

Juvenile Justice Policy and Data Board

Community Based Interventions Subcommittee

September 16th
2pm – 4pm

Agenda

- Welcome and Introductions
- Approval of Minutes from August Meeting
- DMC Data Report from Trial Court
- Behavioral Health Initiative Roundtables
- Fall Report to Legislature
- Interim Report to JJPAD Board for 9/19 Meeting

DMC REPORT FROM TRIAL COURT

Trial Court DMC Report

- The Massachusetts Trial Court conducted a disproportionate minority contact (DMC) assessment to determine if and to what extent disparate contact exists in the juvenile justice system.
- Study looked at Application for Complaint cases filed between July 1, 2015 and June 30, 2016
- Report available at:
<https://www.mass.gov/doc/disproportionate-minority-contact>

Limitations

- Changing measures of race and ethnicity
 - Prior to 2017: Hispanic/Latino categorized as a racial group
 - After June 1st, 2017: Hispanic/Latino categorized as an ethnic group
 - All individuals previously recorded as Hispanic/Latino now in the racial category “Not Reported/Not Known.”
- Incomplete data
 - 22.4% of cases had unreported race
 - 45.9% had unreported ethnicity
 - 31.6% of cases had unreported race and ethnicity
- Inconsistent data collection practices for race and ethnicity across the state
- Only includes court data (no information on arrests or diversion)

Primary Findings

- The results of the analysis of the decision points showed that there is racial and ethnic disparities occurring in:
 - Referrals coming to the Juvenile Court
 - The decision to issue a complaint
 - The decision to hold an arraignment event
 - The decision to detain the defendant at arraignment
 - Initial disposition decision; and
 - Initial sanction decision
- This indicates that the disparity found in the population of referrals compounded as it progressed through each subsequent decision point resulting in disproportionate minority contact.

Racial Disparities

Race	Proportion of referrals by arrest	RRI at referral	Proportion of petitions issued	RRI at petition	Proportion of arraignments held	RRI at arraignment
Black	61%	3.31	78.7%	1.11	81.4%	1.18
White	47.1%	1.00	70.9%	1.00	76.8%	1.00
Other	54%	N/A	70.1%	1.01	78%	1.06
Not Reported	47.1%	N/A	66%	.93	72.3%	.86

Ethnic Disparities

Ethnic Group	Proportion of referrals by arrest	RRI at referral	Proportion of petitions issued	RRI at petitions issued	Proportion of arraignments held	RRI at arraignment
Hispanic	63.9%	2.56	84.9%	1.20	85.2%	1.33
Non-Hispanic	53.7%	.54	75.4%	1.06	81.4%	1.13
Un-reported	43%	N/A	63%	.89	68.9%	.79

Youth of Color Referred at Younger Ages

- Black youth are more likely to be referred to the court at a younger age compared to White youth.
- Hispanic youth are more likely to be referred to the court at a younger age than Non-Hispanic youth.

**BEHAVIORAL HEALTH
INITIATIVE ROUNDTABLES**

Behavioral Health Initiative Roundtables

- EOHHS is currently engaged in a project to improve our ambulatory (“outpatient”) behavioral health system
 - Held roundtables across the state this summer to gain feedback
 - See: <https://www.mass.gov/creating-a-behavioral-health-ambulatory-treatment-system>
- OCA/JJPAD and EOHSS are partnering to host two roundtables this fall specifically focused on the needs of justice-involved youth in the community:
 - JJ Practitioners Roundtable
 - Families, Youth and Advocacy Organizations Roundtable
- Looking for help pulling together participants
 - ~ 20 participants per session
 - Meetings will be in Boston, but seeking participants from across state
 - Phone-call in available (though not preferred)
 - Goal is October – specific date/time TBD

FALL REPORT TO LEGISLATURE

Report Purpose

Our legislative mandate:

The JJPAD Board shall study and report on the following:

- *The quality and accessibility of diversion programs available to juveniles*
- *The system of community-based services for children and juveniles who are under the supervision, care or custody of the department of youth services or the juvenile court;*
- *The gaps in services identified by the committee with respect to children and young adults involved in the juvenile justice system*

