

Juvenile Justice Policy and Data Board

Board Meeting

October 25, 2022
12:30pm – 2:30pm

Agenda

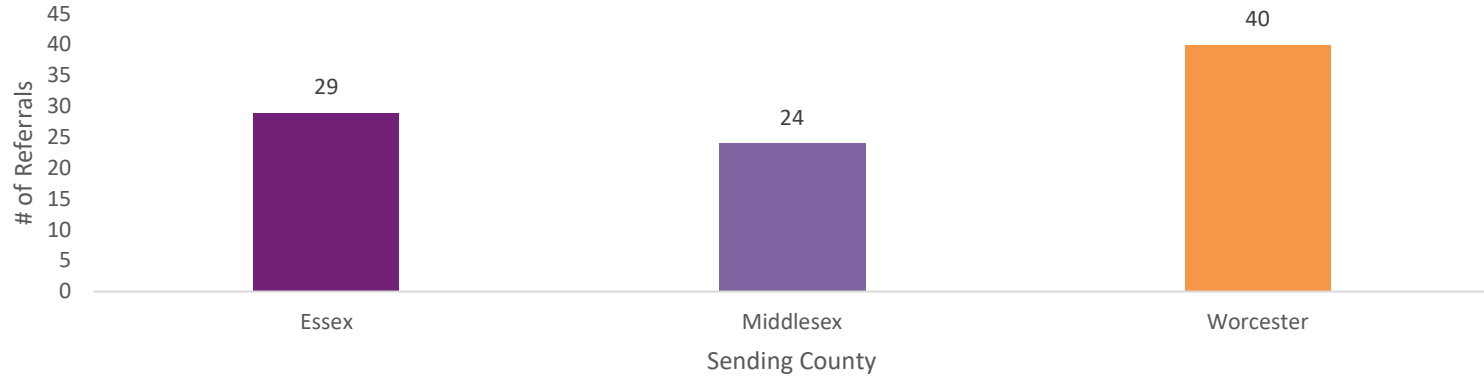
1. Welcome and Introductions
2. Approval of June Meeting Minutes
3. Updates on the State Diversion Learning Lab
4. Review & Vote on Racial and Ethnic Disparities at the Front Door of Massachusetts Juvenile Justice System Research Brief
5. CRA Report Recommendations: Review and Discuss
6. Subcommittee Report Out
7. Board Member Updates

State Diversion Learning Lab Updates

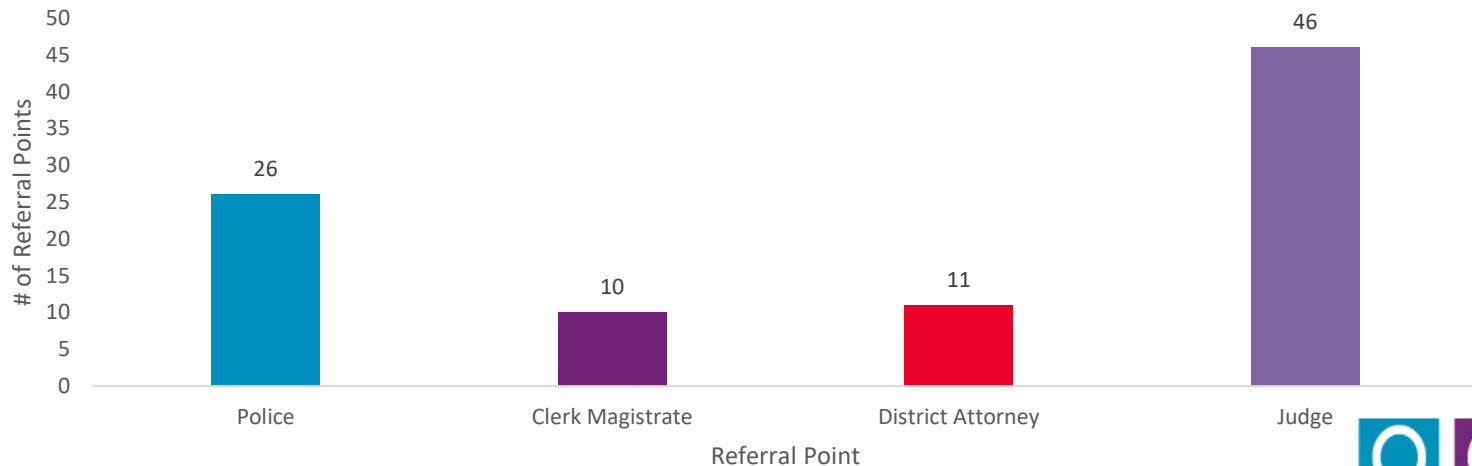
State Diversion Learning Lab Updates:

