

**Commonwealth of Massachusetts  
Executive Office of Public Safety and Security  
Office of Grants and Research**



**FY 2018 Title II Formula Grants Program**

**THREE YEAR PLAN**

**Charles Baker  
Governor**

**Karyn Polito  
Lieutenant Governor**

**Daniel Bennett  
Secretary**

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Executive Director**

## **2. PROJECT ABSTRACT**

The Massachusetts Executive Office of Public Safety and Security (EOPSS), Office of Grants and Research (OGR) is applying for FY 2018 Title II Formula Grant funds with this submission of the Commonwealth's Three Year Plan.

The primary purpose of the Formula Grant Program is to ensure the Commonwealth's compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP Act) of 2002 and to address other priorities of the Act. The Formula Grant program strives to effectively serve the needs of at-risk and system-involved juveniles in accordance with the delineated "program areas" of the JJDP Act. Funds from the Formula Grant Program are dedicated to compliance activities, State Advisory Group (SAG) activities, and Formula Grant-related sub-awards. Salaries for the Commonwealth's Juvenile Justice Specialist/Compliance Monitor and DMC Reduction Specialist are provided by the Formula Grant.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has determined that many of Massachusetts' court holding facilities are not compliant with the Separation from Adult Inmates core requirement of the JJDP Act. As a result, there is a penalty on the federal award which substantially reduces the amount of Formula Grant funds available to allocate towards delinquency prevention, intervention, and system improvement projects. However, combining available Formula Grant funds from multiple years, including FY 2018, the Commonwealth plans to conduct a competitive award process to sub-grant funds to programs under the Disproportionate Minority Contact (DMC), delinquency prevention, and substance abuse Formula Grant program areas.

Despite limited Formula Grant resources, the Juvenile Justice Advisory Committee (JJAC) and EOPSS will continue work to help the Commonwealth's most vulnerable children. Through funding projects and OGR staff, and engaging in "no cost" activities, the JJAC and EOPSS intend to address the following priorities: (1) regaining compliance with the Separation core requirement of the JJDP Act; (2) reducing disproportionate minority contact; (3) reducing delinquency rates; (4) ensuring stakeholders incorporate trauma-informed practices into their initiatives and services; and (5) reducing juvenile substance use. The JJAC and EOPSS will seek to convene stakeholders and raise awareness on issues such as trauma-informed practices and juvenile substance use. The JJAC and EOPSS will also continue to work closely with the Commonwealth's Juvenile Detention Alternatives Initiative (JDAI) which has overlapping priorities and more impressive resources. Such collaboration, along with JJAC member and EOPSS expertise, will be leveraged to optimize efforts relating to the above issues. Progress on the priorities will be measured based on the objectives and timelines referenced in this Plan. The Commonwealth does not anticipate funding research projects under the FY 2018 Formula Grant.

### **3. PROGRAM NARRATIVE**

#### **A. DESCRIPTION OF THE ISSUE**

##### **1. System Description: Structure and Function of the Juvenile Justice System**

The major components of the Massachusetts juvenile justice system consist of the following stakeholders: the statewide Juvenile Court Department of the Trial Court, the Department of Youth Services (DYS), the Office of the Commissioner of Probation, the Youth Advocacy Division (YAD) of the Committee for Public Counsel Services (CPCS) (public defenders), the county-based District Attorneys' Offices, and local and state police. Other stakeholders who are not directly part of the major functioning of the juvenile system but are directly or indirectly involved with at-risk and system-involved youth and/or issues that confront them include: the Department of Children and Families (DCF), the Executive Office of Health and Human Services (EOHHS), the Child Welfare and Juvenile Justice Leadership Forum, the Juvenile Detention Alternatives Initiative (JDAI), the Juvenile Justice Advisory Committee (JJAC), the Office of the Child Advocate (OCA), the Department of Elementary and Secondary Education (DESE) and local schools, Citizens for Juvenile Justice (CfJJ), the Parent/Professional Advocacy League and numerous, child-serving non-profit entities across the Commonwealth, and state lawmakers.

The Juvenile Court system in Massachusetts is a statewide system managed within the Executive Office of the Trial Court (EOTC). Three types of juvenile justice cases are heard within the Juvenile Court system: Child Requiring Assistance (CRA) cases (status offenses), delinquency cases, and youthful offender cases. A youth between the age of twelve<sup>1</sup> and eighteen may be prosecuted in the Juvenile Court system for criminal-type offenses after referral to the

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<sup>1</sup> In April 2018, new legislation raised the minimum age at which a youth can be charged with a criminal-type offense from seven to twelve years of age.

court via an arrest (followed by issuance of a complaint) or a summons after a complaint has been issued. Delinquency cases constitute the majority of criminal-type cases in the Juvenile Court system.

Prosecution of juveniles as youthful offenders is left to the discretion of the District Attorneys' offices when certain conditions relating to the seriousness of the charges and/or prior history of the offender are met. Convicted youthful offenders may be committed to DYS until age 21 and receive an adult suspended sentence, or may receive any sentence that an adult is subject to for the same crime. Youth who receive adult sentences spend their time in a DYS facility until age 18 after which they may be transferred to a county House of Correction or state prison depending on the sentence.

YAD provides legal representation for indigent youth charged with delinquency or youthful offender offenses. YAD attorneys are specifically trained in representing juveniles. YAD implements a multidisciplinary approach to working with clients that includes assistance with related social work and school advocacy services and referrals.

DYS is responsible for detaining pre-trial youth who cannot post bail or who are "held without bail" as well as for confining and supervising committed youth. Detention facilities range from foster homes to staff secure residential facilities to hardware secure facilities. There is a continuum of care for committed youth. Committed youth generally spend time in a staff secure and/or hardware secure residential facility. Youth are committed to DYS until age 18 on delinquency cases or until age 21 on youthful offender cases. The amount of time spent in a DYS treatment facility varies depending on the seriousness of the crime committed. After spending time in a treatment facility, the youth is released back to live with their parent/guardian. If the youth violates their Grant of Conditional Liberty (similar to a parole agreement for adults), DYS

may have them re-entered into a treatment facility until they reach the upper age of their commitment.

## **2. Analysis of Juvenile Delinquency Problems and Needs**

There are five parts to the analysis of juvenile crime problems: (1) arrests; (2) referrals to Juvenile Court; (3) formal Juvenile Court cases; (4) DYS: commitments, detentions, recidivism, and the Overnight Arrest Program; and (5) other conditions relevant to delinquency prevention programming. The ensuing data charts provide a ten-year trend analysis, data permitting. The ten-year time series displays information and trends involving the same issue or behavior over time.

### **(1) Juvenile arrests by offense type**

The eight offenses that comprise Part I Crimes or Index Crimes – criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson – are the most serious offenses against persons and property tracked by the Federal Bureau of Investigation (FBI). For the past ten years, Massachusetts’s Part I juvenile arrest rate<sup>2</sup> was less than half that of the national rate<sup>3</sup>, and rates for the nation and the Commonwealth steadily declined since 2008. In the past nine years, the national rate of juvenile arrests for Part I crimes fell 59%, while the rate within Massachusetts during the same timeframe dropped 60% (Figure 1, page 5).

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<sup>2</sup> Juveniles are defined as individuals under the age of 18. All rates are calculated per 100,000 persons in the total population; population figures include both juveniles and adults within a given locale (Massachusetts and the United States, respectively).

<sup>3</sup> FBI figures include only those agencies that voluntarily report their crime data on an annual basis.

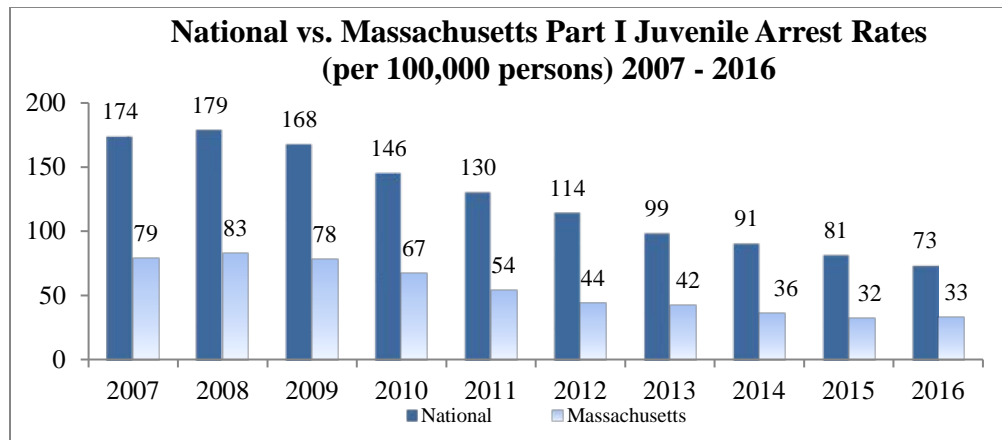


Figure 1. Source: Federal Bureau of Investigation, *Uniform Crime Reports*, 2007-2015, Table 41; 2016, Table 20 (National data) and 2007-2015, Table 69; 2016, Table 22 (MA data).

Table 1 displays the Part I juvenile arrest rates for the state and nation over a ten-year period. Between 2007 and 2016, there is a dramatic reduction in crime rates nationally and with few exceptions, the same in Massachusetts.

**Rate (per 100,000 persons)**

**Table 1.**

Part I Juvenile Arrest Rates	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% change '07-'16	% change '15-'16
MA Property Crime Arrests	49.8	52.5	51.4	45.5	33.9	27.6	26.7	21.2	21.4	20.0	-59.9%	-6.5%
US Property Crime Arrests	141.6	147.2	139.4	120.9	108.5	95.0	80.8	73.9	65.5	57.3	-59.5%	-12.5%
MA Burglary	12.2	11.7	10.6	10.0	7.7	6.6	6.2	4.9	4.1	3.3	-73.1%	-19.5%
US Burglary	27.4	27.9	24.8	21.4	19.9	17.3	14.1	12.7	11.1	9.9	-63.9%	-10.8%
MA Larceny	33.1	38.0	38.5	32.3	24.2	19.1	18.9	14.5	15.7	14.4	-56.5%	-8.3%
US Larceny	101.9	108.9	106.3	93.0	82.5	72.1	61.6	56.2	49.0	41.7	-59.1%	-14.9%
MA Motor Vehicle Theft	3.2	2.0	1.7	2.1	1.5	1.1	1.0	1.3	1.4	1.7	-46.3%	21.4%
US Motor Vehicle Theft	9.9	8.3	6.6	5.1	4.5	4.2	3.9	4.0	4.5	4.9	-50.5%	8.9%
MA Arson	1.3	0.8	0.6	1.2	0.5	0.8	0.6	0.5	0.3	0.5	-60.7%	66.7%
US Arson	2.4	2.2	1.8	1.5	1.6	1.4	1.2	1.0	0.8	0.8	-66.7%	0.0%
MA Violent Crime Arrests	29.4	30.2	26.9	26.3	20.3	16.0	15.3	14.6	14.3	13.2	-55.1%	-7.7%
US Violent Crime Arrests	32.6	32.0	28.4	24.6	21.9	19.4	17.8	16.8	16.0	16.1	-50.6%	0.6%
MA Homicide	0.1	0.1	0.1	0.1	0.1	0.0	0.0	0.0	0.0	0.1	29.0%	0.1%
US Homicide	0.4	0.4	0.4	0.3	0.3	0.2	0.2	0.2	0.2	0.3	-25.0%	50.0%
MA Rape	0.4	0.5	0.4	0.6	0.5	0.2	0.3	0.3	0.2	0.4	-11.0%	100.0%
US Rape	1.2	1.1	1.0	0.9	0.9	0.8	0.9	1.0	1.1	1.1	-8.3%	0.0%
MA Robbery	7.7	8.1	7.3	5.3	4.8	3.6	3.7	3.9	3.2	2.9	-62.4%	-9.4%
US Robbery	11.7	11.9	10.5	8.8	7.7	6.8	6.5	6.1	5.7	6.0	-48.7%	5.3%
MA Aggravated Assault	21.2	21.5	19.0	20.3	14.9	12.2	11.4	10.4	10.7	9.8	-53.7%	-8.4%
US Aggravated Assault	19.3	18.6	16.5	14.6	13.1	11.6	10.2	9.5	8.9	8.7	-54.9%	-2.2%
MA Total Part I Arrests	79.2	82.7	78.3	71.8	54.2	43.7	42.0	36.0	36.0	33.2	-58.1%	-7.8%
US Total Part I Arrests	174.1	179.3	167.7	145.5	130.4	114.5	98.6	90.7	81.5%	73.4%	-99.6%	-9.9%

Table 1. Source: Federal Bureau of Investigation, *Uniform Crime Reports*, 2007-2015, Table 41; 2016, Table 20 (National data) and 2007-2015, Table 69; 2016, Table 22 (MA data).

Upon further examination of the trends for Massachusetts juveniles arrested for crimes against persons and property, the patterns display a similar trajectory over time. The property crime rate dropped 60% between 2007 and 2016 and 7% in the period from 2015 to 2016, and the violent crime rate fell 55% over the ten-year period and 8% from 2015 to 2016 (Figure 2).

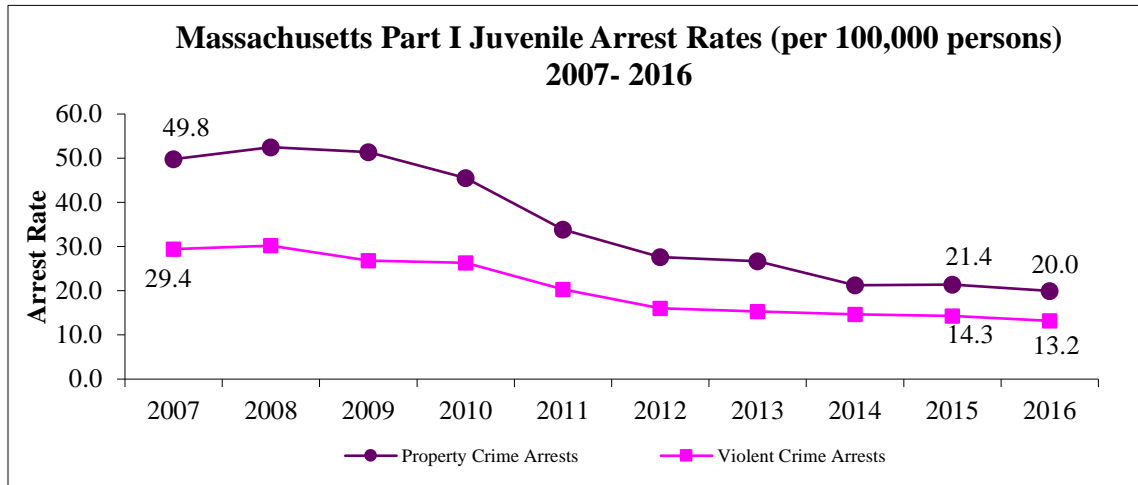


Figure 2. Source: Federal Bureau of Investigation, *Uniform Crime Reports*, 2007-2015, Table 69; 2016, Table 22

In addition to Part I Offenses, the FBI also tracks data on Part II Offenses, which cover all crimes not otherwise noted in Part I. Part II Offenses include: suspicion, and curfew/loitering law violations, which are status offenses. A breakdown of the various Part II juvenile arrest rates by offense in Massachusetts over the ten-year period is presented in Table 2, page 7. The rate of juvenile arrests for all Part II Offenses fell 9% in the one-year period from 2015 to 2016, and 64% over the ten-year period from 2007 to 2016, demonstrating a similar pattern of decrease seen for Part I Offenses over the same time frame. Representing 73% of the Part II offense categories, the top six offenses with the highest crime rates for 2016 in descending order are – other assaults (23), all other offenses (23), vandalism (6), disorderly conduct (6), liquor laws (5), and drug abuse violations (4).

