

Office of the Child Advocate  
Juvenile Justice Policy and Data Board - Data Subcommittee Meeting Minutes  
Tuesday, April 2nd, 2019

**Subcommittees Members or Designees Present:**

- Maria Mossaides (OCA)
- Matthew Broderick (DMH)
- Naoka Carey (CfJJ)
- Eneida Anjoes (DCF)
- Barbara Kaban (CPCS)
- Leon Smith (CfJJ)
- Kristine Polizzano (Probation)
- Cristina Tedstone (DCF)

**Other Attendees:**

- Melissa Threadgill (OCA)
- Lindsay Morgia (OCA)
- Kristina Johnson (EOTTS)
- Patricia Bergin (EOPSS)
- Other members of the public

**Meeting Commenced: 2:10PM**

**Review and Approval of the January 30th Meeting Minutes**

Ms. Threadgill asked if anyone had any questions or feedback regarding the January 30th minutes. The group did not have any additions or corrections. Ms. Threadgill asked for a motion to approve. Ms. Kaban motioned to approve with no objections. The minutes were approved.

**Update from February 27th Full JJPAD Board Meeting**

*Proposed JJPAD Framework for Measuring Impact of Statute Changes*

Ms. Threadgill provided the committee with an update on the full JJPAD board, which last met on February 27th, 2019. She also provided updates from the various subcommittees. Ms. Threadgill reminded the group that one of our mandates is to evaluate the impact of statutory changes that affect the juvenile justice system. Ms. Threadgill presented the evaluation framework that the OCA shared at the last full JJPAD meeting. The JJPAD Board approved the framework concept and decided to send it to the data subcommittee for further comments and to begin developing a plan to gather some of this data by the fall. Ms. Threadgill shared that the JJPAD is aware that one year's worth of data is not enough to develop a full understanding of statutory changes. However, this first report is meant to address early impacts, not long-term outcomes. Ms. Threadgill then led the subcommittee through the statutory framework to explain

the reasoning behind the data points selected and determine what data sets are available that can help us understand early impacts of these changes.

### *Children Under 12*

First, the group discussed gathering information on age to confirm that youth under 12 are no longer entering the juvenile justice system. This data will also help the group determine the number of youth impacted by the change. The number of overnight arrests for youth under 12 should drop to zero in accordance with the new statute. Originally, the framework included all arrests, but delays in reporting meant that we would not be able to get the data in a timely manner.

Ms. Polizzano asked about the time period for the data. Ms. Threadgill replied that we would want to compare data from July 2017 through June 2018 with data from July 2019 through June 2019. Ms. Bergin stated that 2018 arrest data would be confirmed in August.

Ms. Carey asked about including older baseline data. There would be a lag, but it could still serve as a pre-measure.

Ms. Bergin asked what was the lowest age we are looking at. Ms. Threadgill replied that there would be two groups of youth. One group would be between the ages of 7-11 years old, and the second group would be 12 and over.

Ms. Kaban asked if we wanted to look at the data statewide or by county. Ms. Threadgill replied that it seems helpful to break the data down by county when possible and that DYS could likely do that. Ms. Kaban stated that county variations are massive, and Ms. Bergin agreed. The group agreed that the data should be broken down by county.

Ms. Threadgill continued through the list of data regarding children under 12, noting that the juvenile court has data regarding applications for complaints and age breakdowns pre and post arrest. Probation can provide data on the number of people who started on probation. Ms. Threadgill stated that we would also look at DYS commitments. Ms. Threadgill asked the group if they had any ideas for other metrics. There were no further suggestions.

### *Changes in charging patterns*

Ms. Threadgill stated that for changes in charging patterns, we will look at a variety of different points in the system. We will also look at charges that are similar to those that law enforcement cannot arrest on for the first offense. In other words, if you take away the ability to charge for X offense, will law enforcement instead charge for Y and Z instead? We will need help from those who practice in the court to figure out what those similar charges might be. We will use frequency of complaints and filings for those offenses in the statute and the similar offenses.

Ms. Carey asked if DESE data includes referrals to law enforcement, which others in the room confirmed it does.

Ms. Threadgill asked if there was a smaller cadre willing to work on charges. Mr. Smith and Ms. Kaban volunteered.

Ms. Mossaides asked if anyone was doing anything with respect to the school resource officer (SRO) legislation. The attorney general (AG) issued guidelines on this recently. Ms. Mossaides asked when we talk about school incidents, how many of those are connected to SROs? The original concern was that with police in schools, we would see increase in the number of reported incidents, which led to changes in what they were supposed to do. The attorney general issued guidelines for the SROs in the fall.