Referrals

Referrals by Sending County
(All-Time as of 10/13/2022)



Referrals by Referral Point
(All-Time as of 10/13/2022)

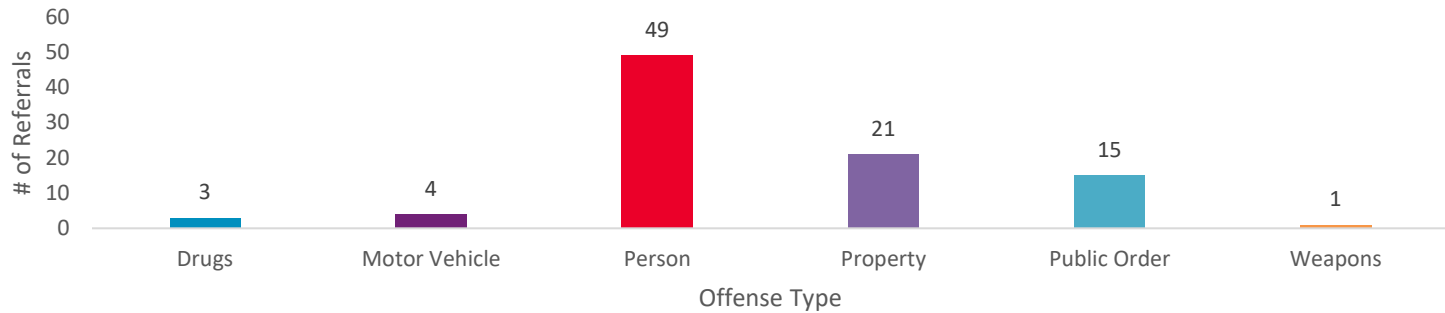


Total Number of Referrals

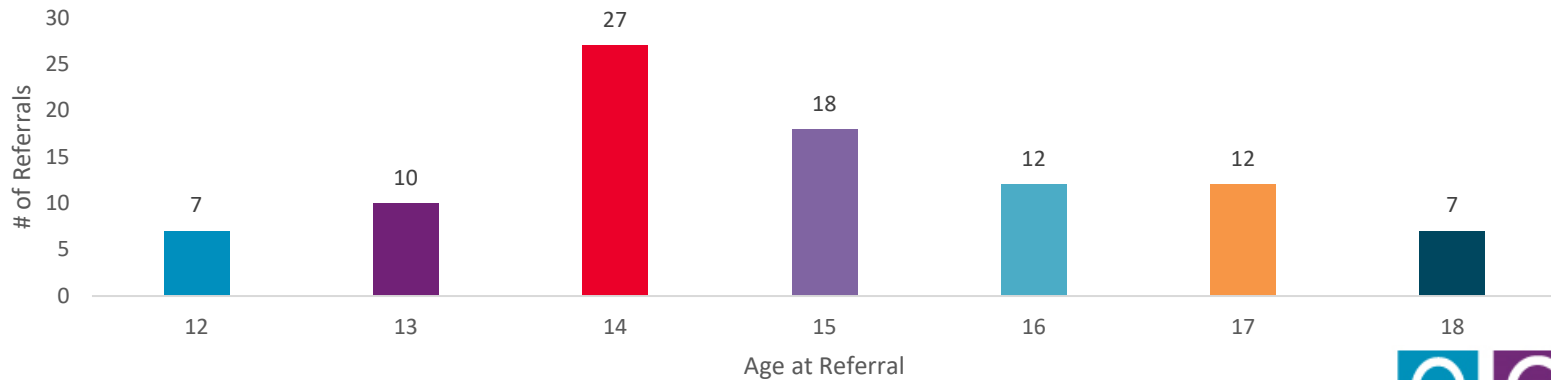
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State Diversion Learning Lab Updates: Offense Type and Age

Referrals by Offense Type
(All-Time as of 10/13/2022)



Referrals by Age at Referral
(All-Time as of 10/13/2022)