Rate (per 100,000 persons)

**Table 2.**

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	% change '07-'16	% change '15-'16
<b>Part II Juvenile Arrest Rates</b>												
Other Assaults	36.2	38.7	37.9	39.0	34.1	31.4	28.0	26.0	24.8	23.1	-36.3%	-6.9%
Forgery & Counterfeiting	0.4	0.3	0.2	0.2	0.2	0.1	0.2	0.2	0.3	0.3	-30.9%	0.0%
Fraud	0.7	0.7	0.8	0.5	0.4	0.4	0.4	0.3	0.4	0.5	-28.3%	25.0%
Embezzlement	0.1	0.1	0.0	0.1	0.1	0.0	0.0	0.1	0.0	0.0	-100.0%	0.0%
Buying/Possessing Stolen Property	4.3	3.4	3.7	3.8	2.8	2.7	2.4	1.9	2.7	2.4	-44.3%	-11.1%
Vandalism	14.4	13.9	12.3	12.3	9.1	9.1	6.9	7.1	6.9	6.4	-55.6%	-7.2%
Weapons Carrying/Possessing	4.4	4.1	3.6	3.6	3.0	2.5	2.4	2.4	2.8	2.5	-43.6%	-10.7%
Prostitution	0.1	0.1	0.1	0.1	0.0	0.1	0.0	0.0	0.0	0.0	-100.0%	0.0%
Sex Offenses	1.5	1.3	1.3	1.5	0.8	1.0	0.8	0.8	0.6	0.7	-53.5%	16.7%
Drug Abuse Violations	36.1	32.5	10.3	10.8	7.6	7.6	5.7	4.1	3.3	3.5	-90.3%	6.1%
Gambling	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0%	0.0%
Offenses Against Family and Children	2.8	1.6	2.2	2.7	2.3	1.9	0.9	0.3	0.4	0.5	-82.4%	25.0%
Driving Under the Influence	2.2	1.6	1.3	1.3	1.0	1.1	0.8	0.7	0.7	0.7	-68.0%	0.0%
Liquor Laws	15.5	11.9	14.0	15.9	11.3	12.3	9.5	7.5	5.8	4.5	-71.0%	-22.4%
Drunkenness	5.0	3.1	4.2	3.8	2.6	2.3	3.0	2.5	0.8	0.6	-88.0%	-25.0%
Disorderly Conduct	22.6	21.2	19.6	18.0	14.5	11.8	10.6	8.4	7.0	6.1	-73.0%	-12.9%
Vagrancy	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-100.0%	0.0%
All Other Offenses	54.9	54.4	50.1	52.9	39.7	37.7	25.8	25.7	25.1	22.7	-58.6%	-9.6%
Suspicion	0.3	0.0	0.0	0.1	0.0	0.1	0.1	0.2	0.2	0.0	-100.0%	-100.0%
Curfew and Loitering Law Violations	0.1	0.2	0.2	0.1	0.1	0.0	0.0	0.0	0.0	0.0	-100.0%	0.0%
Runaways*	4.4	4.5	3.8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Total Part II Juvenile Arrest Rates</b>	<b>206.2</b>	<b>193.9</b>	<b>165.6</b>	<b>166.7</b>	<b>129.6</b>	<b>122.1</b>	<b>97.6</b>	<b>88.2</b>	<b>81.8</b>	<b>74.5</b>	<b>-63.9%</b>	<b>-8.9%</b>

Table 2. Source: Federal Bureau of Investigation, *Uniform Crime Reports*, 2007-2015, Table 69; 2016, Table 22.

\*Note: Runaways were last reported in the 2009 UCR.

**(2) Juvenile Court delinquency, youthful offender, and child requiring assistance cases (by race/ethnicity and gender).**

This section describes youth with three kinds of cases heard before the Juvenile Court: Delinquency, Youthful Offender, and CRA. In Massachusetts, juvenile delinquents are defined as individuals who are adjudicated delinquent as a result of violating a state law, city ordinance, or town by-law when they were at least seven years of age but not yet age 18 (MGL, Chapter 119, §52). In September 2013, the Massachusetts legislature changed the oldest age from 16 to 17 for Juvenile Court jurisdiction for a delinquency complaint, charge or matter. The increase in delinquency and youthful offender cases heard in Juvenile Court since State Fiscal Year (SFY) 2013 is mostly attributed to the raised age of Juvenile Court jurisdiction rather than an increase in crime.



## Delinquency

Delinquency cases are almost exclusively heard before the Juvenile Court but under the *Court Reorganization Act of 1992*, the Brookline and Gloucester District Courts retained jurisdiction over juvenile cases (MGL, Chapter 218, §57). In SFY 2017, there are 8,648 juvenile delinquency cases filed in Juvenile Court, marking a 73% decrease from the high of juvenile delinquency cases filed in SFY 2008, and a 10% reduction from the prior year (Figure 3). During SFY 2017, males represent 74% and females represent 26% of juvenile delinquency cases.<sup>4</sup> The race/ethnicity<sup>5</sup> of the individuals appearing before the Juvenile Court reveal White youth accounted for 44% of the population, followed by Hispanic youth (29%), Black/African American youth (25%), and Other (2%).<sup>6</sup>

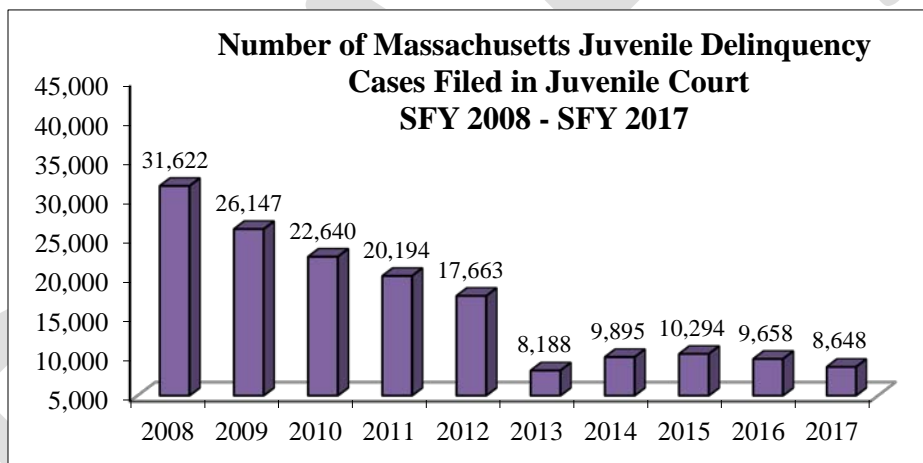


Figure 3. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Juvenile Case Types*, February 28, 2017.

Note: data on the total number of delinquency cases before the Juvenile Court in SFY 2012 in both Essex County and Norfolk County is unavailable and was excluded from this analysis.

<sup>4</sup> The gender of youth appearing before the Juvenile Court in delinquency cases is known in 8,452 of the 8,648 cases (98%).

<sup>5</sup> The Trial Court updated its reporting structure for race and ethnicity to conform to federal best practices since the last time this report was compiled. Reported racial categories are defined as the following: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or other Pacific Islander, White, and Other or Mixed Race. The reported ethnicity categories are Hispanic or Latino, and Not Hispanic or Latino. For the purposes of this report, the Trial Court assigned the following racial / ethnic minority categories based on the information collected in the new reporting structure: White, Black, Hispanic, and Other. However, ethnicity information was missing or unknown in 52.1% of the sample, which could result in the undercounting of Hispanic individuals.

<sup>6</sup> The race/ethnicity of youth appearing before the Juvenile Court in delinquency cases is known in 7,155 of the 8,648 cases (83%).

Just over two-thirds of youth with a delinquency case filed in Juvenile Court are ages 15-17 (69%), (Figure 4).<sup>7</sup>

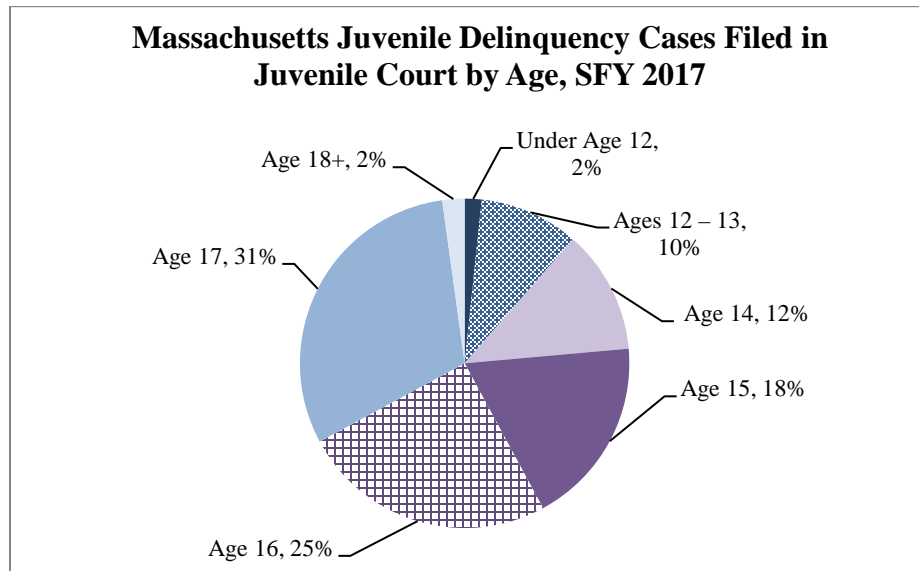


Figure 4. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.

Person offenses are the most common offenses across gender lines, although the percentage share differs for males and females (36% and 43%, respectively) (Figure 5, page 10). Among males, property offenses are the next most common (29%), followed by other public order (25%), motor vehicle (6%) and controlled substance offenses (5%). For females, other public order offenses are the second most frequently occurring crime (30%), followed by property (22%), motor vehicle (3%) and controlled substance offenses (2%).

<sup>7</sup> The age category, 18+, includes adults charged with a delinquency committed prior to their 18<sup>th</sup> birthday and adults charged with one of several criminal offenses in which the Juvenile Court has jurisdiction.

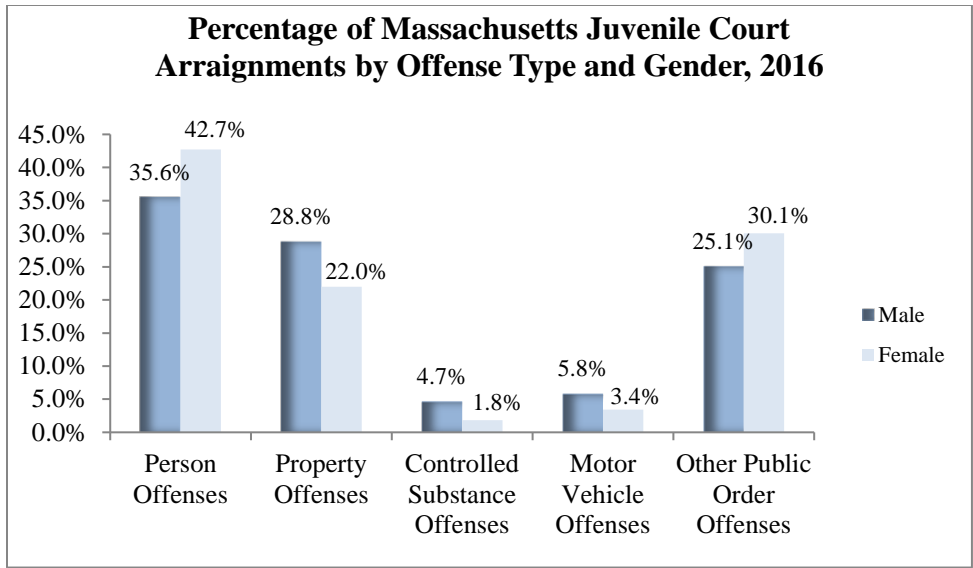


Figure 5. Source: Office of the Commissioner of Probation, Research Department, 2018.  
 Note: Juvenile Court Arraignment data for 2017 is not available at the time of this analysis.

### Youthful Offenders

A youthful offender is a person who is indicted and subject to an adult and/or juvenile sentence for having committed an offense while between the ages of 14 and 18 which, if he/she were an adult, would be punishable by imprisonment in the state prison [i.e. felonies] and has:

- previously been committed to the Department of Youth Services (DYS); or
- committed an offense which involves the infliction or threat of serious bodily harm in violation of law; or
- committed a violation of [MGL, Chapter 269, §10(a)(c), (d), MGL, Chapter 269, §10E (firearm offenses)] (MGL, Chapter 119, §58).<sup>8</sup>

In SFY 2017, 151 youthful offender cases were heard before the Juvenile Court involving young people between ages 14 and 18 (Figure 6, page 11). During the five years between 2008 and 2013, the number of youthful offender cases stabilized or declined; however, subsequent to the raised age of Juvenile Court jurisdiction, the number of cases rose in SFY 2014. In SFY 2014 and 2015, the number of cases rose 50% and 43%, respectively from the preceding year, and leveled off in 2016. In 2017, youthful offender cases declined 31%. Males accounted for the

<sup>8</sup> <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVII/Chapter119/Section52>

overwhelming majority of individuals in cases seen before the Juvenile Court (97%),<sup>9</sup> not unlike the other data previously discussed in this analysis.

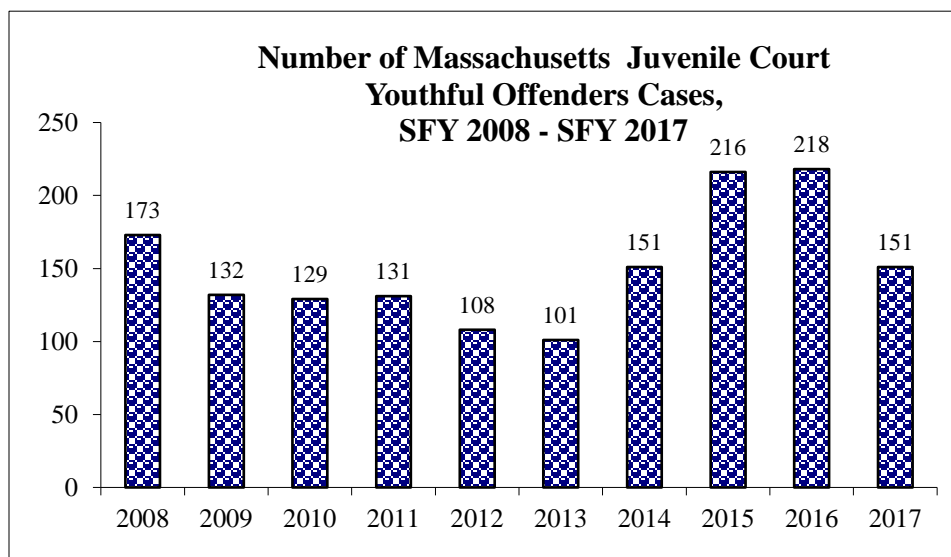


Figure 6. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.  
Note: SFY 2012 data for Essex County Juvenile Court on the total number of youthful offender cases is unavailable and was excluded from this analysis.

In SFY 2017, the Juvenile Court divisions in Essex and Suffolk counties together accounted for over half of the youthful offender cases in the Commonwealth (54%). The top five counties with the most youthful juvenile offender cases in descending order – Essex, Suffolk, Norfolk, Hampden, and Worcester – comprise 82% of the youthful offender cases in the Commonwealth (Figure 7, page 12). These five counties contain eight of the ten most populous municipalities across the state, which likely contributes to these findings.<sup>10</sup> Another factor might be county differences in the exercise of prosecutorial discretion to indict juveniles as youthful offenders.

<sup>9</sup> Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.

<sup>10</sup> Population data for 2010 was obtained from the U.S. Census Bureau. The eight most populous cities within the top five counties are: Lynn (Essex County), Boston (Suffolk County), Quincy (Norfolk County), Springfield (Hampden County), and Worcester (Worcester County).