The JJPAD Board shall recommend statutory changes concerning the juvenile justice system to:

- *Improve public safety*
- *Promote the best interests of children and young adults who are under the jurisdiction, supervision, care or custody of the juvenile court, DYS or DCF*
- *Improve transparency and accountability with respect to state-funded services for children and young adults in the juvenile justice system*
- *Promote public welfare and public safety outcomes related to the juvenile justice system*

Report Timing

- By submitting recommendations this fall, we create opportunity for consideration in CY2020 legislative session & FY2021 budget process
- Initial recommendations can be broad/conceptual
- We can continue to work as a subcommittee to refine ideas over the winter/spring

Draft Timeline to Produce Legislative Report

Major Task	Timeframe
Discuss Recommendations for Changes	September CBI Meeting
Presentation of Initial Ideas/Report Outline to Full JJPAD Board	September JJPAD Meeting
Review Results of Youth/Family Survey Review First Draft Report as Committee	October CBI Meeting
Review Final Draft Report as Committee	November CBI Meeting
Full Board Reviews Final Draft Report	November JJPAD Meeting
Submit Report to Legislature	November

Report Outline

- Introduction & Purpose
- Findings
- Recommendations
- Next Steps
- Appendices
 - Results from Surveys (Referrers, Youth, Families)
 - Examples from Other States (Diversion Practices, Infrastructure and Funding)

Findings

FINDING: Diverting youth from formal processing by the juvenile justice system is an effective intervention strategy for many youth.

- Limit testing is age appropriate and temporary for most adolescents
- Youth that are diverted are less likely to reoffend than youth that are arrested and formally processed
- Using validated, structured decision-making tools is key to successfully identifying youth that are appropriate for diversion
- Research on diversion program effectiveness for justice-involved youth emphasizes: the use of an evidence-based model; implementation fidelity to this model, including conducting quality assurance; and matching youth to services that meet their specific criminogenic needs and providing the correct level of “dosage” of services for youth based on their level of risk/need

Findings

FINDING: 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

- A 2018 MCOPA/CfJJ study found there is a wide range of diversion practices at the police level, but that many are currently offering formal or informal diversion opportunities
- All 10 District Attorney offices now use some form of diversion
 - Suffolk launched diversion program targeting moderate to high risk/need youth in 2017
 - Berkshire just launched new diversion program this summer
- Limited information is available about clerk diversion, but anecdotally many court clerks divert youth pre-filing
- Judicial diversion is now an option and being implemented in some courts

Findings

FINDING: There is wide variation in diversion practices across the state

- Variation in eligibility criteria
 - Some regions: first-time/low-level charges only
 - Other regions: repeat and/or more serious charges also eligible
- Adoption of evidence-based practices is not widespread
 - Limited use of validated risk-need screening tools to match youth to appropriate services
- Variation in level of intensity of diversion conditions
 - Similarly situated youth in different regions may have very different diversion agreements

Findings

FINDING: We do not currently collect the data that would be needed to understand or assess our current diversion system(s)

Missing or Unavailable Data:

- Who is, and is not, diverted (including demographics & charges)
- What their diversion conditions are
- What services they are offered
- Whether or not they successfully complete diversion
- Whether or not they are arrested for another offense – while on diversion or after diversion is completed
- What else is going on in their lives (educational attainment, DCF involvement, etc) pre- and post-diversion completion

Findings

FINDING: The current structure of our diversion system likely contributes to systemic inequities

- The lack of consistency, standardization or universal adoption of evidence-based diversion models creates strong potential for inequitable treatment
 - Both demographic (e.g. race/ethnicity, gender, LGBT status) and geographic
- Despite the many limitations of our data systems, we see significant racial/ethnicity disparities at many early decision points, including arrests, issuance of a complaint, and decision to arraign

Findings

FINDING: There are distinct gaps in availability of community-based interventions for justice-involved youth

- A majority of surveyed JJ system practitioners believe the following are under-resourced in their community: substance use disorder treatment, individual mental health treatment, and vocational training/employment support
- A majority also believe there are gaps in programming in their community for: homeless youth, youth with a history of sexual offending, youth with co-occurring disorders, youth with a serious mental illness, and immigrant and refugee youth
- There are significant county variations in program availability/gaps
- Youth/family perspective to come (survey out in field)