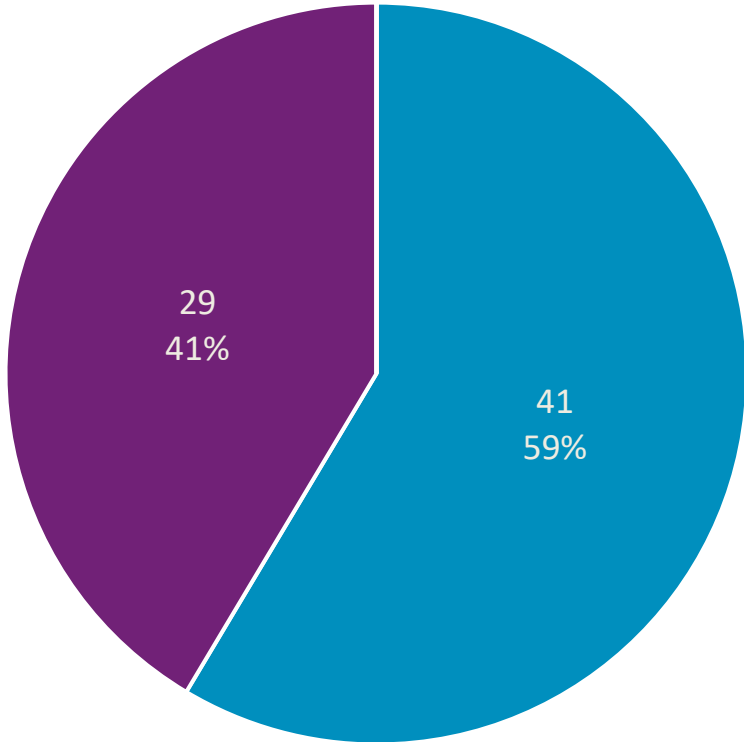


Total Number of Referrals

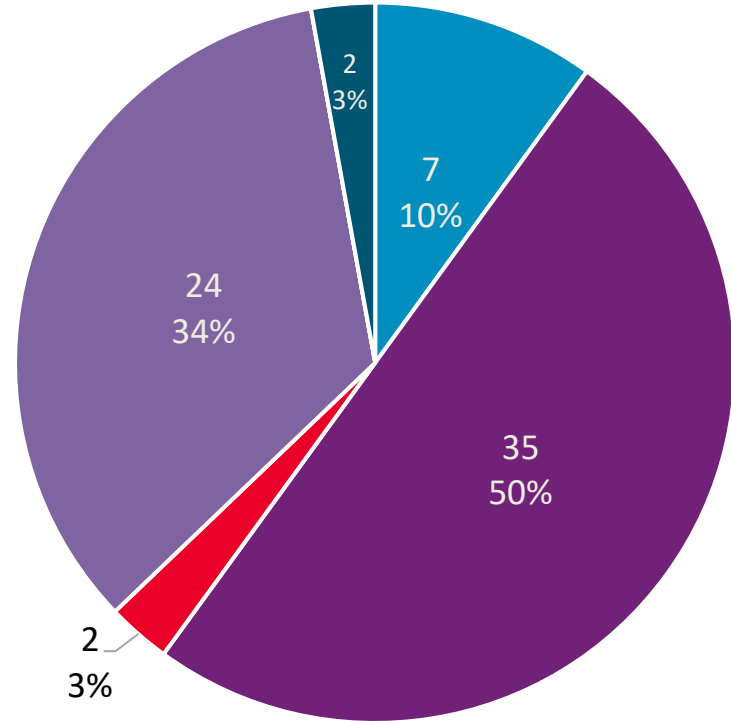
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State Diversion Learning Lab Updates: Demographics

Intakes by Gender Identity
(All-Time as of 10/13/2022)



Intakes by Race
(All-Time as of 10/13/2022)



■ Boy/Man ■ Girl/Woman ■ Non-binary ■ Not Listed ■ No Additional Identity

■ Black or African American
■ Asian
■ American Indian or Alaska Native
■ Multi-racial