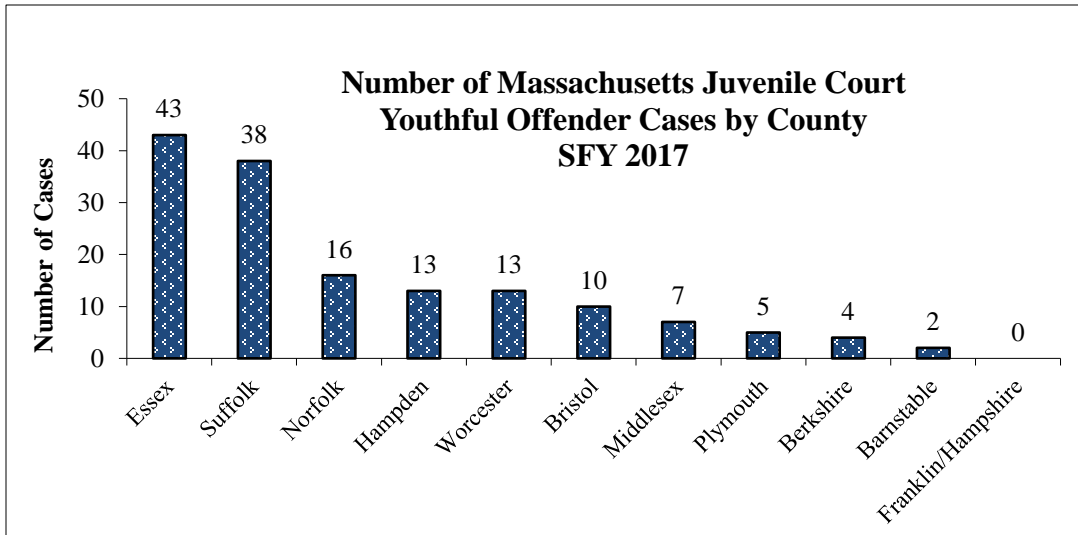


Figure 7. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018. Note: Barnstable County includes the Town of Plymouth, and Dukes and Nantucket Counties.

Examining the race/ethnicity of individuals charged as a youthful offender in SFY 2017, Hispanic youth account for 43% of the cases, followed by Black/African American youth (35%), White youth (20%), and Other (2%).<sup>11</sup> Figure 8 below reflects that minority youth comprise the majority of youthful offender cases in many of the counties. This is especially true for the counties of Middlesex (100%) and Plymouth (100%).

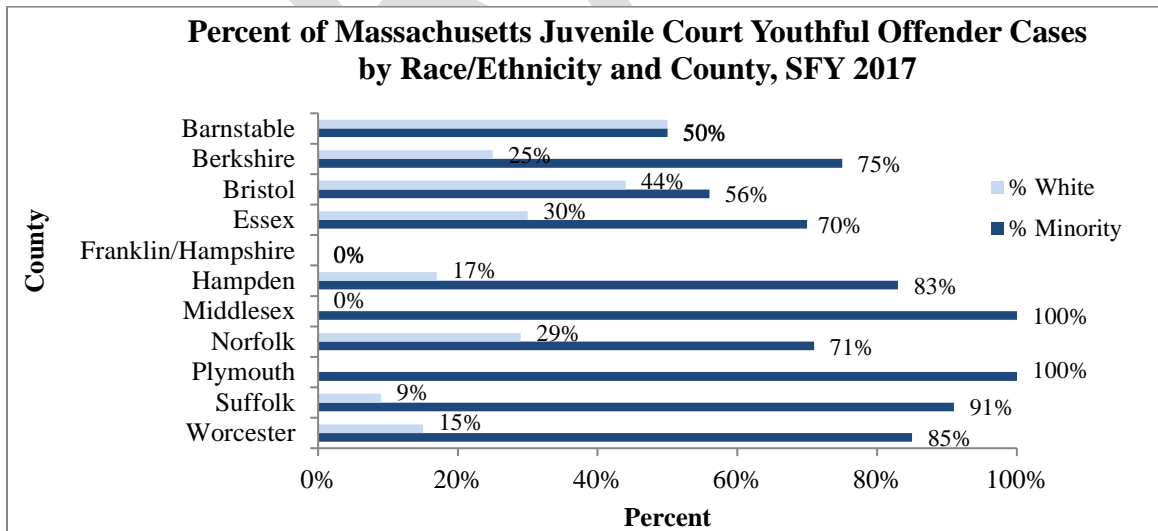


Figure 8. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.

Note: Barnstable County includes the Town of Plymouth, and Dukes and Nantucket Counties.

<sup>11</sup> The race/ethnicity of individuals charged as Youthful Offenders is known in 136 of the 151 cases (90%).

## **Child Requiring Assistance (CRA)**

In November 2012, Chapter 240 of the Acts and Resolves of 2012 amended the language in Massachusetts General Laws Chapter 119, §21 to replace the phrase Child in Need of Services (CHINS) with the term “Child Requiring Assistance.” A CRA is defined as a child between the ages of 6 and 18 who meets at least one of the following five criteria: (i) repeatedly runs away from the home of the child's parent, legal guardian or custodian; (ii) repeatedly fails to obey the lawful and reasonable commands of the child's parent, legal guardian or custodian, thereby interfering with their ability to adequately care for and protect the child; (iii) repeatedly fails to obey the lawful and reasonable regulations of the child's school; (iv) is habitually truant; or (v) is a sexually exploited child (MGL, Chapter 119, §21).

CRA applications are filed to initiate the process of providing services to minors. Figure 9 on page 14, displays the ten-year trends of CHINS and CRA cases before the Juvenile Courts. In SFY 2017, a total of 5,387 CRA applications were issued exclusively through the Juvenile Court. The number of applications for children requiring assistance steadily declined each year since SFY 2008 falling to a low level in 2013, a 36% drop from the peak in 2008.<sup>12</sup> This period of decline reversed in SFY 2014 with CRA applications increasing 4% from the previous year and 5% from SFY 2014 to SFY 2015; however in SFY 2016, CRA applications declined 7% from the prior year, and continue to decline in SFY 2017 (6%). Of the CRA applications before the Juvenile Court in SFY 2017, males represent more than half (55%)<sup>13</sup> of the youth. The race/ethnicity demographics include 42% White youth, 35% Hispanic youth, 20% Black/African American youth and 2% Other.<sup>14</sup>

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<sup>12</sup> Note: SFY 2012 data for Essex County Juvenile Court and Norfolk County Juvenile Court on the total number of CHINS petitions issued is unavailable and was excluded from this analysis.

<sup>13</sup> The gender of youth appearing before the Juvenile Court in CRA cases is known in 4,644 of the 5,387 cases (86%).

<sup>14</sup> The race/ethnicity of youth appearing before the Juvenile Court in CHINS and CRA cases is known in 3,754 of the 5,387 cases (70%). Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.

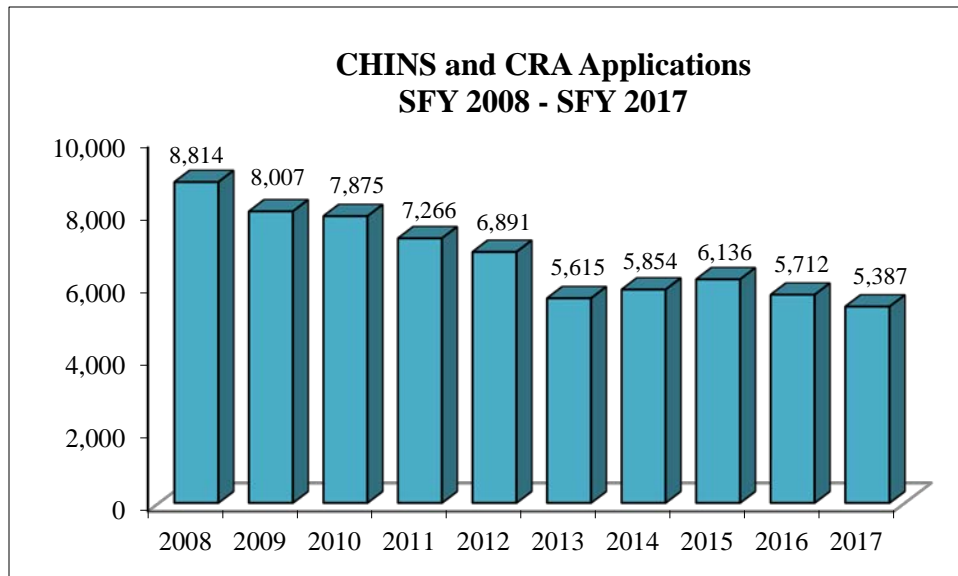


Figure 9. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.

### **(3) Formal Juvenile Court cases (by gender and race), Care and Protection Cases.**

This section describes youth whose cases are handled formally, through both risk/need probation supervision and care and protection cases.

#### **Probation**

“The Massachusetts Probation Service’s mission is to increase community safety, support victims and survivors, and assist individuals and families in achieving long term positive change.”<sup>15</sup> The Commonwealth of Massachusetts has a long history of promoting supervised release in the community, when appropriate, instead of imposing a jail or prison sentence. In April 1878, the first probation statute in the United States was passed by the Massachusetts Legislature establishing a State probation system and sanctioning probation officers.

Risk/need probation applies to all felony, misdemeanor and delinquency cases where supervision is ordered by the Juvenile Court, with the exception of cases related to driving under the influence or where administrative supervision is ordered. Risk/need probation is exercised in cases where supervision may benefit the juvenile while also mitigating the risk the individual

<sup>15</sup> <http://www.mass.gov/courts/court-info/probation/>

may pose to the community; this determination is made utilizing an assessment tool<sup>16</sup> and classification process.<sup>17</sup>

The number of new risk/need probation cases decreased 10% in the one-year period between calendar year 2016 (930) and 2017 (836) and dropped 81% over the ten-year period from 2008 (4,336) to 2017 (836) (Figure 10).

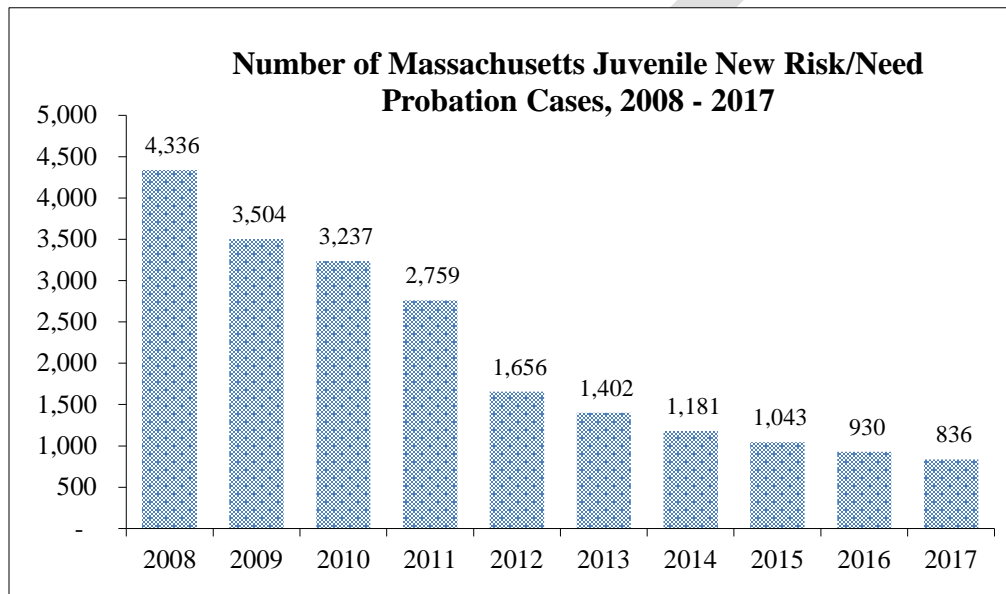


Figure 10. Source: Office of the Commissioner of Probation, Research Department, 2018.

For the past ten years, despite an overall downward trend in the total number of juveniles on new risk/need probation, males consistently represent more than three-quarters of all such youth (Figure 11, page 16). The number of cases for males and females on risk/need probation were highest at the beginning of the ten-year period, and declined steadily to a ten-year low of 662 and 174, respectively.

<sup>16</sup> OCP adopted the Ohio Risk Assessment System (ORAS), a validated risk and need assessment tool. Accessed on May 24, 2016. <http://www.drc.ohio.gov/web/oras.htm>.

<sup>17</sup> From the ORAS Statement of Purpose in Standards: The purpose of the Risk/Need Classification System and Probation Supervision is to implement a planned methodology for the assessment and supervision of the probationer to promote law-abiding behavior in the community and to reduce recidivism. Information provided by the OCP to EOPSS for Results First program definitions, May 27, 2014.



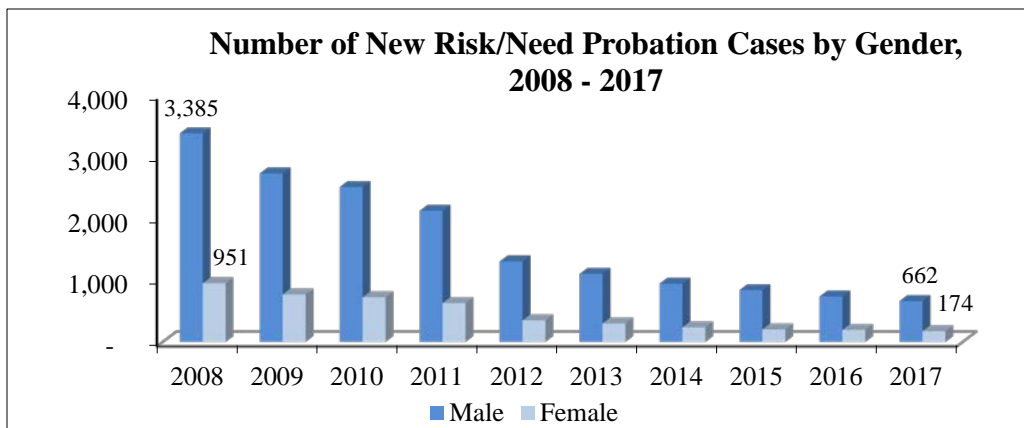


Figure 11. Source: Office of the Commissioner of Probation, Research Department, 2018.

In addition to the overrepresentation of males in new risk/need probation placements, minority youth accounted for just under half of the risk/need probation placements in 2016, although they make up less than one quarter of the state’s population (Figure 12).<sup>18</sup>

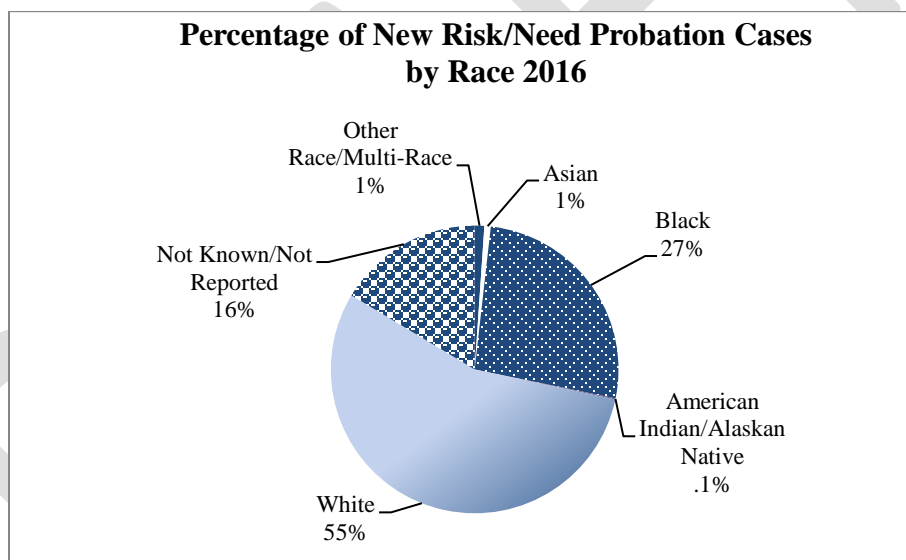


Figure 12. Source: Office of the Commissioner of Probation, Research Department, 2018.

The percentage of minority<sup>19</sup> youth placed on risk/need probation, as a percentage of the total risk/need population, fluctuated over the past ten years, from a baseline of 47% in 2008 to 52% in 2015, and declining to 45% in 2017 (Figure 13, page 17).

<sup>18</sup> 2015 Census estimates for Massachusetts indicate that white persons comprise 79.6% of the total population within the Commonwealth.