Findings

FINDING: More infrastructure support is needed to effectively connect youth w/ services that do exist & overcome barriers

- There are limited resources available to support case coordination and service navigation, particularly at the front end of the system
- Keeping track of the constantly-changing array of services available in local communities is a time-intensive struggle for many JJ practitioners
- Transportation and family/youth engagement are two major barriers identified by JJ practitioners
- Youth/family perspective to come (survey out in field)

DRAFT RECOMMENDATIONS

Draft Recommendations: Overview

Statewide Diversion Coordination Program

Use of Data

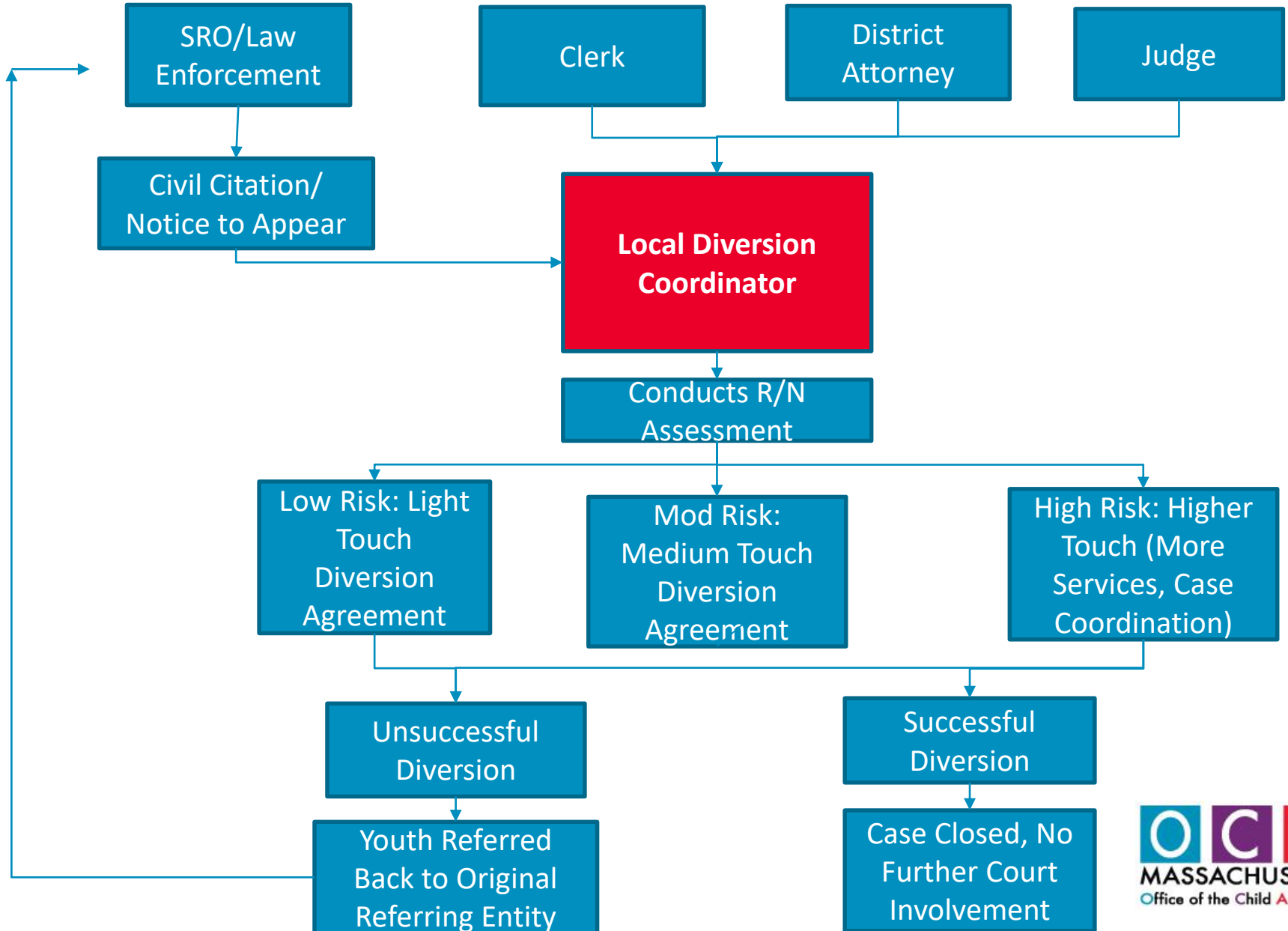
Improving Availability and Accessibility of Community-Based Interventions