Ms. Carey noted that impact is hard to determine, as the statutory changes and AG guidance might reduce rates separately. She also asked if the Chapter 222 group was still working on these issues. Ms. Mossaides suggesting reaching out to them. Ms. Threadgill noted that MHLAC is also looking into this.

Ms. Threadgill asked if anyone in the group knew how many SROs there are in Massachusetts. Ms. Mossaides suggested that the AG's office might have that information.

Ms. Carey noted that there are also different models of school policing; some work directly with their police department, others have a dedicated officer. The AG's instructions apply to all SROs. Mr. Smith suggested a study on the statewide landscape.

Ms. Threadgill stated that she will follow up with the AG's office about this. After requesting final feedback, Ms. Carey noted that tracking fines may also be useful.

### *Matching and Delivery of Services*

Ms. Threadgill noted that the legislature wants the JJPAD to look at the matching and delivery of services. To what extent are different response options are being used other than arrest, and are the changes in juvenile justice statutes leading to increase in service use? There are a number of services that could be potentially impacted, including CRA filings, number and type referrals to family resource centers, the number of judicial diversions, and the number of referrals to court clinicians.

Mr. Broderick said that DMH can help with the referrals to court clinicians, and that they have lots of historical data.

Ms. Threadgill noted that there is currently no data available regarding youth in DA diversion programs or the number of referrals to restorative justice programs. Mr. Smith asked if there was an overlap between restorative justice and diversion. Ms. Threadgill replied that it depends on county. In Middlesex they overlap, but in other offices, not as much. Ms. Carey noted that the new Suffolk program uses restorative justice much more.

Ms. Threadgill noted that Communities for Restorative Justice is the main restorative justice organization in the state, and perhaps they could provide their numbers. Ms. Carey noted that their data is probably already in their annual report.

Ms. Mossaides noted the distinction between restorative justice in the schools and in the courts. She asked if DESE has data on school-based restorative justice programs.

Mr. Smith noted that some schools do restorative justice circles, but juvenile justice uses a different model.

Ms. Carey shared that CLS does restorative justice with their staff and students; Chandra may know of who's doing it. Boston is doing it now and the Arlington police run a restorative justice program as one of their diversion options.

Ms. Threadgill asked if anyone sits on the new restorative justice commission. Ms. Carey noted that Erin from C4RJ was on the commission. Ms. Threadgill noted that it may be worth it to reach out to them about schools, though it is unclear who is managing that commission.

Ms. Threadgill noted that there seems to be a general agreement that there may be something in DCF data that would provide insight into service changes, such as higher level placements. She asked if it would be appropriate to look at STARR placements.

Ms. Anjoes said that STARR providers do not keep data. Real-time data can be obtained, but not data from the past. DCF and DYS meet weekly to go over youth currently being held and those ready to be discharged. DCF comes up with plan for these youth, and the spreadsheet is updated by DYS. This process came about from an MOU between DYS/DCF that started about nine years ago.

Ms. Mossaides shared that OCA is hearing from DCF providers, and they feel a change in the population. Youth are being placed under DCF contracts, not DYS. They are seeing increases in runners and the number of incidents, but the incident report in iFamilynet is not structured data. Providers say that their programs as designed are not able to meet needs of a cohort we are now dealing with, those that used to be handled by DYS that are more secure.

Ms. Carey suggested that it is not a statutory change driving that. Rather, it is JDAI. There are multiple levels that might impact what we're seeing in terms of population change.

Ms. Mossaides noted that the old policy was a youth who was arrested would spend the night in jail. Before, the thought was that they may "learn something" from spending the night in jail. But there have been a series of shifts in policy and practice as a result of research that may be impacting the numbers.

Ms. Carey said that at a provider meeting with DCF 3 years ago, the question was if kids are more reactive, is it because of JDAI? Would they otherwise be placed with DYS? The placement disruption rate is up, more kids on the spectrum....they were questions that we didn't have answers. Perhaps more analysis has been done since then?

Ms. Mossaides noted that there needs to be a continuous dialogue regarding youth who have been running and not following rules.

Ms. Anjoes said that they can see the impact of the closure of DYS facilities on kids in placement.

Ms. Carey said that all of the caseloads at DCF increased, so if there was an influx of kids, it may have overwhelmed the system. There are so many things going on at the same time.

Ms. Mossaides shared that she is working on phase 2 of DCF data working group. The group has a short list, that could be longer, of the data points we need to create structured data. The information is currently in the case notes, so how much case note information can become a dropdown menu that says how the child got to their current placement? This could help us get a much better sense of kids running from residential programs and why.