<sup>19</sup> The race and ethnicity data variables were separated in an update of the Trial Court’s data collection system in accordance with federal guidelines. Data on Hispanic probationers is no longer captured in the race variable and can instead be found in the ethnicity variable.

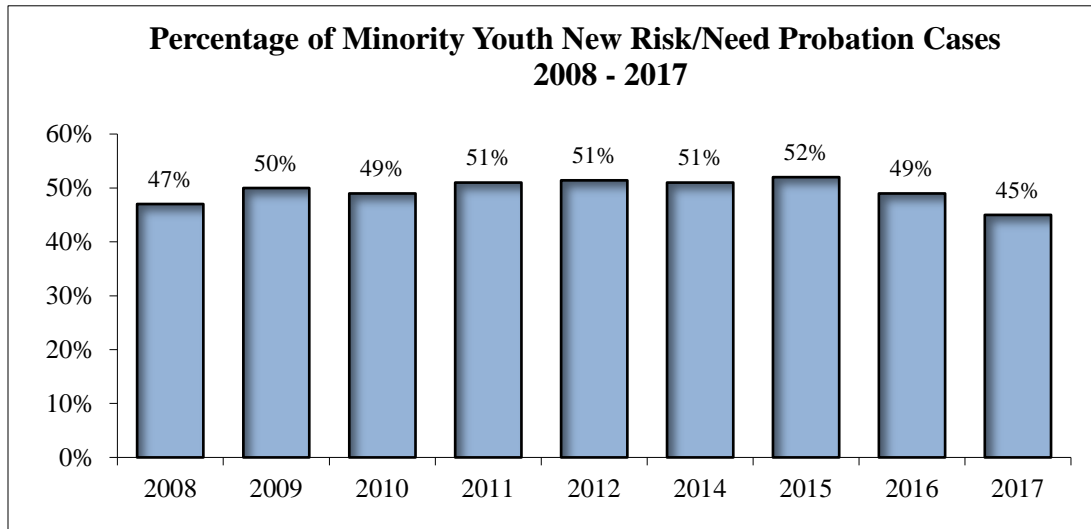


Figure 13. Source: Office of the Commissioner of Probation, Research Department, 2018.

### Juvenile Court Care and Protection Cases

Care and Protection cases in Massachusetts are heard in the Juvenile Court.<sup>20</sup> The following characteristics unique to the of care and protection proceedings of children are found in Massachusetts General Laws, Chapter 119, Section 26:

- If the court finds the allegations in the Care and Protection petition proved, it may adjudge that the child is in need of care and protection.
- If the child is adjudged to be in need of care and protection, the court may commit the child to the custody of DCF until he becomes an adult or until the objective of his commitment has been accomplished.
- The Court may also make any other appropriate order, including permitting the child to remain with a parent, guardian or other custodian, or transferring temporary or permanent legal custody to:
  - a) any person, including the child's parent, who is found by the court to be qualified to give care to the child,
  - b) any agency or other private organization licensed or otherwise authorized to receive and care for the child, or
  - c) DCF.

<sup>20</sup> The Court Reorganization Act of 1992 authorized the establishment of a statewide Juvenile Court. The Juvenile Court Department has general jurisdiction over the following cases: delinquency, child requiring assistance, care and protection petitions, adult contributing to the delinquency of a minor, adoption, guardianship, termination of parental rights proceedings, and youthful offenders.

In SFY 2017, there were 3,462 Care and Protection Petitions in the Juvenile Court, a decline of 10% from the previous year (Figure 14).<sup>21</sup> The Care and Protection Petitions involved 5,573 children.

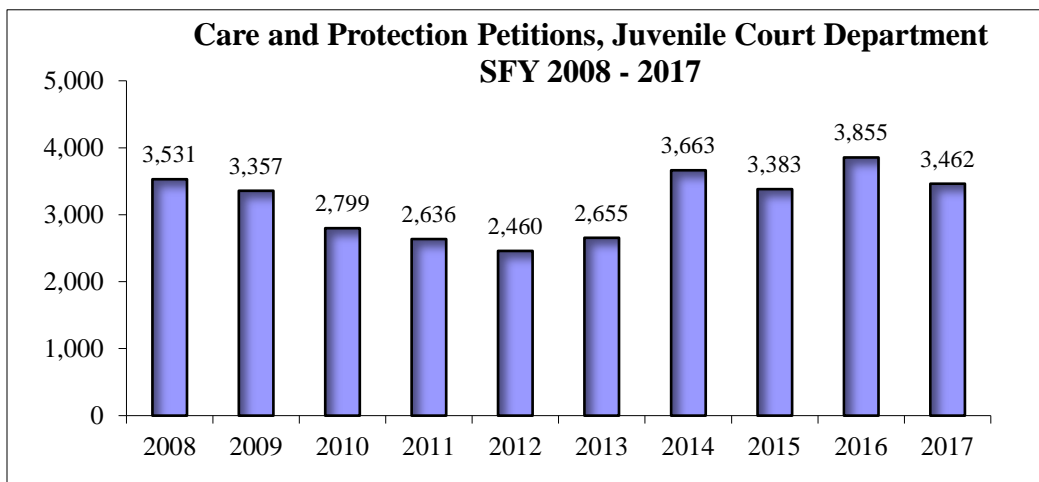


Figure 14. Executive Office of the Trial Court, Department of Research and Planning, *Case Filings and Demographics of Selected Case Types*, March 9, 2018.

**(4) Department of Youth Services: commitments, secure detentions, alternative lockup program and recidivism study (by gender, race and offense category).**

Massachusetts has the distinction of establishing the nation’s first juvenile correctional system in 1846 when it opened the Massachusetts State Reform School in Westborough.<sup>22</sup> When youth are “committed to DYS” it means that they are adjudicated as a delinquent child on a complaint or as a youthful offender on an indictment, and will be in the legal custody of DYS until either age 18, 19 or 21. Once adjudicated delinquent and committed to DYS, he or she is usually committed until age 18. If the case is not disposed of until after the youth turns 18, he or she is committed until age 19. If charged as a youthful offender, he or she could be committed

<sup>21</sup> "Delinquency complaints" in Juvenile Court represent the same data point as "juvenile charge" in District Court. For the purposes of this report, "delinquency complaints" includes both delinquency complaints and juvenile charges. The Court Reorganization Act exempted the Brookline District Court and Gloucester District Court from relinquishing jurisdiction to the Juvenile Court Department.

<sup>22</sup> Department of Youth Services, *History of Youth Services*, Online, Available: <https://www.mass.gov/service-details/dys-juvenile-justice-legal-issues>

until age 21.<sup>23</sup> “Committed to DYS” does not necessarily mean in the physical custody of DYS and living in a DYS facility. The continuum of care for a juvenile who is committed to DYS is: Assessment, Residential Phase, Hardware/Secure Treatment, Staff Secure Treatment, Community Supervision, and Discharge.<sup>24</sup>

### Commitments

In 2018, the DYS committed population totaled 593 youth,<sup>25</sup> 300 of which are new DYS commitments. The number of individuals in the total DYS population on January 1, 2018 represents a decrease of 64% from the high of 1,637 on January 1, 2009 (Figure 15).

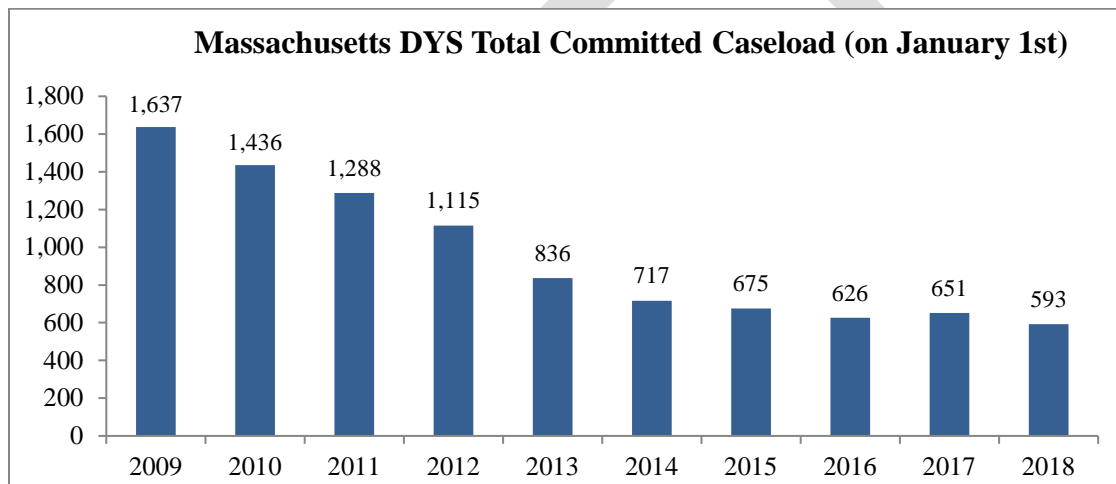


Figure 15. Massachusetts Department of Youth Services, Research Department, 2018.

The majority of the DYS committed population on January 1, 2018 is male (88%). However, the number of males in the DYS committed population on January 1, 2018 is 63% lower than at its high in January 2009 (1,398). The number of females in the DYS committed population on January 1, 2018 is 69% lower than at its peak in January 2009 (239) (Figure 16, page 20). The reduction in the committed population may be attributed to the DYS “service

<sup>23</sup> Massachusetts General Law, Chapter 119, Section 58.

<sup>24</sup> In 2009, DYS implemented the Community Service Network model, a progression of the community supervision model utilized successfully by the department for the past decade. A significant change with the new model is a return to a case management team format to deliver services to DYS youth in a specific geographic area or district rather than within a day reporting center. DYS, 2009 Annual Report, March 2011.

<sup>25</sup> This is a point-in-time count on January 1, 2018.

continuum that engages youth, families and communities in strategies that support positive youth development”.<sup>26</sup>

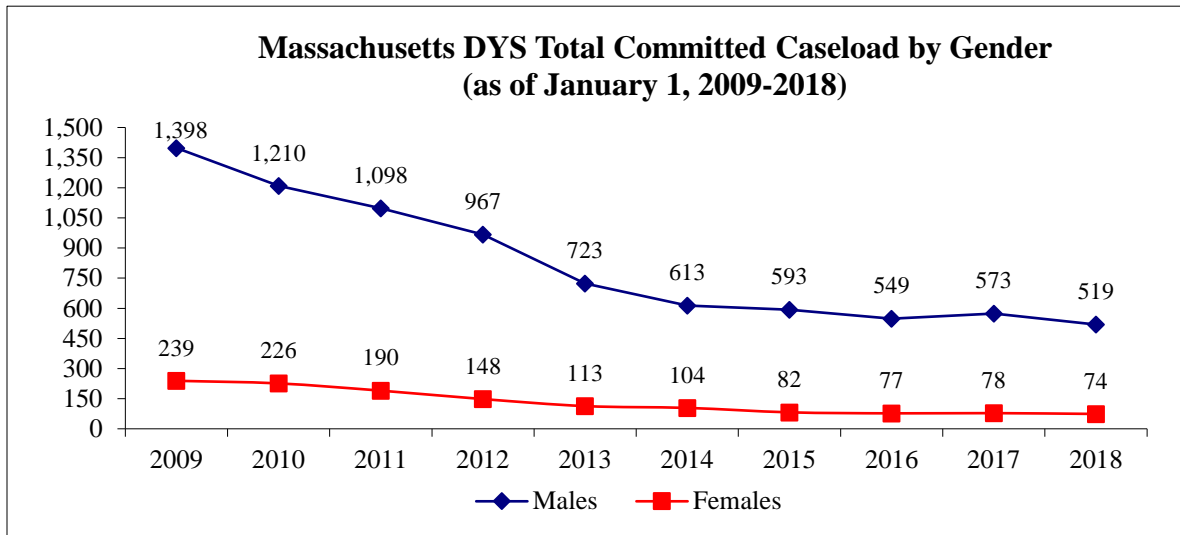


Figure 16. Massachusetts Department of Youth Services, Research Department, 2018.

Minority youth are overrepresented in the DYS total committed population in 2018 when compared to the Massachusetts population<sup>27</sup> of minority youth (15%) in 2016;<sup>28</sup> 81% of DYS committed youth in 2018 are a minority (33% African American, 44% Hispanic, 0.3% Asian, and 4% of some other race/ethnicity)<sup>29</sup> (Figure 17, page 21). The percentage of African American youth committed to DYS declined from 37% in 2017 to 33% in 2018. Conversely, Hispanic youth committed to DYS rose from 38% in 2017, to 44% in 2018.

<sup>26</sup> Department of Youth Services 2015 Annual Report, December 2016. <http://www.mass.gov/eohhs/docs/dys/dys-annual-report-2015.pdf>

<sup>27</sup> For comparison with the DYS committed population, the Massachusetts youth population is defined as ages 13-20.

<sup>28</sup> Puzanchera, C., Finnegan, T. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2016" Online. Available: [https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile\\_selection.asp](https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile_selection.asp)

<sup>29</sup> Includes only DYS committed youth ages 13-20.

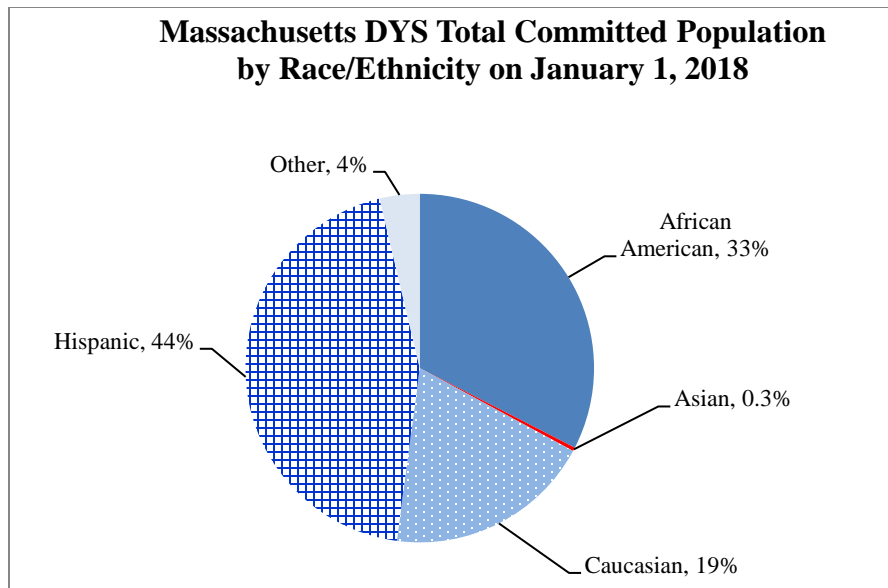


Figure 17. Massachusetts Department of Youth Services, Research Department, 2018.

On January 1, 2018, the DYS committed population included individuals between the ages of 13 and 20. More than half are ages 16 and 17 (53%) (Table 3).

**Table 3. DYS 2018 Total Committed Population by Age**

Age	Total #	Total %
Age 13	3	0.5%
Age 14	10	1.7%
Age 15	40	6.7%
Age 16	94	15.9%
Age 17	223	37.6%
Age 18	89	15.0%
Age 19	61	10.3%
Age 20	73	12.3%
<b>Total</b>	<b>593</b>	<b>100%</b>

Source: Massachusetts Department of Youth Services, Research Department, 2018.  
Note: this is the age at the time of commitment.

Ninety-four percent (94%) of the committed population from Suffolk County are minority youth (n=104), yet they represent 27%<sup>30</sup> of that county's population.<sup>31</sup> Similarly, of the youth from Hampden County committed to DYS, 90% are a minority (n=88); however, they comprise

<sup>30</sup> For comparison with the DYS committed population, the Suffolk and Hampden Counties' youth population is defined as ages 13-20.

<sup>31</sup> Puzanchera, C., Finnegan, T. and Kang, W. (2014). "Easy Access to Juvenile Populations: 1990-2016" Online. Available: <http://ojjdp.gov/ojstatbb/ezapop>

one-third (33%) of the county’s population. It is important to note that the City of Boston, which is the most populous in the state, is in Suffolk County, and Springfield, the third most populous city is in Hampden County (Figure 18).