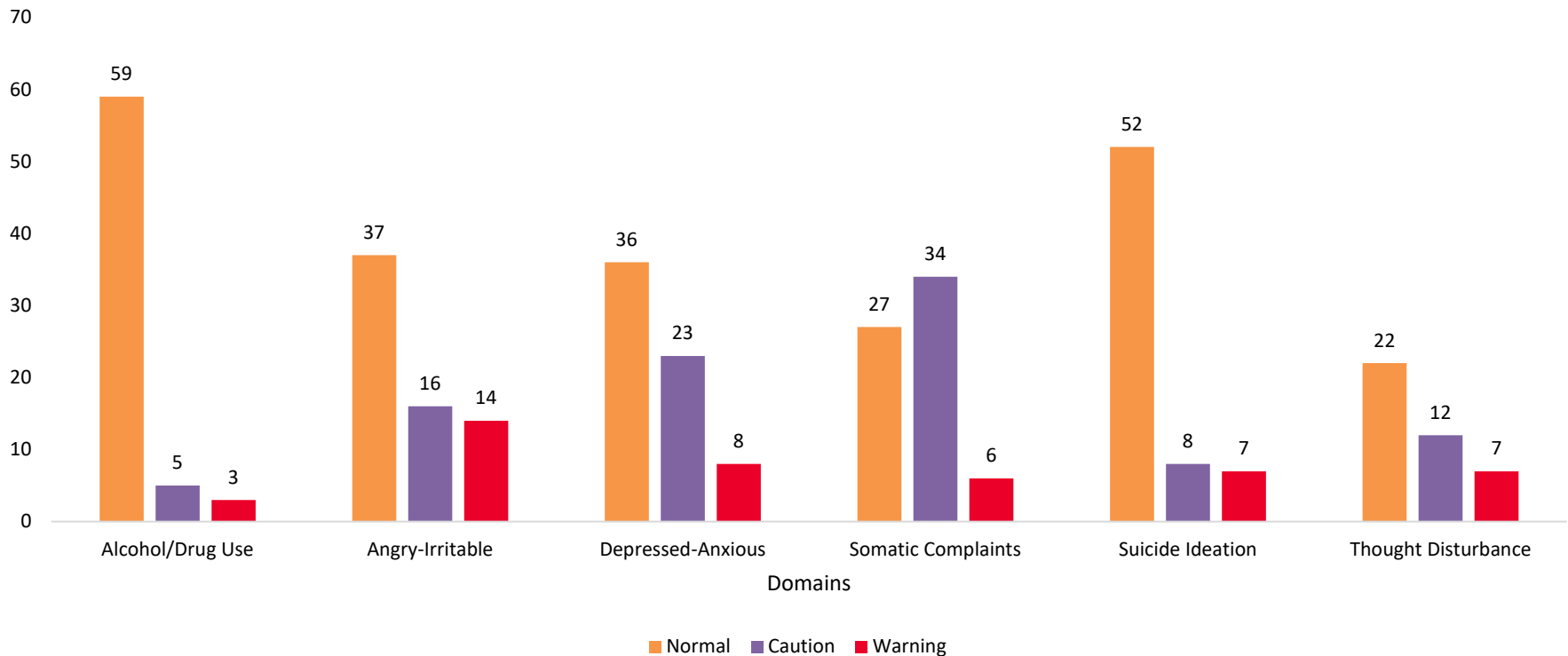
■ Hispanic or Latino
■ White
■ Native Hawaiian or Other Pacific Islander

Total Number of Intakes

70

State Diversion Learning Lab Updates: Screeners, MAYSI-2

MAYSI Levels
(All-Time as of 10/13/2022)