Draft Recommendations

Statewide Diversion Coordination Program

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 concept by starting with a **three-site pilot**

Decision-makers would have option to refer youth to local Diversion Coordinator rather than proceeding further in process



Draft Recommendations: Statewide Diversion Coordination Program

1. The state should fund “Diversion Coordinator” positions that would:

- Accept referrals from all diversion decision-makers (police, clerks, DAs, judges)
- Administer an evidence-based risk/need assessment
- Develop a diversion agreement based on assessment results and conversation with youth/family
- Monitor cases and communicate with referrer about results of diversion
- Track and report data on diversion cases

Draft Recommendations: Statewide Diversion Coordination Program

2. The Diversion Coordination Program would need to develop/obtain the following common infrastructure:

- A method of obtaining and tracking referral information
- A common risk/need assessment tool
- Diversion programming and case management guidelines
- A database for tracking participation and outcomes
- Partnerships with community providers
- Protocols for communication with referrers
- Data/information sharing agreements

Draft Recommendations: Statewide Diversion Coordination Program

3. The state should pilot the Statewide Diversion Coordination Program in three sites (a mix of urban, suburban and rural) and test different placement models:

- Co-location at FRC (similar to MHAP program)
- District Attorney office
- Community provider

Draft Recommendations

Use of Data

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. Data from diversion program should not be a part of a youth's court record or be used against youth in future case

Draft Recommendations

Improving Availability and Accessibility of Community-Based Interventions

6. Develop diversion grant program to **fill local gaps in services for moderate-to-high risk youth being diverted from system**
7. Prioritize **expanding evidence-based treatment services** for high-risk adolescents as part of ongoing Behavioral Health Initiative
8. Launch **working group focused specifically on transportation barriers** for youth/family seeking to obtain services

Draft Recommendations: Community-Based Interventions

6. The state should allocate funding for a diversion grant program that does the following:

- Allows local communities to apply for funding to **fill gaps in services available for moderate to high risk youth being diverted** from the justice system
- Requires funds to be **allocated toward services with a base of research support**
- Prioritizes applications submitted by, or with support from, **a team of local stakeholders**

Draft Recommendations:

Community-Based Interventions

7. Ongoing efforts to expand/re-design behavioral health services in Massachusetts should prioritize increasing the availability of the following:

- Community-based mental/behavioral health services demonstrated to improve outcomes for higher-risk adolescents
- Treatment services for special populations of youth, including youth with a history of sexual offending, co-occurring disorders or a serious mental illness
- Services available for non-English speakers

Draft Recommendations: Community-Based Interventions

8. The JJPAD should convene a working group specifically focused on the issue of transportation, which poses a significant barrier to connecting youth with services across the state. The working group:

- Should invite participants outside the JJPAD with expertise in creative transportation solutions, particularly in areas without public transport
- Should study programs launched in other states, including ride-share voucher programs
- Should make further recommendations for addressing this critical barrier to the success of community-based services

Next Steps

- The JJPAD Board is submitting broad recommendations this fall to allow for consideration of recommendations as part of FY2021 Budget Process
- CBI Subcommittee can continue to refine ideas over the winter/spring, including:
 - Pressure testing ideas with JDAI County Committees
 - Holding focus groups with youth & families
 - Additional focus groups/conversations with other constituencies as needed
 - Inviting public feedback

INTERIM REPORT TO JJPAD BOARD

Next Meeting Dates

- October 16th, 1-3pm
 - November 12th, 1-3pm
- (Locations TBD)