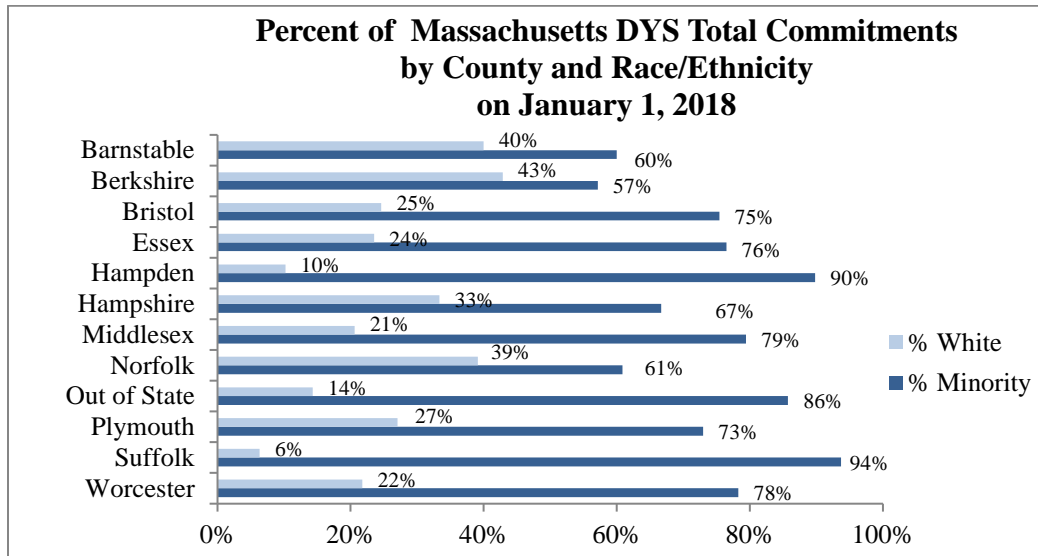


Figure 18. Massachusetts Department of Youth Services, Research Department, 2018.

The number of new DYS commitments decreased the first half of the ten-year period, then fluctuated during the second half. There was a sharp decline of 35% in 2012 from the prior year, followed by fluctuating numbers. Overall, the number of new DYS commitments fell 59% over the ten-year period (Figure 19).

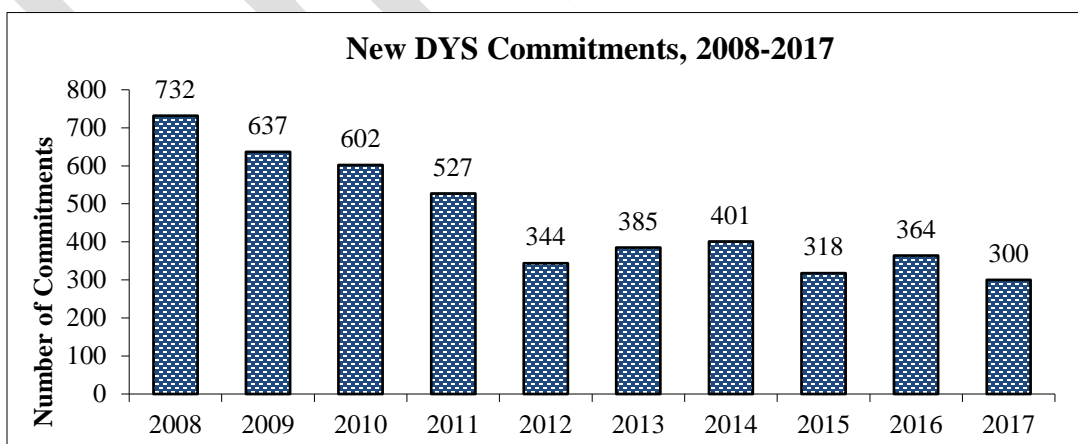


Figure 19. Massachusetts Department of Youth Services, Research Department, 2018.

In 2017, three-quarters (75%) of new commitments to DYS are minority youth (Figure 20).

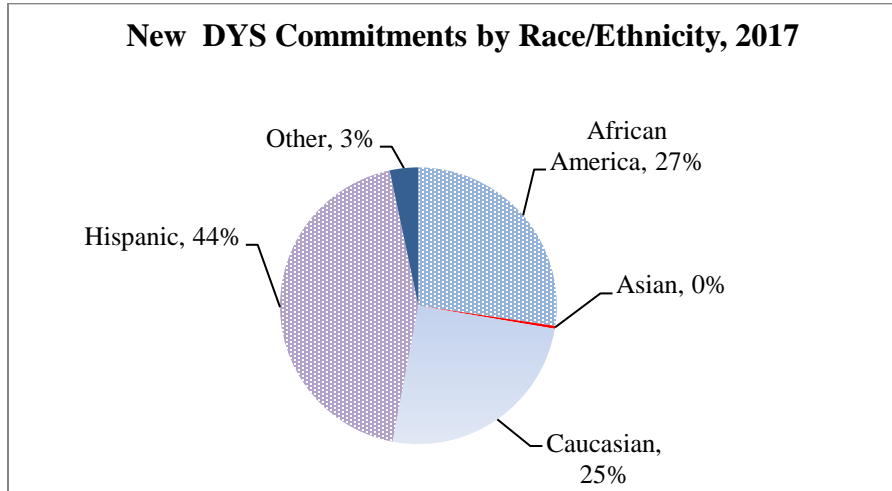


Figure 20. Massachusetts Department of Youth Services, Research Department, 2018.

In 2017, over half (52%) of the new DYS commitments are from Suffolk, Essex, and Worcester counties (Figure 21).

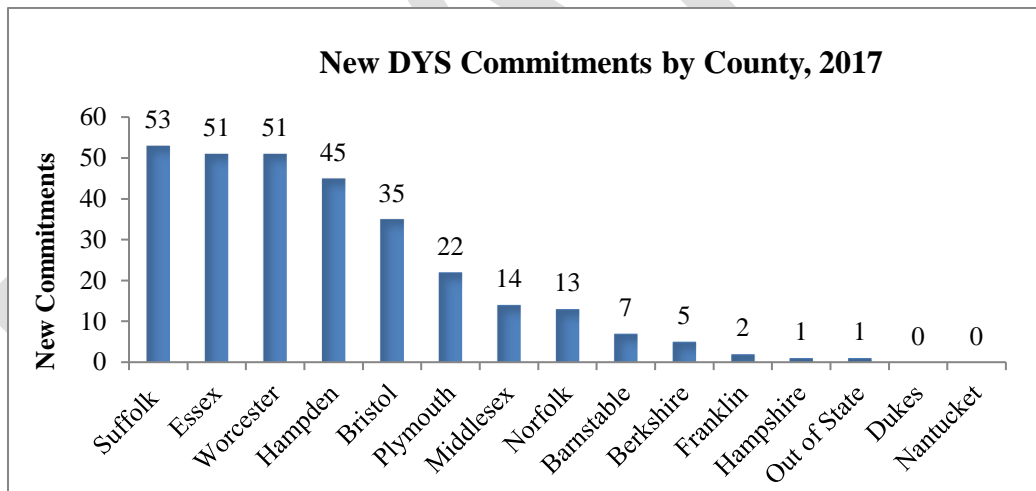


Figure 21. Massachusetts Department of Youth Services, Research Department, 2018.

In 2017, 42% of newly committed DYS youth are for crimes against persons (n=126), representing a 25% decrease from the previous year. Crimes against persons is followed by 23% for property-related offenses (n=69), a 9% decline from 2016 (Figure 22, page 24).



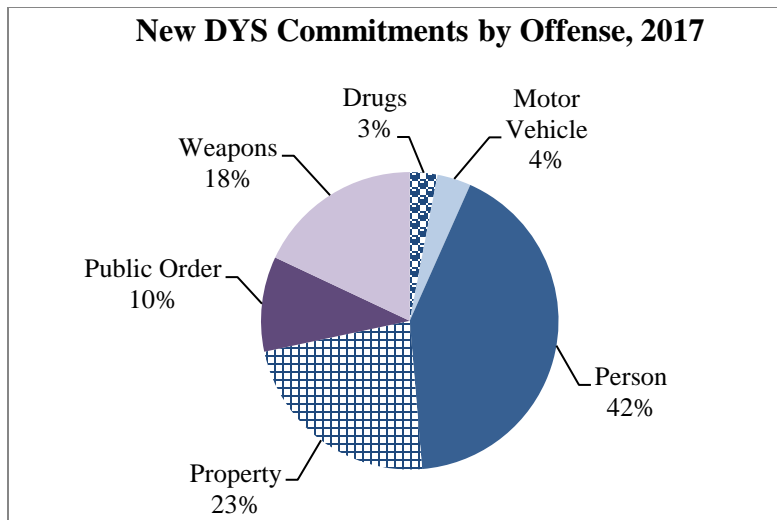


Figure 22. Source: Massachusetts Department of Youth Services, Research Department, 2018.

### Secure Detention

Ideally, detention should be used for youth who are unlikely to appear in court if released or they have committed a certain serious offense and present a danger to others and the community. The Commonwealth is actively working to minimize the use of detention through JDAI.<sup>32</sup> The four strategic goals are:

1. Reduce detention rates of low-risk youth;
2. Identify opportunities to reduce lengths of stay in detention through case processing reforms;
3. Reduce racial and ethnic disparities; and,
4. Replicate JDAI with fidelity at the local level.

Despite the Commonwealth’s efforts to minimize the use of detention through JDAI, many low-level offenders, who are often Hispanic and African-American, are placed in detention. Secure detention does more harm than good particularly for those youth who are held for minor or nonviolent offenses. Detention further impedes a youth’s healthy development,

<sup>32</sup> *The Juvenile Detention Alternative Initiative (JDAI) in Massachusetts works to ensure that “the right youth, is in the right place, for the right reasons.”* Accessed on 3/22/17 <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/jdai/jdai-work-plans-and-goals.html>

educational progress, and is likely to result in increased criminal activity and recidivism.<sup>33</sup> For example detained youth:

- Have a suicide rate 2-4 times that of youth in the community;
- Are 19% less likely to graduate than non-incarcerated youth;
- Are 13.5 times more likely to return to the juvenile justice system in the future; and
- Are 3 times more likely to be committed than a youth who remained in the community pending the outcome of their case.<sup>34</sup>

According to DYS, in 2017 there are 1,408 juveniles sent to pre-trial detention.<sup>35</sup> The number of pre-trial detention admissions in 2017 declined 24% from the previous year and is 75% lower than the high of 5,562 in 2003 (Figure 23). The average daily number of youth held in pre-trial detention decreased from a high of 289 in 2003 to 122 in 2013, increased to 180 in 2015, and dropped to 172 and 154 in 2016 and 2017, respectively.<sup>36</sup>

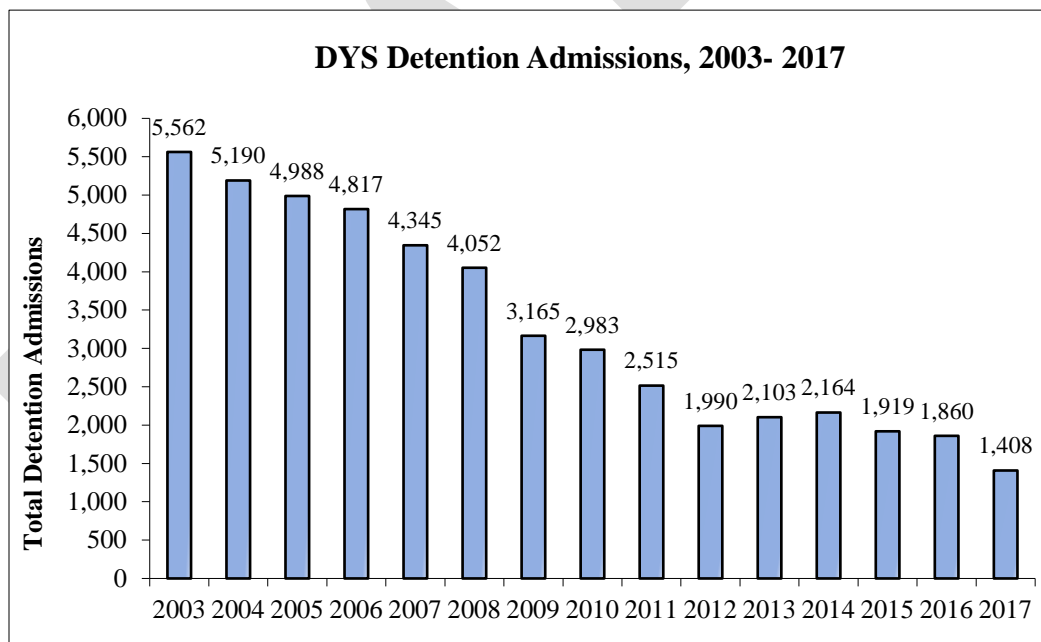


Figure 23. Massachusetts Department of Youth Services, Research Department, 2018.

<sup>33</sup> The Annie E. Casey Foundation. *Juvenile Detention Alternatives Initiative Progress Report, 2014*. Accessed on 3/31/17 <http://cms.aecf.org/m/resourcedoc/aecf-2014JDAIPROGRESSREPORT-2014.pdf#page=5>

<sup>34</sup> JDAI Research and Policy Series, *Detention: Research, Utilization and Trends*, Accessed on 4/24/2018. <http://www.mass.gov/eohhs/docs/dys/jdai/dangers-of-detention-brief.pdf>

<sup>35</sup> Not including juveniles previously committed to DYS custody.

<sup>36</sup> Massachusetts Department of Youth Services, Research Department, 2018.

Similar to the DYS committed population minority youth are also overrepresented in the 2017 DYS detainee population. Minority youth comprise 70% of all DYS detentions, as follows: 39% Hispanic, 28% African American, 1% Asian, and 2% youth of some other race/ethnicity (Figure 24). The percentage of Hispanic and African American youth held in detention is unchanged from 2016.

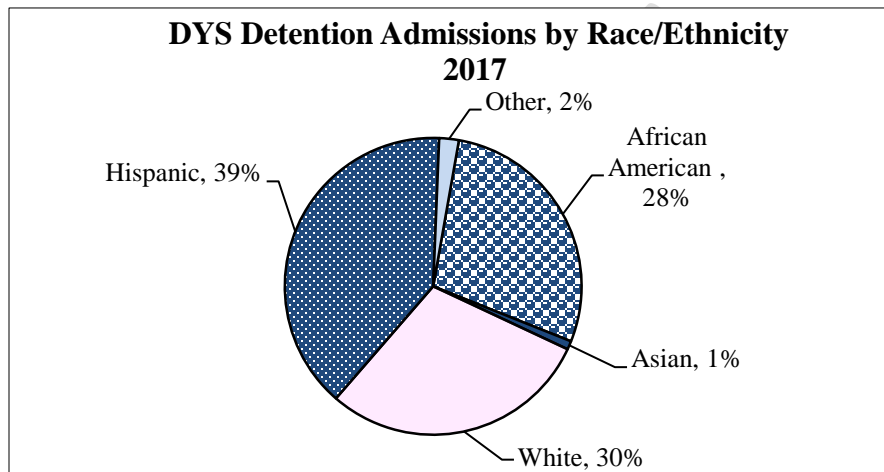


Figure 24. Massachusetts Department of Youth Services, Research Department, 2018.

In 2017, Suffolk, Worcester, and Hampden counties have the largest number of youth held in pre-trial detention, accounting for over half (52%) of the DYS detainee population (Figure 25).