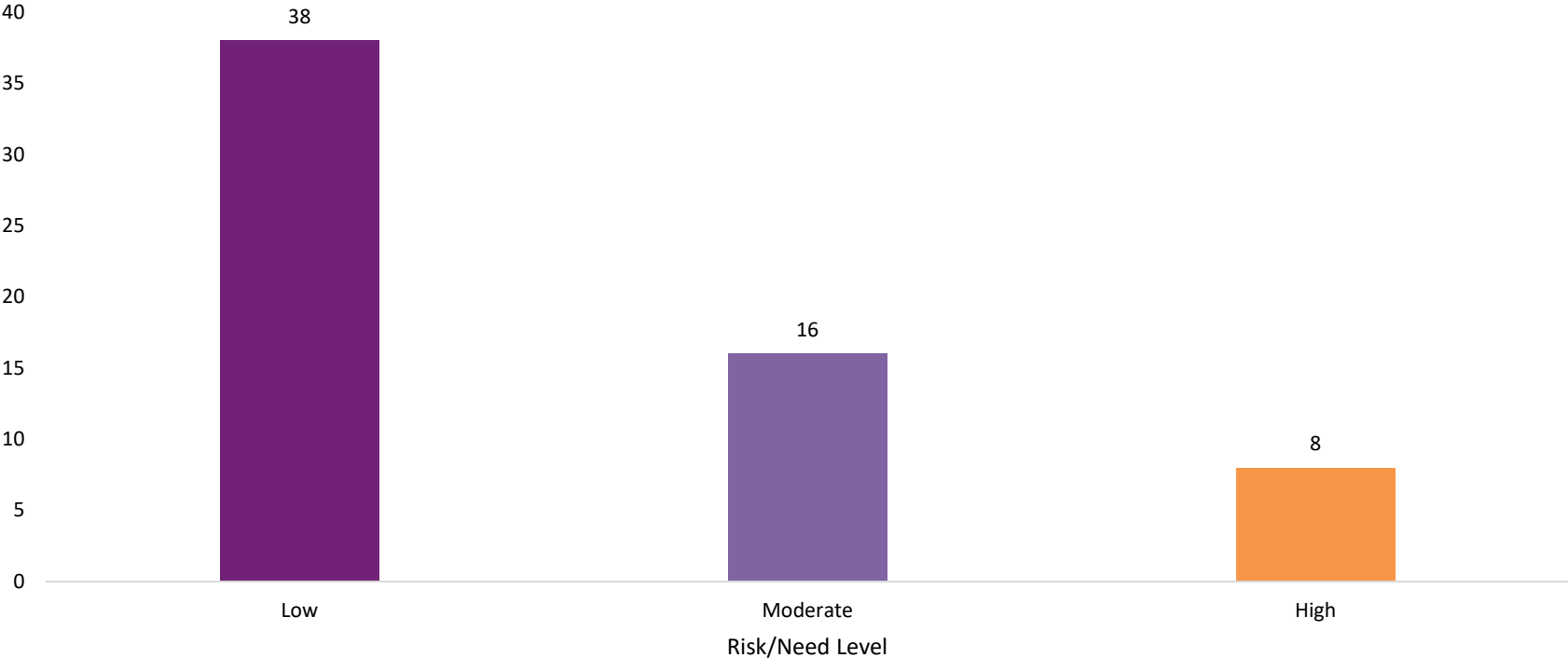


Total MAYSIs Done

67

State Diversion Learning Lab Updates: Screeners, YLS

Risk/Need Level
(All-Time as of 10/13/2022)



Total YLS Done
62

Racial and Ethnic Disparities at the Front Door of Massachusetts Juvenile Justice System Research Brief

How We Got Here

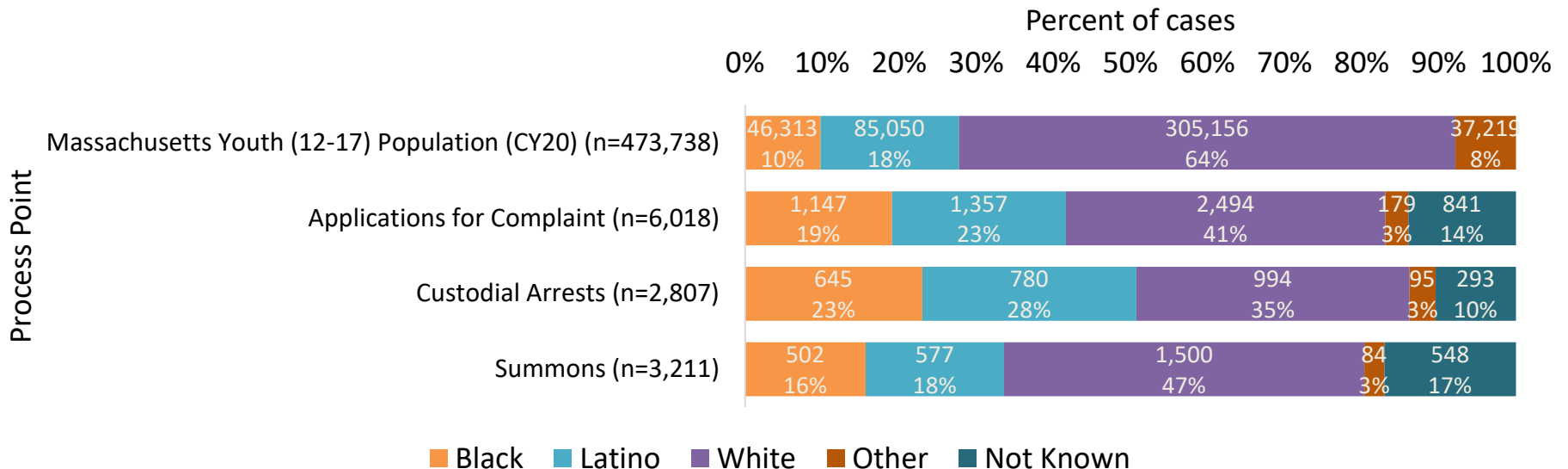
- **JJPAD statutory mandate** includes the requirement that we report w/ analysis of the following:
(iii) the identification and evaluation of any gender, racial and ethnic disparities within the juvenile justice system and recommendations regarding ways to reduce such disparities
- FY 21 Annual Report was the third year in a row that the Board identified racial and ethnic disparities (RED) as a problem in the states' JJ system, so the **Board voted in March** (as part of workplan) to do a deeper analysis of the problem in FY22.
- **March – June:** Data Subcommittee reviewed RED data at the “front door” & identified custodial arrests and summons as key process points; discussed analysis approach.
- **June 2022:** OCA presented initial analysis to JJPAD Board, discussed proposed process and solicited feedback.
- **July 2022:** OCA sends draft report to Data Subcommittee, with request for focus on quality of analysis and methodology. Discussion at July meeting; multiple rounds of edits incorporated.
- **September 2022:** OCA shared updated draft with small group of reviewers from the Board who expressed interest in being part of initial Board review. Feedback received and incorporated.
- **October 2022:** Board receives updated draft with request for any remaining feedback.

