

# Juvenile Justice Policy and Data Board

November 21st

10am – 12pm

# Agenda

- Welcome and Introductions
- Approval of Minutes from June/September Meeting
- Legislative Report: Early Impacts of An Act Relative to Criminal Justice Reform
- Legislative Report: Increasing Access to Diversion and Community-Based Interventions for Justice-Involved Youth
- Childhood Trauma Task Force Report-Out
- 2020 Work Planning Process

# **LEGISLATIVE REPORT: EARLY IMPACTS**

# Early Impacts Report

1. Executive Summary
2. Juvenile Justice System Data Trends & Early Impacts of Specific Reforms
3. Arrest Procedures Implementation Update & Recommendations
4. School Resource Officer Implementation Update & Recommendations
5. Appendices (Additional Data)

# Juvenile Justice System Data Trends

**There has been a significant drop in utilization of the juvenile justice system from FY18 to FY19:**

- Juvenile arrests fell 32% from FY18 to FY 19
- Overnight arrest admissions dropped 44% from FY18 to FY 19
- Applications for Complaint dropped 25% from FY18 to FY 19
- Delinquency Filings dropped 33% from FY18 to FY 19
- Admissions for pre-trial detention dropped 27% from FY18 to FY 19
- Probation delinquency monthly caseloads dropped 24% from July 2018 to July 2019
- First-time commitments to DYS dropped 17% from FY18 to FY 19

# Juvenile Justice System Data Trends

- **Much of the decline is driven by reductions for lower-level offenses:**
  - 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)
  - The largest decline in first-time commitments to DYS was, by far, a 74% drop for Grid Level 1 offenses
- **Decreases in first year of implementation are part of a longer (10+ year) trend**
- **It seems likely that the legislation has accelerated the decline at certain process points in the first year, but also that the decreases cannot be solely attributed to the new statute**

# Juvenile Justice System Data Trends

Youth of color are still disproportionately represented at every level of the juvenile justice system.

Table 1: Massachusetts Juvenile Justice Process: Racial Demographics FY19

|  | White           | Black or African-American | Hispanic |
|--|-----------------|---------------------------|----------|
| Massachusetts General Youth Population (10-24 years) | 68%             | 9%                        | 15%      |
| Arrest   | Data in process |                           |          |
| Overnight Arrest Admissions                          | 22%             | 34%                       | 44%      |
| Applications for Complaint                           | 38%             | 47%                       |          |
| Delinquency Filings                                  | 36%             | 56%                       |          |
| Probation  | 44%             | 18%                       | 32%      |
| Detention  | 23%             | 29%                       | 48%      |
| DYS Commitments                                      | 22%             | 28%                       | 51%      |

# Juvenile Justice System Data Trends

Disparities between white youth and youth of color has increased following passage of the new law, because the law had a more substantial impact on justice system involvement rates for white youth than for youth of color.

Table 2: Reduction of System Involvement Post- Legislation (FY18-FY19) by Race/Ethnicity

|                             | White           | Black or African- American | Hispanic |
|-----------------------------|-----------------|----------------------------|----------|
| Arrest                      | Data in process |                            |          |
| Overnight Arrest Admissions | -67%            | -53%                       | -47%     |
| Applications for Complaint  | -24%            | -15%                       |          |
| Delinquency Filings         | -33%            | -22%                       |          |
| Probation                   | -13%            | -28%                       | -23%     |
| Detention                   | -48%            | -26%                       | -17%     |
| DYS Commitments             | -46%            | -12%                       | 5%       |



# Summary of JJPAD Board Recommendations Following Implementation of CJRA

| Topic  | Recommendation  | Consensus? |
|--|---|------------|
| <b>Children Under 12 who Commit Serious Criminal Acts</b>  | <p><u>Some</u> 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.</p>                       | <p>No</p>  |
| <b>“First Offense” Misdemeanor (post Wallace decision)</b> | <p>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.</p> | <p>Yes</p> |