Ms. Carey asked about measures regarding kids who never touch DCF. Do they touch STARR or CBAT instead, since the doors to DYS are closed?

Ms. Mossaides said that STARR is the placement model used because of capacity issues. A STARR referral means there is a bed there, so we place a child there. Some children needed assessment, others needed a bed. Ms. Anjoes noted that STARR has become an emergency room, and Ms. Carey agreed that program is now similar to an emergency shelter.

Ms. Threadgill asked if it was worth looking at STARR data, given these dynamics. Ms. Anjoes said it might help to look at kids currently at STARR who have charges or pending charges. However, she does not know who holds that data. She offered real-time data as a way to figure out what we might need going forward.

Ms. Kaban shared that there was a report with data from DCF 10 years ago regarding recidivism rates. Fran Sherman got a data drop. Ms. Carey said that she will see her soon and will ask about it.

Ms. Carey also said that part of the question is if we close the door to juvenile justice, are all of the other systems bearing the burden? How do you measure that, what is helpful for agencies?

Ms. Mossaides noted the need to evolve the designs of DCF programs. It is not the youth's fault that we do not have programs that meet their needs. Programs have their staffing patterns, hours, and other variations depending on the model. For this population, the program director may need to have higher or different license, or double the number of staff. If we can identify who this cohort is and what their needs are, we can better design programs.

Mr. Broderick said that there are some more basic issues, such as regulations around restraints which can be a factor in managing certain cohorts. Locked settings are also few and far between by design. Security is not solely a question of stay or go, but it also impacts other clients that could be victimized.

Ms. Mossaides said that because of the huge increase in placement needs, in any given program, there is a broader mix of clients than had been there before. There are also other issues, such as

in a 8 or 12 bed unit, there may be too many different kinds of kids, which can make it hard for staff to remember how to approach each youth. CBATs are more cohesive, but in a 1-4 group home, kids can still have very different needs.

Ms. Threadgill said that two decisions seem to have been made. First, Ms. Anjoes can take a quick look at the data regarding pending charges. Second, we should share information about the DCF data work group that would be informative to conversation. Ms. Mossaides also said if the group determines that there is critical info that could help assess statutory impacts, the data group can put it on wish list.

Ms. Threadgill noted that BSAS data may also be relevant, and that DPH can help with this. She then asked if there was a relevant DMH metric that we had not considered.

Mr. Broderick said that on gross measurement is number of applications DMH has seen over 5-10 years. Court clinic referrals can break down the number of evaluations in courts.

Ms. Carey said that it would probably be helpful to see what the CBHI waitlists look like. Mr. Broderick said that should be available.

Ms. Carey asked if age information is available, as the full board has been talking about where the younger kids are going.

Mr. Smith brought up the detention population and the failure of those kids to get successfully re-engaged in school. DESE has chronic absentee data. He asked if we can see what happens regarding education and school attendance after detention?

Ms. Threadgill noted that no one from DESE or DYS was at the meeting, but they have done a fair amount of data sharing.

Ms. Mossaides said that the data should be easy to obtain, as each child has ID number that makes matching easier. Kids in DYS still have their same ID number as they did when they were attending public school.

Ms. Carey suggested that we could do an educational history study with DCF/DYS data.

Ms. Threadgill suggested that in order to get the report together in time, we should look at data from one year prior to the bill passing and one year after passage – 8 quarters worth of data. She then asked if everyone who has been identified as holding data could produce the data for this time period. Ms. Threadgill said the group can have some time to think about it and she will circle back to see when, after July, everyone could produce their data.

Mr. Broderick noted that the data sets all have different lags depending on the type of data.

Ms. Threadgill said that we can send that information over and will do the best we can with what we have. The full JJPAD is meeting next week, and we can provide an update on programs.

## **Aggregate Data Feasibility Report**

### *Discussion re: Data Availability Mapping Document*

Ms. Threadgill thanked the group for providing feedback on the data availability mapping document, and noted that there have been a few additional changes since yesterday. In this part of the discussion, the group would go through each of the categories, clarify that what we have in chart one is correct, and identify any missing data points. JDAI also created a helpful flowchart, which she shared with the group.

The group started with arrest data. Ms. Threadgill stated that we know that EOPSS has arrest data reported in aggregate, and can break the data down by age/gender/race/crime type, and delay.

Ms. Bergin said that Cliff can provide that data.

Ms. Carey pointed out that while there is a diversion field in their database, it is not used properly.

Ms. Bergin noted that the legislature needs to understand that agencies and organizations need capacity in order to pull the data that they are requesting. Agencies get tasked with a lot of things to do, but there is no funding attached to do them.

Ms. Threadgill said that this is something we can put in the report.