Data Analysis

The brief looks at FY21 Applications for Complaint data disaggregated by *how* youth entered the system (via arrest or summons). In order to test three hypotheses, the data was further broken down by:

- Offense severity (e.g., misdemeanor, felony)
- Offense type (e.g., alcohol, drug, persons, weapons)
- Geography (e.g., Barnstable, Franklin/Hampshire, Worcester)

Figure 2:
FY21 RED at the "Front Door"



Four Hypotheses Tested

Hypothesis #1: Racial disparities **can be explained by offense severity** (e.g., “Youth of color are brought to court for more serious crimes than white youth”).

Hypothesis #2: Racial disparities **can be explained by offense type** (e.g., “Youth of color are brought to court for offense types that are more likely to result in arrest because they threaten public safety, such as weapons and person offenses”).

Hypothesis #3: Racial disparities **can be explained by different regional practices** (e.g., “Some police departments are more likely to use arrests compared to summons (or diversion) than others, and those same jurisdictions have a higher percent of youth of color than other counties”).

Hypothesis #4: Racial disparities **can be explained by police department policies and practices**, particularly, policies that allow for more individual police officer decision making, which can introduce biases (e.g., “Police officers are more likely to use arrests compared to summons or diversion for Black and Latino youth than white youth”). *[Harder to measure, relied on national research]*

Summary of findings: Each for the hypotheses can account for *some, but not all*, of the differences we see in the disparities between the number of Black and Latino youth coming into contact with the JJ system

Recommendations

The state

Investing in Prevention and Alternatives to Arrest

- Increase investments in community-based programs aimed at reducing system involvement & promoting prosocial activities.
- Support & expand the state Diversion Learning Labs

Police Departments

Gathering and Using Data to Spot Problem Areas and Improve Practice

- Report the use of summons to NIBRS
- Use internal data to see if the disparities highlighted are replicated at the department and/or individual officer level
- Require officers to document *why* they decided to arrest a youth instead of issuing a summons for arrests and publish their findings

Reducing Disparities through Practice and Policy Change

- Provide more guidance and limitations on when to use a custodial arrest vs. summons vs. offer diversion
- Examine what policies and practices may be contributing to racial and ethnic disparities in arrests

Edits Received

Page/Section	Edit Made	From
Pg. 11 (Hypo. #1)	Footnote brought up to main body of the report: “It is also important to note the national evidence that charging decisions (i.e., what specific law(s) a youth is alleged of breaking based on the event) in and of themselves are a potential sort of bias that is unable to be accounted for with the current data available to the Board”	YAD/CPCS
Pg. 17 (Hypo. #4)	“While, in theory, this is good policy, crime rates are often measured by arrest rates <u>for certain offense types only</u> – and thus determinations about where to police in the future are heavily impacted by where the police have recently been, <u>causing over policing in some instances</u> , and creating a vicious cycle.”	OCA YAD/CPCS

CRA Report Recommendations: Review and Discuss

CRA Report Timeline

1. Discuss draft recommendations today (10/25)
2. OCA incorporate feedback into report
3. Draft report emailed out to Board ~11/4 (at least 2 weeks before November meeting)
4. November meeting: Discuss & Vote to submit to the Legislature

A Reminder of the Findings

1. The goals of the 2012 reforms to the CHINS system have not been fully realized
2. There is no shared understanding of what the current CRA system is for, leading to misinformation at every level
3. The system operates with significant differences in different parts of the state
4. There are disparities in how the CRA system is used and who is referred to it
5. Barriers to accessing services outside the court process push families to the CRA system – despite the potential harms of court involvement and limited response options available to the Juvenile Court
6. The CRA process can be a helpful “fail safe” for families, including for youth with complex needs that require multiple agency involvement
7. There is limited data from the CRA system that can be used to evaluate the system and understand the needs of the youth in it

Establishing a CRA System Purpose

The goal of Massachusetts' CRA system is to provide children and families with the necessary supports to be successful in their home, school and community with as little court intervention as possible.

A successful CRA system is one in which:

1. Interventions and services for youth and families **take place *outside* of the courthouse as much as possible**, addressing their needs holistically and through a positive youth development lens to prevent a CRA filing.
2. The Juvenile Court CRA process is **limited to a small number of cases where robust CRA diversion attempts have been unsuccessful and where judicial involvement is necessary**. In a successful system, the Juvenile Court process would not be needed to access services, supports or interventions. Instead, the process would be reserved for situations where the legal process is needed to reach resolution.
3. Future juvenile justice and child welfare system involvement is less likely, and **positive life outcomes are more likely**.