# Summary of JJPAD Board Recommendations Following Implementation of CJRA

| Topic                   | Recommendation   | Consensus? |
|-------------------------|--|------------|
| 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. | Yes        |
| Bail Magistrate Fee     | The Board recommends eliminating the \$40 bail magistrate fee for youth under the age of 18.   | Yes        |

# Summary of JJPAD Board Recommendations Following Implementation of CJRA

| Topic  | Recommendation  | Consensus?                     |
|--|---|--------------------------------|
| <b>Youth Between 12 and 14 Arrested for Serious Violent Offense</b>                            | <p><u>Some</u> 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 offense until the next court session, unless they are deemed eligible for release on personal recognizance by the bail magistrate or a bail is posted.</p>   | <p>No</p>                      |
| <b>Placement of Youth When Family Cannot/Will Not Resume Physical Custody Following Arrest</b> | <p>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.</p> <ul style="list-style-type: none"> <li>• <u>Some</u> 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.</li> <li>• <u>Other</u> 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.</li> </ul> | <p>Yes</p> <p>No</p> <p>No</p> |

# Summary of JJPAD Board Recommendations Following Implementation of CJRA

| Topic              | Recommendation  | Consensus? |
|--------------------|---|------------|
| SRO MOUs/SOPs      | <p>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.</p> <p>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.</p> | Yes        |
| SRO Role/Authority | <p><u>Some members</u> 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.</p>   | No         |

# Report Edits

- See handout for edits received before meeting
- Awaiting data on:
  - Arrest race/ethnicity breakdowns (EOPSS)
  - DMH referrals
  - Juvenile Court Clinic referrals (DMH)
- Additional edits?

# **LEGISLATIVE REPORT: COMMUNITY- BASED INTERVENTIONS**

# Findings

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 Decision-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 Policies 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

# Recommendations

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, Policies 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 a 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



# Report Edits

- See handout for edits received before meeting
- Additional edits?

# **CHILDHOOD TRAUMA TASK FORCE REPORT OUT**

# Year 1 Process

- Conducted a **literature review** on childhood trauma with a national scope
- Conducted a **survey of community-based organizations, 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

# Initial Findings

1. The Commonwealth must prioritize addressing childhood trauma to support the health and well-being of our children, families, and communities.
2. There have been numerous, significant and impactful efforts in recent years to make 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.

# Initial Findings

4. There is no consistent, statewide approach to identifying children who have experienced 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 experienced 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.

# Initial Recommendations

1. Massachusetts should develop and **adopt a Statewide Framework for Trauma- Informed and Responsive Practice**, which could include:

- A clear definition of trauma-informed and responsive (TIR) practice
- Principles of trauma-informed and responsive care that can apply to any school, healthcare provider, law enforcement agency, community organization, state agency or other entity that comes into contact with children and youth.
- Clear examples of how individuals and institutions can implement TIR practices across different domains, such as organizational leadership, workforce development, policy and decision-making, and evaluation.
- Information about the prevention of secondary traumatic stress for staff members working with traumatized children, youth, and families.

# Initial Recommendations

2. **Massachusetts should provide support for child-serving organizations seeking to adopt the TIR Practice Framework, which could include:**

- Training on the guidelines and implementation of TIR practice in various settings
- A TIR practice resource website that could serve as a repository of information for practitioners across sectors
- TIR assessments for organizational use
- Professional development opportunities related to TIR practice
- Technical assistance for implementation
- Support for TIR practice Learning Communities

3. The CTF should include **representation from school districts**

- Would require legislative change to update CTF membership list

# Next Steps/Process

- Report draft is circulating among CTTF members
- Goal is to finalize at December 3<sup>rd</sup> meeting and submit to Legislature



# **2020 WORK PLANNING**

# Work Planning Process

- OCA will be in touch to schedule meetings with each agency/org represented on JJPAD Board for December/January
  - Ideas/goals for next year
  - Board/Subcommittee representation
  - Communication
  - Meeting frequency
  - Pluses/Deltas from 2019
- Will begin scheduling JJPAD Board meetings for 2020