The next full board meeting will be scheduled for late January/early February after those meetings take place.

Meeting Adjourned: 11:36AM