Ms. Carey said that agencies often need someone who has a quantitative background and can do SQL programming.

Moving on to applications for complaints, Ms. Threadgill said that the juvenile courts have that. Ms. Threadgill asked the group if anyone knew if there were any records on clerk magistrates making diversion decision. The group said no. Ms. Threadgill followed up by asking if a clerk magistrate finds probable cause with no delinquency filing, would that essentially tell us the same thing?

Ms. Carey noted that they last time they tried to work back in to the number, it was a challenge. Each court does things a little differently.

Ms. Threadgill moved on to the data collected by DA offices. Looking at prosecutorial diversion, we would want to know if it was offered, accepted, and the results. The data is not available statewide, but we can make requests of individual offices.

Ms. Bergin noted that there was a study done about prosecutorial diversion, but it was not a good study as it cut off parts of conversations.

Ms. Threadgill said that she already had one conversation with DAs and will report on what's available.

Ms. Bergin said each DA operates differently. Suffolk County is using a validated tool to try to remove arbitrariness and lend more credibility regardless of who ends up in diversion and who doesn't.

Ms. Threadgill said that there are still some basic measures we can ask, such as how many kids came to the DA's attention and how many are offered diversion. It seems feasible to collect if someone wants to.

Ms. Carey also said it is important to ask if diversion is offered fairly.

Ms. Threadgill said that data regarding the decision to indict is not universally collected. The decision not to prosecute is also not universally collected, but should be on the list. The Juvenile court has begun collecting data, judicial diversion, and it is not possible to distinguish between pre and post-arraignment per the Juvenile Court.

Ms. Bergin asked if the date of the diversion would be helpful. If they were diverted pre-arraignment, we can figure it out that way.

Ms. Threadgill said that there is data on arraignments as delinquent or youthful offender, but they cannot report bail amounts or conditions. This is a big gap in the data.

Ms. Kagan asked if we could collect data on dangerousness hearings. Ms. Threadgill will look into this.

Ms. Carey asked about clinical evaluation data, but could not remember the exact term she was looking for. She will do some more research into it.

Mr. Smith said he was curious to know if bail stands or if there were patterns in appeals, which represents another layer of decision making. Ms. Threadgill said that she would love help to map out what the points out.

Ms. Carey said that DYS would have bail amount. Ms. Threadgill noted that they would have it for kids being held, not for those that are not.

Ms. Carey said that JDAI might have data. She is curious about the number of kids who get an adult sentence, which is missing, and if data on pleas would be with the DAs or the courts.

Ms. Kaban said that it may be helpful to know what number are solved by pleas. Ms. Carey suggested we could track the number of trials. Ms. Kaban added that we could track the number of six person or 12 person juries to get distinction between delinquency and youthful offenders.

Ms. Threadgill noted that from her conversations with the courts, disposition decisions are especially difficult to tease out, and they made it clear that they would need more funding to do that. Unless the legislature did something, they are not going to be able to get that data.



Ms. Kaban said that CORI data has outcome data. Ms. Carey said that they can produce reports, as they did so for CSG. Ms. Bergin said that Jim Slater at EOPPS would be the contact.

Ms. Threadgill then moved on to probation. Probation data is available by type (pre trial, admin), and while it can be broken down by race, etc. it is challenging. The data cannot be broken down by crime type, but can do it by geography. Concerns were raised regarding data quality for race and the inadequate technology.

Ms. Threadgill asked if there was any additional information we could obtain about probation violations beyond the number.

Mr. Smith said that in his experience, some JDAI sites in other parts of the country collect data on kids who hit detention to track the reason for the violation - was it for a technical, new arrest, or a combination. Has JDAI in Massachusetts been doing that?

Ms. Bergin said that they do have that data.

Regarding DYS data, Ms. Threadgill said she has confirmed with Dave Chandler that all of it is available and can be produced.

Ms. Kaban pointed out that DYS allowed to ask for early discharge, but she has never seen it happen. It would be interesting to see data on this.

*Discussion re: Unavailable and Difficult to Obtain Data Points*

Ms. Threadgill said that with the remaining half hour, we will talk about data that cannot be reported and what can be done to fix it. First, for police diversion, the issue is that it is possible to put data points in their system but it's not happening.

Ms. Bergin said that there needs to be legislation to mandate this. In crime bill, legislature did not state that data input needs to be done monthly. Police departments may need more money.