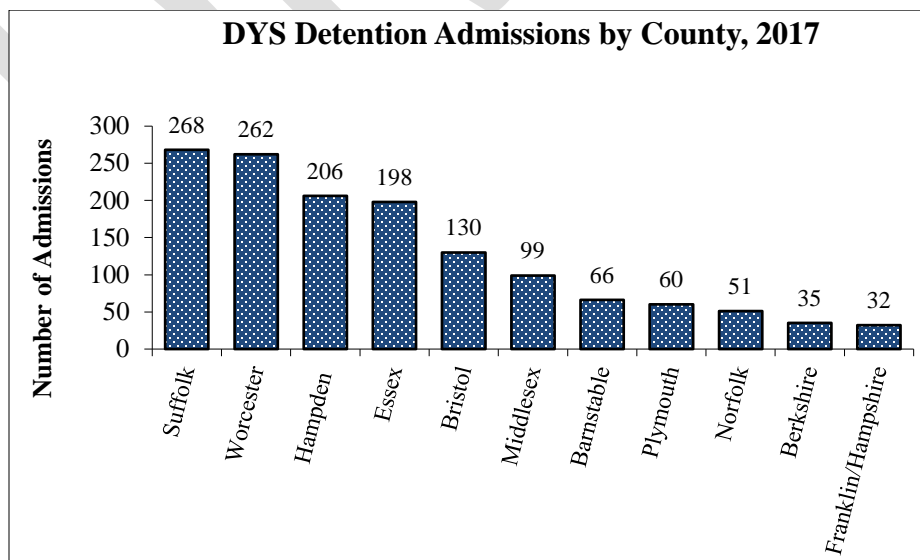


Figure 25. Massachusetts Department of Youth Services, Research Department, 2018.  
Note: Chart does not include three out-of-state detentions and 45 unknowns.

The daily average in 2017 is 121 males and 24 females held in pre-trial detention across Massachusetts.<sup>37</sup> Males are consistently overrepresented in detention placements with 83% of the average daily secure detention placements in 2017 (Figure 26).

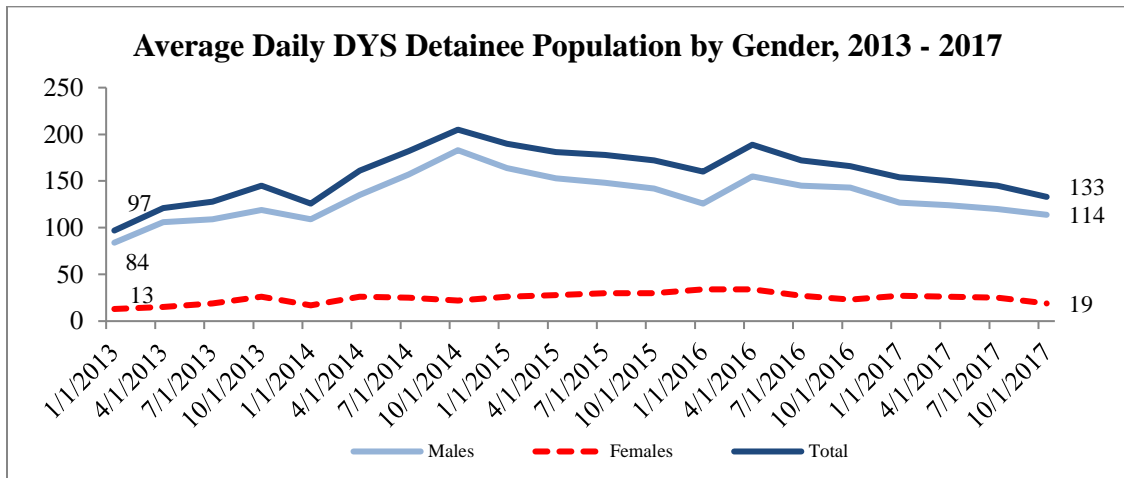


Figure 26. Massachusetts Department of Youth Services, Research Department, 2018.

Over half (54%) of the DYS pretrial detention population in 2017 are held for crimes against persons, followed by 21% in pretrial detention for property offenses (Figure 27).

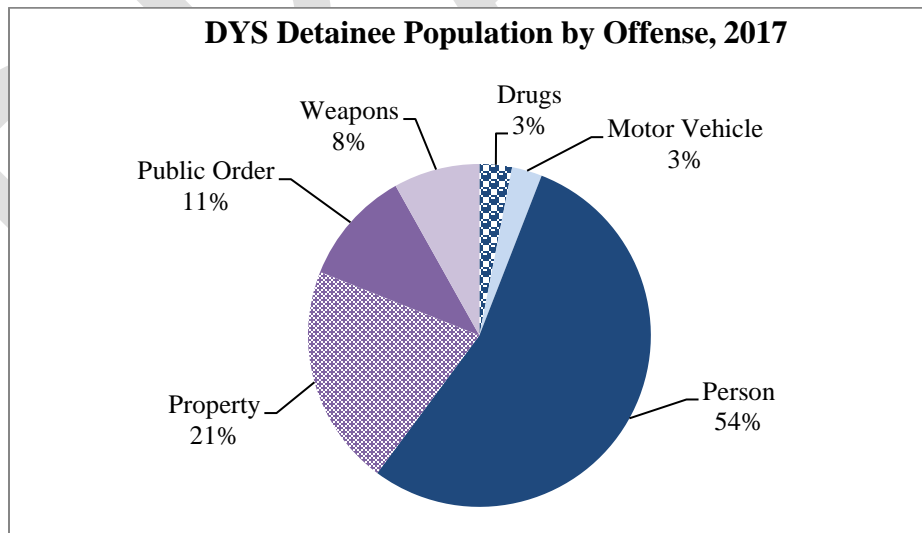


Figure 27. Massachusetts Department of Youth Services, Research Department, 2018.

<sup>37</sup> One-day counts received from DYS on March 5, 2018.

## Overnight Arrest Program

The Overnight Arrest Program, formerly known as the Alternative Lockup Program (ALP),<sup>38</sup> is designed to relieve police departments of the burden of caring for alleged juvenile delinquents (children under 18 years of age) during non-court hours. The Overnight Arrest Program safeguards that no juvenile will be detained in a police lockup for longer than the federally mandated six-hour time limit.

In 2017, Hispanic youth had the highest number of admissions (37%) to the Overnight Arrest Program followed by Caucasian and African American youth, 30% and 29%, respectively (Figure 28).

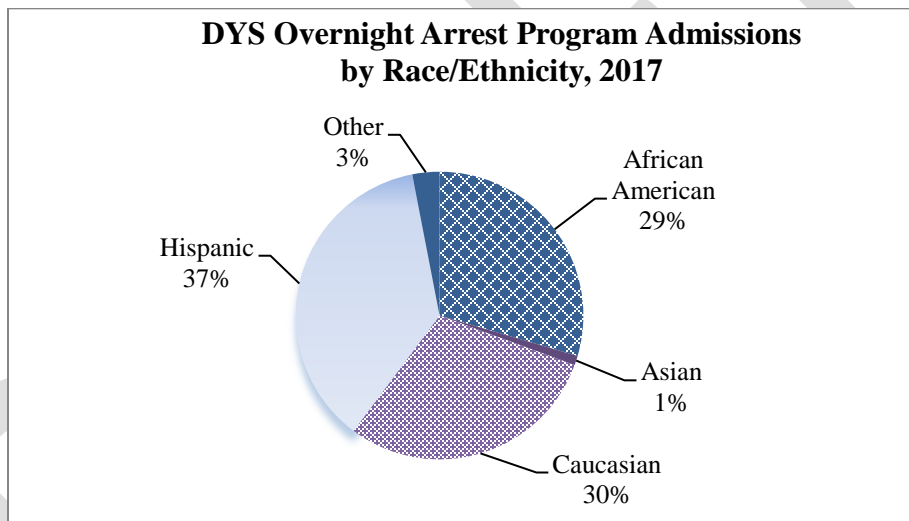


Figure 28. Massachusetts Department of Youth Services, Research Department, 2018.

The majority of youth admitted to the Overnight Arrest Program in 2017 were between 14 and 17 years of age (94%). Youth 17 years of age were the largest group admitted to the Overnight Arrest Program (33%), and is attributed to 2013 legislation that increased the age of Juvenile Court jurisdiction from 16 to 17 (Table 4, page 29).

<sup>38</sup> The Alternative Lockup Program (ALP) was changed to the Overnight Arrest Program in July 2017.

**Table 4. Overnight Arrest Program Admissions by Age 2017**

Age	Total	Percent
10	1	0.1%
11	3	0.2%
12	13	0.9%
13	65	4.6%
14	160	11.3%
15	305	21.6%
16	391	27.7%
17	470	33.3%
18	4	0.3%
<b>Total</b>	<b>1,412</b>	<b>100%</b>

Source: Massachusetts Department of Youth Services, Research Department, 2018.

Of the number of youth admitted to an Overnight Arrest Program, 51% are charged with crimes against persons, followed by property offenses (19%) and public order offenses (14%) (Figure 29).

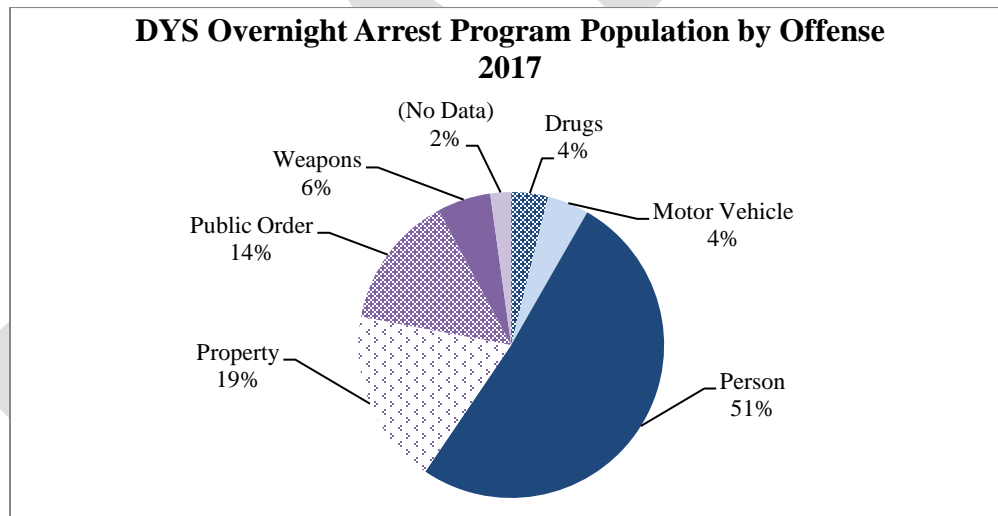


Figure 29. Massachusetts Department of Youth Services, Research Department 2018.

### **Recidivism: for DYS Youth Discharged During 2013**

Reentry into the community after being either committed to DYS or after being released from a secure or non-secure placement can be difficult for young people in Massachusetts. The latest recidivism<sup>39</sup> data from DYS is from a cohort of 357 former clients of DYS, discharged

<sup>39</sup> Recidivism is defined as a conviction in the adult system for an offense committed within one year of discharge from DYS.

during 2013.<sup>40</sup> Of the sample studied, 56% were arraigned (n=201) and 26% (n=94) were convicted of an offense within one year of discharge. The one-year conviction rate was slightly higher for the 2013 compared to the 2012 cohort (22%). Of those convicted, 73 were incarcerated. The re-incarceration rate rose 5% in 2013 compared to the previous year (20% vs. 19%). As depicted in Figure 30, the conviction rate for the 2013 cohort increased 18% from the previous year. As reported in this most recent study, among the subjects who re-offended within one year of discharge, 64% did so within the first six months.

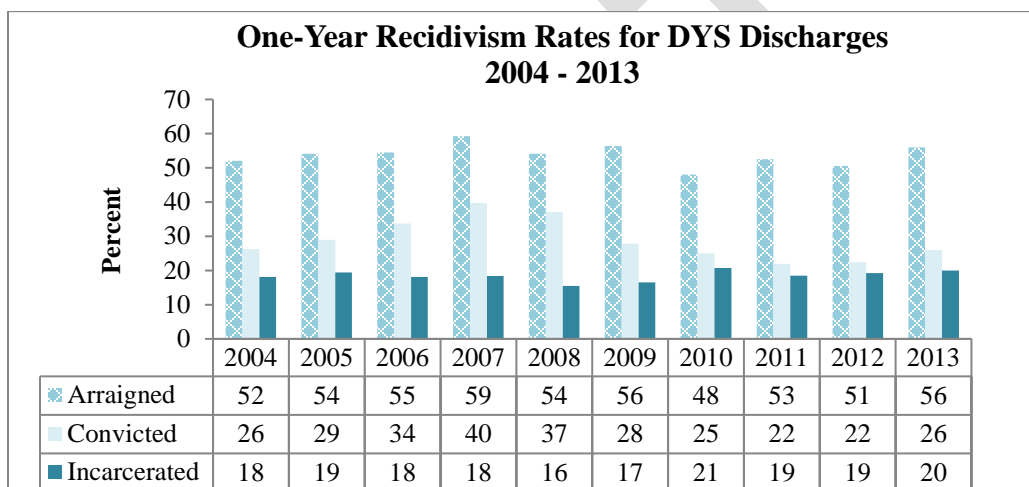


Figure 30. Massachusetts Department of Youth Services, *Juvenile Recidivism Report for Youth Discharged During 2013*. December 4, 2017.

The statistics below highlight the characteristics of individuals convicted within one year:

- **Gender:** 28% of the males and 11% of the females re-offended within one year of discharge.
- **Ethnicity:** 33% of African Americans, 25% of Caucasians, 24% of Hispanics, and 18% of juveniles of other ethnicities were re-convicted for offenses committed within one year of discharge.
- **County:** 36% from Bristol County, 26% from Essex County, 25% from Hampden County, 24% from Suffolk County, and 20% from Worcester County were convicted of a crime within one year of discharge.
- **Offense Type:** 36% of weapons offenders, 27% of offenders who committed a crime against a person, 27% of drug offenders, 22% of property offenders, 23% of public order offenders, and 20% of motor vehicles offenders were convicted of a crime within one year of discharge (Figure 31, page 31).

<sup>40</sup> Massachusetts Department of Youth Services *Juvenile Recidivism Report for Youth Discharged During 2013*, December 4, 2017.

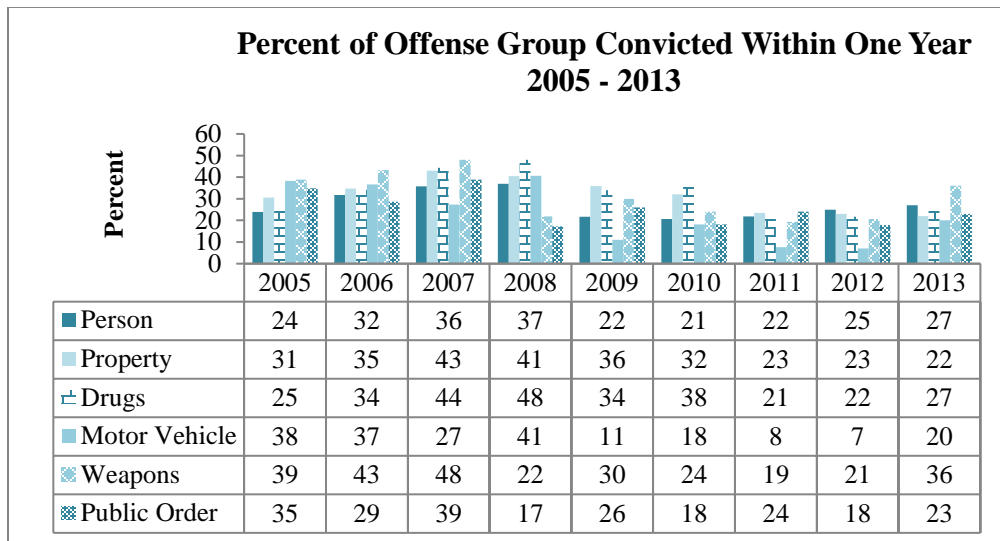


Figure 31. Massachusetts Department of Youth Services, *Juvenile Recidivism Report for Youth Discharged During 2013*. December 4, 2017.

Research has shown that juveniles who start offending before age 12 are more likely to continue offending into early adulthood and have high recidivism rates.<sup>41</sup> Figure 32 shows that DYS youth who were 15 years of age at the time of their first arrest had the highest reconviction rate (32%) of the 2013 cohort, followed closely by youth under the age of 13.