Recommendations for Improvement to the State's CRA System

Theme 1: Shift a significant portion of CRA cases from the court room to the community

Theme 2: Increase the availability of school and community-based services that specifically meet the needs of youth currently in CRA system

Theme 3: Continue to study implementation of these recommendations

Theme 1: Shift a significant portion of CRA cases from the court room to the community

Recommendations:

1. Expand the number and functions of Family Resource Centers
2. Substantially increase diversion of cases from court to FRCs by revising the CRA filing process
3. Educate families and child-serving professionals about all options available
4. Explicitly address sources of bias (both individual and systemic) that may be leading to disproportionality in referrals to the CRA system

Recommendation 1: Expand the number and functions of Family Resource Centers

1. FRCs should establish a multidisciplinary CRA Diversion Team to help with case collaboration and connect youth/families to appropriate supports *before* a CRA is filed.

Potential team members should include:

- FRC staff
- Youth
- Family
- State agencies
- School reps
- Community-based providers
- Youth/Family advocates (e.g., MHAP 4 Kids, FRC Family Partners)

2. The state should continue to fund new FRC sites across the state to reduce service gaps in certain regions.

3. FRCs should identify gaps in programming availability for CRA Diversion cases and report that information to EOHSS.

Recommendation 2: Substantially increase diversion of cases from court to FRCs by revising the CRA filing process

1. Proposed new process: Before filing, petitioner to meet with Juvenile Probation to determine if filing a CRA petition with the court is warranted:
 - A. If the petitioner and youth **have not exhausted all community-based options first, Probation can refer them to the FRC** using a warm handoff.
 - FRC “Diversion Teams” (MDT) work with youth to make referrals and access supports outside of the courtroom.
 - B. If the petitioner and youth **have exhausted all community-based options** (as certified by the FRC), **or judicial oversight is necessary**, the **clerk’s office will file the CRA petition**, and the typical CRA court process takes place

Recommendation 2 (cont'd): Substantially increase diversion of cases from court to FRCs by revising the CRA filing process

2. Refine the CRA petition categories to be needs-based:

- Out-of-home placement
- Additional supports (school)
- Additional supports (caregiver)

3. The Juvenile Court should consider revisions to its CRA court process, including:

- Scheduling a preliminary hearing more quickly, esp. when a family is requesting immediate out-of-home placement for their child.
- Considering if a separate *informal* CRA process option is still necessary
- Holding CRA Court sessions on separate days/times than other delinquency matters

Recommendation 3: Educate families and child-serving professionals about all options available



State run coordinated, comprehensive and on-going information campaign about the CRA process and the various alternatives

Potential alternatives:

- ✓ Family Resource Centers
- ✓ The forthcoming Behavioral Health Access Centers and 24/7 Behavioral Health Helpline
- ✓ The forthcoming Complex Case Resolution process
- ✓ DMH Access Centers
- ✓ The OCA Complaint Line, which can help individuals who are facing difficulties with state services for children



Child- and family- serving entities

Recommendation 4: Explicitly address sources of bias (both individual and systemic) that may be leading to disproportionality in referrals to the CRA system

- Ongoing training with child-serving professionals (e.g., doctors, therapists, teachers, social workers) to identify and address implicit or explicit racial biases
- Additional tracking of data on school-based petitions (Rec. #8) at the school district level, disaggregated by race/ethnicity
- Addressing gaps in services that are culturally and linguistically responsive and accessible
- Ensuring that youth who may have a learning disability, particularly Black and Latino youth and/or youth from lower-income backgrounds, have access to the advocacy supports they need
- Examining the need for additional services to support families who have adopted a youth as a result of a C&P case

Theme 2: Increase the availability of school and community-based services that specifically meet the needs of youth currently in CRA system

Recommendations:

1. Support community-based programs aimed at supporting youths' behavioral and mental health needs, as well as those that promote prosocial activities
2. Executive Branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements
3. Address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support

Recommendation 5: Support community-based programs aimed at supporting youths' behavioral and mental health needs, as well as those that promote prosocial activities

1. Continue to build on EOHHS's behavioral health redesign and expand community-based mental health services for youth, and in particular:
 - ✓ increase the availability of therapeutic models that support healthy family functioning
 - ✓ improve the crises response systems
 - ✓ expand respite options for youth and families
2. Increase funding to expand DMH Young Adult Access Centers
3. Support and expand the availability of enrichment and prosocial activities, specifically those promoting:
 - ✓ Peer support specialists, mentorships, and credible messenger programs
 - ✓ Academic success and school re-engagement
 - ✓ Vocational programming, professional development and opportunities for employment
 - ✓ Life skills and civic engagement

Recommendation 6: Executive Branch agencies should collaborate to identify program models that better meet the needs of youth struggling in out-of-home placements

1. DCF, DMH, DDS, DESE, and EEC should collaborate to identify the cohorts of youth who are not well-served with the current program models, and work with the provider community to identify alternative models that might better serve these youth.
2. The state should appropriately fund the program models deemed necessary.