Ms. Threadgill said that data on court magistrate diversion is not collected. To do this, we need to build capacity within MassCourts, and we would likely have to mandate it. The courts cannot tell the clerks to do something. For prosecutorial diversion, we will invite the DAs to volunteer data, but this may also require a mandate long-term. For judicial diversion, we need to talk more about what they are actually collecting right now. Bail decisions amounts and conditions are not collected in a structured way. Ms. Mossaides and Ms. Threadgill have a meeting with the courts in a couple of weeks for all things data-related. Ms. Threadgill asked if anyone had any recommendations for obtaining additional probation data.

Ms. Polizzano: Right now, they are receiving individual violation notices and counting from the monthly reporting. Data collection on this may have to be mandated. Ms. Threadgill asked if Northpoint will collect it, but that was not clear. Ms. Threadgill will follow up with Probation, as we want to be able to say what's necessary to make this happen.

Ms. Threadgill said that lastly, there are data quality issues with grants of conditional liberty according to DYS.

Ms. Kaban asked if there was any data on revocations of privilege. Ms. Mossaides noted that that language has not appeared in any of the OCA critical incidents during her tenure, and someone else commented that it was used more often safety issues.

Ms. Kaban said that she will be at a meeting tomorrow and will try to get a sense of what kinds of cases this applies to.

Ms. Carey asked if every kid possibly revoked gets attorney, can we track the number of GCL attorneys? Ms. Kaban said that we can, but we still do not track age/gender/etc or outcomes.

Ms. Carey suggested that theoretically the Department of Correction or the sheriffs should know who is coming to them on a juvenile court case. Who might be able to track this down? Ms. Bergin replied that she can send an email to her, and asked if she wanted data for any offense, or just murder.

Ms. Carey said that she wants to know many kids on a youthful offender got sentenced to an adult facility. It is tricky, as we will have to account for those before raise the age and after.

Ms. Mossaides said that DYS might have this, since they prepare youth going into adult prisons. However, she isn't sure if they are tracking that.

Ms. Bergin said DOC should have that data, though she is not sure if they have county data.

Ms. Carey noted that there are wide variations between counties and judges in terms of placing youth into adult prisons. Sometimes a youth may be placed with DYS with a suspended adult sentence, or they will be placed into adult facility immediately.

Ms. Threadgill moved on to talk about next steps. She reminded the group that their first report is due June 30<sup>th</sup>. The report has to be approved by full board, which will meet on June 11th. This committee has a meeting the week before that, which will be the group's last opportunity to do edits. This means the report needs to be drafted by May 9th, and OC will try to get it to the committee one week in advance. At the May 9th meeting, we will talk through edits, and then finalize the report by early June, submit to full board for approval, and send it to the legislature by June 30<sup>th</sup>. Ms. Threadgill asked the group to please respond quickly to requests for information, as we only have between now and May 9th to finish the draft.

Ms. Mossaides shared that the OCA has been speaking to legislative leaders regarding these timelines. We will remind them that this is year one, and that it will be an ongoing process to make sure next year's report includes more of the data that they have requested.

Ms. Threadgill said that once we have told the legislature that it is possible to get at least some of the data, the next steps will be to produce the report.

Ms. Bergin said it was important to discuss timelines with legislature and make them aware of the differences for various agencies. She suggested a calendar year approach instead of a fiscal year.

Ms. Threadgill noted that one of the legislative mandates is to report on what it would take for the OCA to collect data. We can recommend a schedule and develop a process for submitting the data would look like for the agencies.

Ms. Mossaides shared that the DCF data working group went in to their system and figured out when reports could be produced. They calculated when DCF could validate data and what it would take to produce report for dates they will be able to meet, which were shared with the legislature.

Ms. Carey noted that Mr. Smith was on one of these boards in CT, and asked him to share his thoughts about what was feasible in Connecticut.

Mr. Smith said that they had a similar issue between following a hard and fast deadline or providing comprehensive information.

Ms. Mossaides also noted that if an agency needs to produce for the feds, we need to be mindful of those requirements and timelines, and consider agency capacity. If they are operating on a federal fiscal year, we need to be mindful of that. We need to consider capacity and the budgeting schedule.

Mr. Smith said that we want to have reasonable flexibility, but also be conscious of not kicking the can too far down the road.

Dan Finkel asked if the group had discussed opportunities and challenges of matching data. He suggested that it may be good to plant those seeds early. Ms. Threadgill noted that after June 30<sup>th</sup>, the group will focus on data sharing and strategic planning. Ms. Mossaides said that this has been a challenge in all children's services, not getting a complete picture of who the kids are and how they are moving through the system.

Ms. Threadgill asked if anyone had any further comments before adjournment, and reminded the group that the next full board meeting is next week and they are welcome to attend. The next data committee meeting is May 9<sup>th</sup>, 2-4PM.

**Adjournment: 3:55PM**