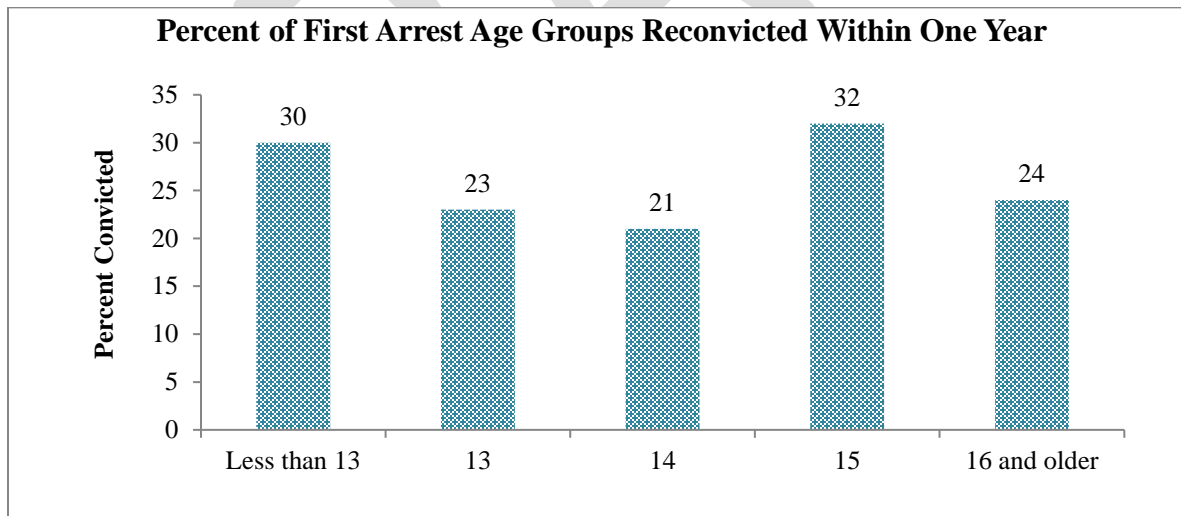


Figure 32. Massachusetts Department of Youth Services, *Juvenile Recidivism Report for Youth Discharged During 2013*. December 4, 2017.

<sup>41</sup> National Institute of Justice, *From Juvenile Delinquency to Young Adult Offending*, Accessed March 11, 2014. Available: <https://www.nij.gov/topics/crime/Pages/delinquency-to-adult-offending.aspx>



## **(5) Other social, economic, legal and organizational conditions considered relevant to delinquency prevention programming.**

There are many risk and protective factors associated with juvenile delinquency. This section gives an overview of the following:

- Child Abuse and Neglect
- Mental Health, Trauma and Delinquency
- School Dropouts and School Exclusions
- Youth Violence and School Safety
- Tobacco and Substance Abuse

### **Child Abuse and Neglect**

Violence is damaging whether one is directly victimized or indirectly exposed. “Explanations for Offending” a report published in May 2014 in Justice Research notes that “youth who experience poor parenting and have harsh, brittle relationships with their parents . . . are likely to have low self-control and therefore relatively high levels of offending at all ages.”<sup>42</sup> This is very disconcerting in light of the results of the National Survey of Children’s Exposure to Violence, published in October 2011, reporting that 11% of children were exposed in some manner to family violence in the past year, including 6.6% of children exposed to intimate partner violence between parents or between a parent and their partner.<sup>43</sup> A report published in July 2004 in the National Institute of Justice Journal confirmed the findings of an earlier study, noting that “children who are physically abused and neglected have an increased risk of arrest for violence....As a whole, the abused and neglected children were 11 times more likely to be arrested for a violent crime as a juvenile...”<sup>44</sup> These research findings are further evidence of the difficulties faced by youth under the care of the DCF and the DYS.

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<sup>42</sup> U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (2014). *Explanations for Offending* (NCJ Publication No. 243975). <https://www.ncjrs.gov/pdffiles1/nij/243975.pdf>

<sup>43</sup> U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (October 2011). *Children’s Exposure to Intimate Partner Violence and Other Family Violence*. <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/248444.pdf>

<sup>44</sup> Johnson, N. E. & Saccuzzo, D. P. (2004). Child Custody Mediation and Domestic Violence. National Institute of Justice Journal, (251), 23. <https://www.ncjrs.gov/pdffiles1/jr000251.pdf>

In Massachusetts, youth receiving services from DCF are more likely to be overrepresented in detention. In 2017, a total of 503 youth were involved with both DCF and DYS (usually referred to as “dual-involved” or “dual-status”).<sup>45</sup> According to a March 2014 report by the non-profit organization Citizens for Juvenile Justice (CfJJ), only 2.4% of Massachusetts children are receiving DCF services.<sup>46</sup> CfJJ conducted a study of youth committed to DYS between 2000 through 2012. Their study found 72% were involved with DCF either prior to or during their involvement with DYS.<sup>47</sup> DYS also reported that 36% of detained youth were dual-involved with DCF (Figure 33).<sup>48</sup>

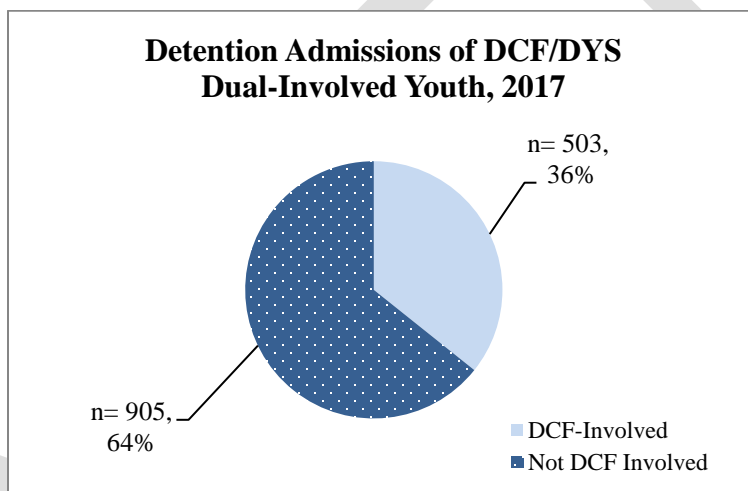


Figure 33. Massachusetts Department of Youth Services CIC Bail Report, 2018.<sup>49</sup>

Minority youth are overrepresented in the percentage (65%) of DYS/DCF dual-involved youth (Figure 34, page 34). The CfJJ study found, when compared to the overall DCF

<sup>45</sup> Citizens for Juvenile Justice, *Missed Opportunities: Preventing Youth in the Child Welfare System from Entering the Juvenile Justice System*, September 2015, <http://www.cfjj.org/pdf/MissedOpportunities2015.pdf>. Accessed March 30, 2017.

<sup>46</sup> Citizens for Juvenile Justice, (March 2014) “*Unlocking Potential: Addressing the Overuse of Juvenile Detention in Massachusetts.*” <http://www.cfjj.org/unlockingpotential.php> Accessed March 30, 2017.

<sup>47</sup> Citizens for Juvenile Justice, (September 2015) *Missed Opportunities: Preventing Youth in the Child Welfare System from Entering the Juvenile Justice System*, <http://www.cfjj.org/pdf/MissedOpportunities2015.pdf>. Accessed March 30, 2017.

<sup>48</sup> Massachusetts Department of Youth Services, Research Department, 2018.

<sup>49</sup> The CIC stands for Communication & Information Center. Staffed 24/7, it receives and makes calls about DYS-related events in real time, and it also collects and stores information. The Bail Report is an Excel spreadsheet that is filled out by the regional Detention Coordinators and emailed to the CIC.

population, dual-involved youth were disproportionately male (82% v. 50%), and disproportionately black or Latino (60% v. 39%).<sup>50</sup>

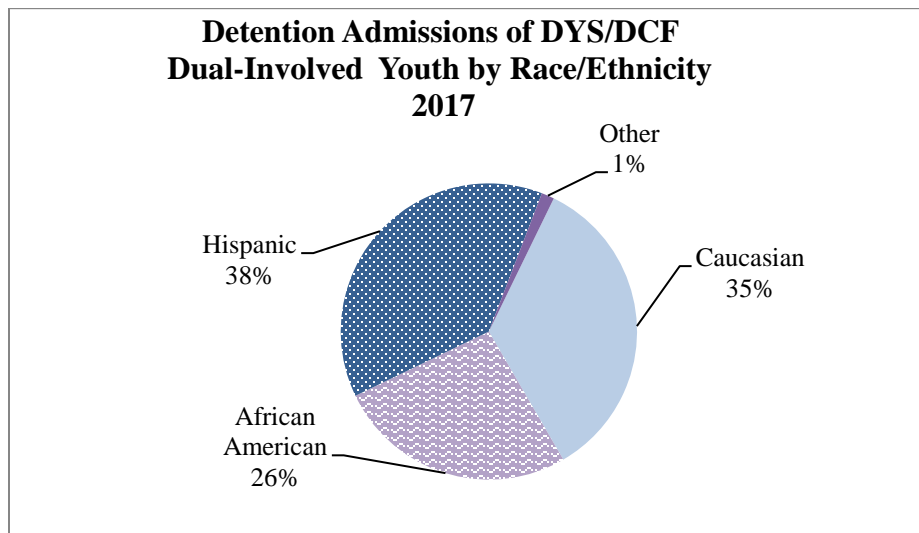


Figure 34. Massachusetts Department of Youth Services CIC Bail Report, 2018.

### **Mental Health, Trauma and Delinquency**

Over the past two decades, practitioners have become increasingly more cognizant and concerned about the relationship between mental illness and youth involved in the juvenile justice system. A 2006 study by the National Center for Mental Health and Juvenile Justice (NCMHJJ), in conjunction with the Council of Juvenile Correctional Administrators (CJCA), found that "...the majority (70.4%) of youth in the juvenile justice system meet criteria for at least one mental health disorder...In addition, the results of this study indicate that youth in contact with the juvenile justice system experience high rates of disorder across the various types of mental health disorders."<sup>51</sup> This study conducted by the NCMHJJ and the CJCA demonstrate the overwhelming need for mental health services for detained youth.

<sup>50</sup> Citizens for Juvenile Justice, *Missed Opportunities: Preventing Youth in the Child Welfare System from Entering the Juvenile Justice System*, September 2015, <http://www.cfjj.org/pdf/MissedOpportunities2015.pdf>. Accessed March 30, 2017.

<sup>51</sup> National Center for Mental Health and Juvenile Justice. (2006). *Youth with Mental Health Disorders in the Juvenile Justice System: Results from a Multi-State Prevalence Study*. Accessed June 15, 2015: <http://www.ncmhjj.com/wp-content/uploads/2013/07/7.-PrevalenceRPB.pdf>.

Authorities responsible for the care and custody of juvenile offenders now recognize the impact a history of traumatic stress and victimization has on those system-involved youth. Research demonstrates “that while 34% of children in the United States have experienced at least one traumatic event, between 75% and 93% of youth entering the justice system annually in this country are estimated to have experienced some degree of trauma.”<sup>52</sup> Children who experience trauma have disproportionate contact with the justice system.

Data from the 2015 *Health and Risk Behaviors of Massachusetts Youth* provides additional data on indicators of mental health for middle-school and high school students in the Commonwealth. Survey results reveal that 27% of high school students reported feeling sad or hopeless for 2+ weeks and stopped doing their usual activities in the past year. Additionally, 18% reported intentionally hurting themselves, 15% seriously considered suicide, 12% had a suicide plan, 7% attempted suicide, and 3% had a suicide attempt with injury (Figure 35).

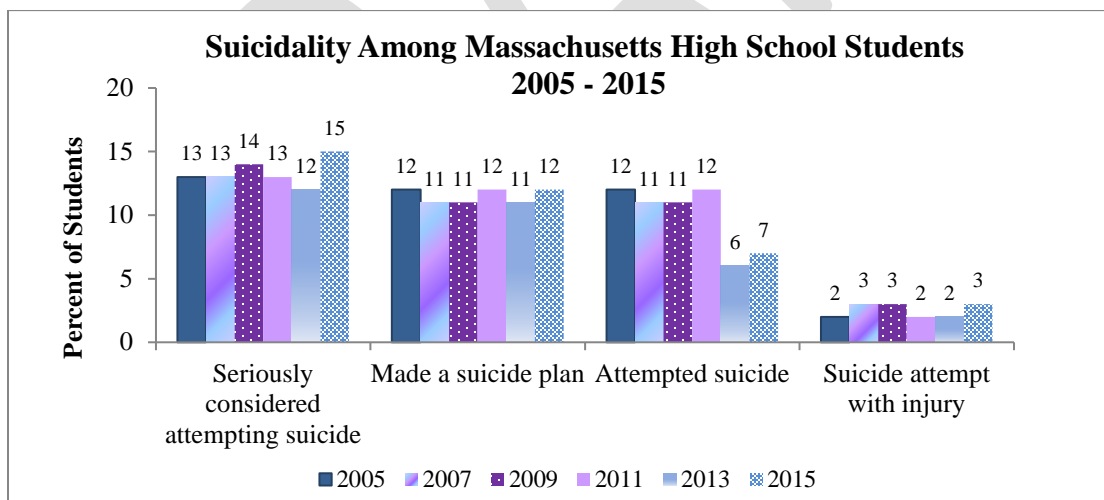


Figure 35. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

In 2015, 18% of middle school students report feeling daily sadness or hopelessness for at least two weeks and stopped doing usual activities in the past year. Approximately one-in-six

<sup>52</sup> Adams, Erica J., MD, Justice Policy Institute, *Healing Invisible Wounds: Why Investing in Trauma-Informed Care for Children Makes Sense*, July 2010. Accessed April 24, 2018: [http://www.justicepolicy.org/images/upload/10-07\\_REP\\_HealingInvisibleWounds\\_JJ-PS.pdf](http://www.justicepolicy.org/images/upload/10-07_REP_HealingInvisibleWounds_JJ-PS.pdf)

middle school students (16%) report a non-suicidal self-injury during the past year, 8% seriously consider attempting suicide, and 4% attempt suicide (Figure 36).

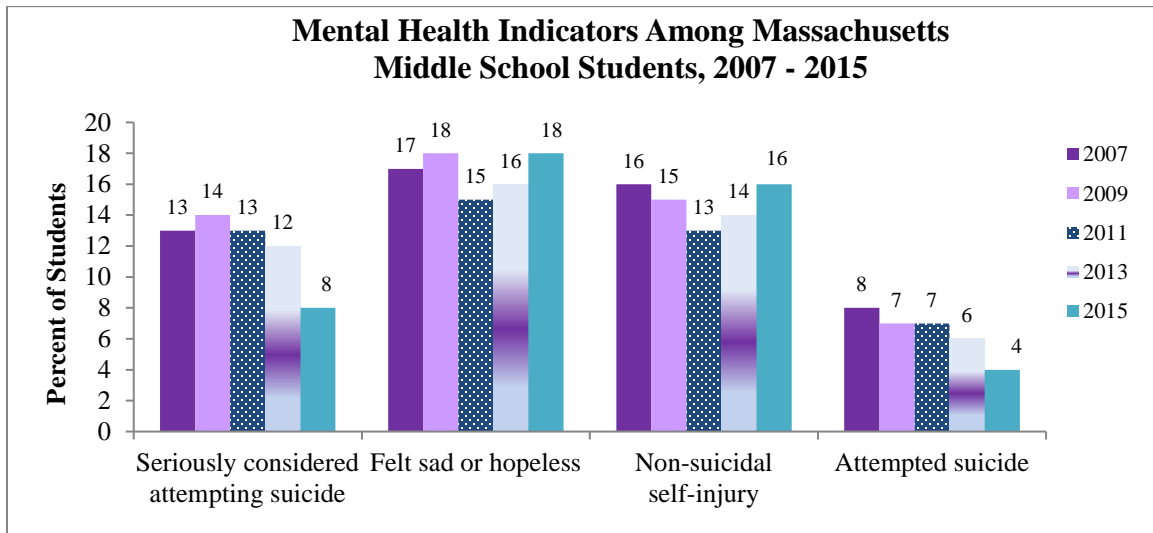


Figure 36. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

### School Dropouts and School Exclusions

“Risk factors” and “protective factors” are phrases commonly used when examining the relationship between school failure and juvenile delinquency. Risk factors refer to variables that increase the likelihood of a youth to engage in destructive behavior, often leading to poor academic performance. Protective factors, on the other hand, represent the availability of resources to promote the healthy growth of a child, both at home and in the classroom, and when needed, to act as a shield against identified risk factors. The greater the degree of protective factors, the more likely the child will be to overcome adversity in the home or in a school setting (Florida Department of Education, *School Staff Guide to Risk and Resiliency*, 1998).