Recommendation 7: Address truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support

1. Improve identification and support of schools that need help addressing persistently high rates of absenteeism.
 - ✓ Schools/districts should examine their own internal CRA filing practices
 - ✓ DESE should collect & report CRA filings data from school districts
2. Improve school district adoption of research-based truancy prevention and intervention best practices
3. Expand school collaboration with Family Resource Centers
4. Improve identification of students with special education and/or behavioral health needs and expand access to supports by:
 - ✓ Increasing availability of educational advocates
 - ✓ Increasing the availability of services that promote student mental health
 - ✓ Expanding technical assistance supports to schools seeking to improve their behavioral health offerings

Theme 3: Continue to study implementation of these recommendations

Recommendations:

1. Increase data availability
2. Monitor implementation of policy changes

Recommendation 8: Increasing data availability

1. The state should require school districts to collect and report data to DESE on CRA filings
2. The State should require FRCs to collect and report data on youth who participate in CRA Diversion Team interventions
3. Improve cross-branch data collection and analysis
4. Collect and report data regarding other youth-focused initiatives (such as MassHealth's behavioral health access centers and the complex case resolution process)

Recommendation 9: Monitoring implementation of policy changes

1. The state should monitor the implementation of the recommendations adopted from the CRA report, provide appropriate funding when necessary, and adjust requirements and regulations as promising practices emerge and lessons are learned.
2. The state should monitor the implementation of newly created behavioral health initiatives that will also, likely, influence the number of youth coming to the CRA system

Recommendations Summary

Theme 1: Shift a significant portion of CRA cases from the court room to the community by:

1. Expanding the number and functions of Family Resource Centers across the state
2. Substantially increasing diversion of cases from court to FRCs by revising the CRA filing process
3. Educating families and child-serving professionals about all options available for support
4. Explicitly addressing sources of bias (both individual and systemic) that may be leading to disproportionate referrals to the CRA system of certain demographics of youth, including Black and Latino youth

Theme 2: Increase the availability of school and community-based services that specifically meet the needs of youth currently in CRA system by:

1. Supporting community-based programs aimed at supporting youths' behavioral and mental health needs, as well as those that promote prosocial activities
2. Executive Branch agencies collaborating to identify program models that better meet the needs of youth struggling in out-of-home placements
3. Addressing truancy by promoting effective student engagement practices that address root causes of truancy, and better identify both schools and students in need of extra support

Theme 3: Continue to study implementation of these recommendations by:

1. Increasing data availability
2. Monitoring implementation of policy changes

Subcommittee Report Out

CBI Subcommittee

Meetings since June 2022:

- [July- October](#): Reviewed, discussed and voted on CRA report

Where we're headed:

- **November**: State Diversion Learning Lab Update– data, new sites, lessons learned

Data Subcommittee

Meetings since June 2022:

- [July](#): Review & discussion of the RED Brief
- [September](#): Presentation on administrative data centers by Dr. Joseph Ryan, Director of the Child and Adolescent Data Lab at the University of Michigan & Dr. Kristine Piescher, Director of Research and Evaluation, Center for Advanced Studies in Child Welfare at the University of Minnesota ([recording available](#))
- [October](#): Presentation by Dana Bernson, Special Analytic Projects Director, at Massachusetts' Department of Public Health on the Public Health Data Warehouse (PHD); FY22 Data Presentation

Where we're headed:

- **November**: Review and Discussion of the data section of the Board's FY22 Annual Report
- **December**: *TBD Based on November meeting*

Childhood Trauma Task Force

Meetings since June 2022:

- [July](#): Reviewed and discussed draft recommendations on trauma identification and screening practices in K-12 and pediatric primary care settings
- [September](#): Reviewed and discussed draft recommendations on trauma identification in pediatric primary care and early childhood settings
- [October](#): Reviewed and discussed the full draft report

Where we're headed:

- **November**: Final review of the full draft report and, pending review, vote on full draft
- **December**: *TBD Based on November meeting*

Where we're headed

November 18, 2022

- CRA Report: Review and Vote
- CTTF Report: Review and Discussion
- Subcommittee Report Outs

December 16, 2022

- JJPAD FY22 Annual Report: Review and Vote
- Subcommittee Report Outs

Next Meeting Dates:

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

Full Board: November 18, 2022

Subcommittee	Standing Time	Next Meeting
CTTF	1 st Mondays, 1:00pm-3:00pm	November 7, 2022
Data	2 nd Thursdays, 10:30am-12pm	<i>New Date:</i> November 17, 2022
CBI	3 rd Thursdays, 1:00pm-2:30pm	November 17, 2022

Board Member Updates

Contact

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