### School Dropouts

Studies reveal that failure to graduate from high school results in lower annual earnings, higher unemployment rates and a greater risk for incarceration. A New York Times article in 2009 reported the results of a study conducted by Northeastern University. “On any given day,

about one in every 10 young male high school dropouts is in jail or juvenile detention, compared with one in 35 young male high school graduates.” The report further stated, “The dropout rate<sup>53</sup> is driving the nation’s increasing prison population....”<sup>54</sup> According to DESE, the annual dropout rate in Massachusetts’ public schools ranged from 1.8% to 2.9% over the past eight years, with the lowest rates occurring during the 2016-2017 school year (DESE, 2017).

**Table 5. Massachusetts Public High School Annual Dropout Rates, 2009-2010 to 2016-2017**

	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
Number of Dropouts	8,296	7,894	7,051	6,248	5,746	5,346	5,523	5,172
Percentage of Total Students	2.9%	2.7%	2.5%	2.2%	2.0%	1.9%	1.9%	1.8%
Male	3.3%	3.2%	2.9%	2.6%	2.4%	2.2%	2.4%	2.1%
Female	2.4%	2.3%	2.0%	1.7%	1.6%	1.5%	1.5%	1.4%
Grade 9	2.8%	2.6%	2.3%	2.0%	1.9%	1.9%	1.9%	2.0%
Grade 10	3.0%	2.8%	2.5%	2.2%	2.0%	1.8%	1.9%	1.6%
Grade 11	2.6%	2.7%	2.4%	2.2%	2.0%	1.7%	1.8%	1.8%
Grade 12	3.1%	2.9%	2.6%	2.4%	2.1%	2.0%	2.1%	1.8%

Source: Department of Elementary and Secondary Education, 2016, *High School Dropouts 2016 – 17 Massachusetts Public Schools*.  
Table#1: State Dropout Trends: 2009-2010 to 2016-2017, and Table #6: Annual Dropout Rates for Selected Demographics: 2009-2010 to 2016-2017.

Dropout rates typically vary by gender, grade, income, school location and race/ethnicity.

In the past eight years, the male dropout rate decreased from 3.3% in 2009-2010 to a low of 2.1% in 2016-2017. The female dropout rate steadily decline over the period, from 2.4% to 1.4%. The lowest dropout rates for both genders occurred during this past school year. Since 2009-2010, dropout rates for all grades either decline or remained static (Table 5).

During the 2016-2017 school year, with the exception of Native American students, the annual dropout rate for all other race and ethnicity categories either fell or remained static (white students had a dropout rate of 1% in both 2015-2016 and 2016-2017. The annual dropout rate for Native American students increased by 5.2 percentage points from 2015-2016 (Figure 37).

<sup>53</sup> Indicates the percentage of students in grades 9-12 who dropped out of school between July 1 and June 30 prior to the listed year and who did not return to school by the following October 1. Dropouts are defined as students who leave school prior to graduation for reasons other than transfer to another school.

<sup>54</sup> Dillon, S. (2009, October 8). Study Finds High Rate of Imprisonment Among Dropouts. New York Times. Online. Accessed June 15, 2015: [http://www.nytimes.com/2009/10/09/education/09dropout.html?\\_r=0](http://www.nytimes.com/2009/10/09/education/09dropout.html?_r=0)

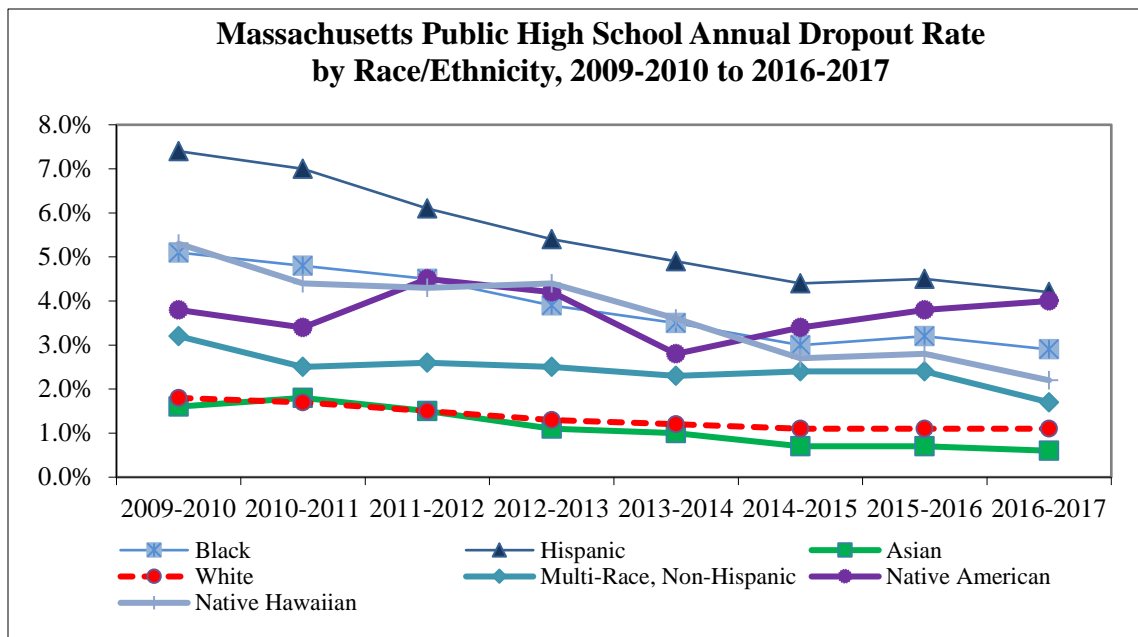


Figure 37. Source: Department of Elementary and Secondary Education, 2016. *High School Dropouts 2016 – 2017 Massachusetts Public Schools*. Table #6: Annual Dropout Rates for Selected Demographics: 2009-2010 to 2016-2017.

While dropout rates for Black and Hispanic students are at their lowest in the past eight school years, there remains some troubling statistics when comparing the percentage of the high school enrollment by race and ethnicity to the percentage of all dropouts. Black males represent 4.6% of the enrollment in high schools across the Commonwealth but are double the percent of all dropouts (9.3%). Hispanic females and males comprise 8.6% and 9.1% of enrolled high school students respectively, but account for nearly double (16.4%) and almost triple (25.6%) the percentage of all dropouts, respectively. The above statistics demonstrate the continued need for dropout prevention and intervention programs (Table 6, page 39).

**Table 6. Massachusetts Public High School Dropout Data by Race/Ethnicity and Gender  
2016 - 2017**

Race/Ethnicity	Gender	Percent of HS Enrollment	Number of Dropouts	Annual Dropout Rate	Percent of <i>all</i> Dropouts
African American	Female	4.5%	296	2.3%	5.7%
	Male	4.6%	479	3.6%	9.3%
Asian	Female	3.1%	40	0.4%	0.8%
	Male	3.1%	65	0.7%	1.3%
Hispanic	Female	8.6%	849	3.4%	16.4%
	Male	9.1%	1,323	5.0%	25.6%
Multi-Race, Non-Hispanic	Female	1.3%	50	1.3%	1.0%
	Male	1.3%	81	2.2%	1.6%
Native American	Female	0.1%	10	3.2%	0.2%
	Male	0.1%	15	4.9%	0.3%
Native Hawaiian	Female	0.0%	2	1.5%	0.0%
	Male	0.1%	4	2.7%	0.1%
White	Female	31.6%	795	0.9%	15.4%
	Male	32.5%	1,160	1.2%	22.4%

Source: Department of Elementary and Secondary Education, 2016. *High School Dropouts 2016 – 2017 Massachusetts Public Schools*. Table #7: Annual Dropout Data by Race/Ethnicity and Gender: 2016-2017.

### School Exclusions

School exclusion is defined by the DESE as the “...removal of a student from participation in regular school activities for disciplinary purposes for more than ten consecutive school days. The removal could also be permanent or indefinite.”<sup>55</sup> A 2003 study by the National Center on Education, Disability, and Juvenile Justice reveals that exclusion may “...accelerate the course of delinquency, by providing at-risk and alienated youth extra time to associate with deviant peers.”<sup>56</sup> Student exclusion from the classroom not only increases their likelihood of falling behind with course work which increases the achievement gap but, dropping out and becoming involved in the juvenile justice system – which contributes to the school-to-prison pipeline.

<sup>55</sup> <http://www.doe.mass.edu/infoservices/reports/exclusions/0203/full.pdf>

<sup>56</sup> Christle, C.A., Frey, A., Jolivet, K., Leone, P.E., Nelson, M., & Skiba, R. (2003). *School Failure, Race, and Disability: Promoting Positive Outcomes, Decreasing Vulnerability for Involvement with the Juvenile Delinquency System*. The National Center on Education, Disability, and Juvenile Justice. Online. Accessed June 15, 2015: [http://www.edjj.org/Publications/list/leone\\_et\\_al-2003.pdf](http://www.edjj.org/Publications/list/leone_et_al-2003.pdf)



DESE implemented the school discipline reform law, Chapter 222 of the Acts of 2012, which took effect on July 1, 2014.<sup>57</sup> The principle behind the law is to make exclusion from school a last resort for all but the most serious offenses. If a student is to be excluded for more than 10 consecutive school days, the school district must offer the student alternative education services.

The most recent data for the 2016-2017 school year reveal a total of 16,669 in-school suspensions and an additional 27,093 out-of-school suspensions (Table 7). These figures denote decreases of 10% for in-school suspension and 6% for out-of-school suspensions from the previous year.<sup>58</sup> Compared to the 2012-2013 reporting period, in-school suspensions fell 21.6% and out-of-school suspensions declined 35.3% in the 2016-2017 school period.

**Table 7. Number of Massachusetts Public High School Suspensions for All Offenses 2016-2017**

	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
In-school suspension	30,293	29,212	21,287	20,824	17,211	18,514	16,669
Out-of-school suspension	48,336	46,279	41,931	38,309	28,844	28,740	27,093

Source: Department of Elementary and Secondary Education, Infoservices, Research, 2018. Accessed April, 26, 2018  
<http://www.doe.mass.edu/infoservices/research/default.aspx?id=C6CC4C18BDEEA983F94C1924DB81C4E965D926AE>

Table 8, page 41, provides a breakdown of gender, race and ethnicity for Massachusetts high school students who received an in-school or out-of-school suspension during the 2016-2017 school year. Comparing for gender, the percentage of male students receiving an in-school suspension or an out-of-school suspension is more than twice that of female students.

The percentage of non-White students who receive a suspension – regardless of type – in-school or out-of-school – demonstrates the disproportionate minority contact that exists in Massachusetts public schools with regard to school exclusions for all race/ethnicity groups,

<sup>57</sup> <https://malegislature.gov/Laws/SessionLaws/Acts/2012/Chapter222>

<sup>58</sup> Note: In previous years, the multiple suspensions of individuals were included in the total. DESE has changed the methodology to report school suspensions in the 2012-2013 reporting period. Individuals who are suspended are only counted once in the total and as a result, a trend analysis begins with the 2012-2013 school year.

excluding Asian students. African American/Black students are four times more likely to receive an out-of-school suspension than White students. Hispanic/Latino students and Multi-race, non-Hispanic/Latino students were three times more likely and almost twice as likely to receive this discipline, respectively.

**Table 8. Number of Massachusetts Public High School Suspensions for All Offenses by Gender, Race and Ethnicity, 2016-2017**

<i>Gender</i>	In-school suspension	% of total	Out-of-school suspension	% of total	N=
Female	4,688	1.0%	8,034	1.7%	476,470
Male	11,980	2.4%	19,057	3.8%	503,885
<i>Race and Ethnicity</i>					
American Indian or Alaska Native	49	2.4%	76	3.7%	2,055
African American/Black	2,961	3.4%	5,609	6.4%	88,045
Asian	361	0.5%	480	0.7%	65,863
Hispanic/Latino	5,008	2.6%	10,172	5.2%	194,205
Multi-race, non-Hispanic/Latino	727	2.2%	1,055	3.1%	33,572
White	7,552	1.3%	9,685	1.6%	595,906

Source: Department of Elementary and Secondary Education, Infoservices, Research, 2018. Accessed April, 26, 2018  
<http://www.doe.mass.edu/infoservices/research/default.aspx?id=C6CC4C18BDEEA983F94C1924DB81C4E965D926AE>

### **Youth Violence and School Safety**

Ideally, school should be an environment that fosters teaching and learning, and not where one is exposed to crime and violence. Crime and violence at school can influence negative behaviors such as alcohol and drug use and suicide. It also can have psychological effects such as fear, isolation and depression that can lead to poor academic performance and contribute to truancy and dropping out of school.

The 2015 *Health and Risk Behaviors of Massachusetts Youth* illustrates violence and school safety concerns reported by Massachusetts youth. The following data is collected from high school students during 2015:

- 20% of male students and 5% of female students reported carrying a weapon in the past 30 days;
- 5% of males and 1% of females reported carrying a gun in the past 30 days;
- 9% of males and 7% of females indicated gang membership during the past year; and
- 27% of males and 11% of females reported being in a physical fight.

Generally, student reported physical violence indicators show a decline, leveling off, or a slight uptick between 2005 and 2015. Physical fights declined since 2009, carrying weapons and gang membership increased since 2011, and carrying a gun remained steady. Figure 38 shows the following indicators for 2015:

- 19% of students report having been involved in a fight in the past year – a slight decline from 2013;
- 13% carried a weapon in the past 30 days – a slight uptick from 2013;
- 8% report gang membership, a slight increase from 2013; and,
- 3% carried a gun in the past 30 days – remaining level since 2011.

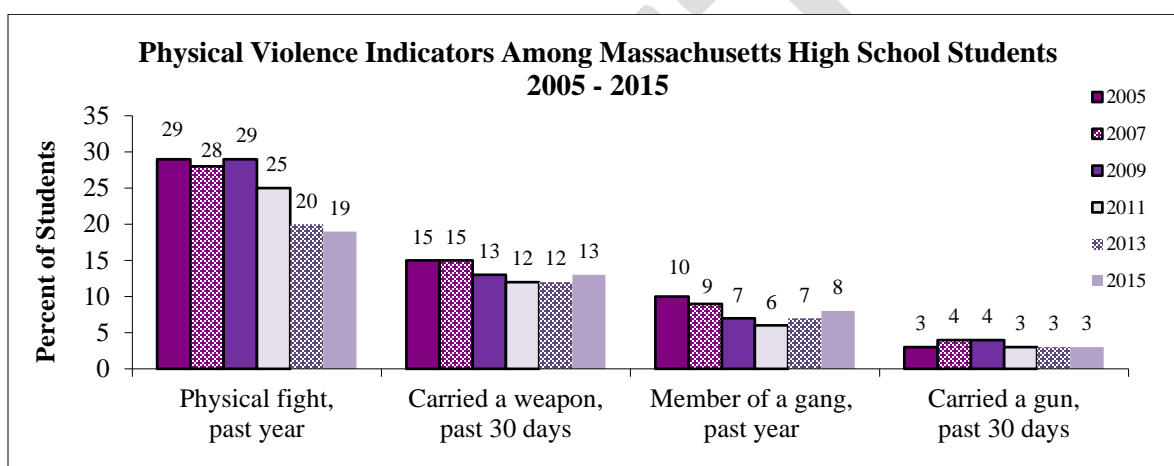


Figure 38. *Risk Behaviors of Massachusetts Youth, 2015*. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

Figure 39, page 43, depicts the violence-related experiences and behavior at high schools for 2015:

- 16% of high school students report being bullied at school in the past year – a slight decline from the previous year;<sup>59</sup>
- 6% of high school students fought on school property in the past year – a slight uptick from 2013;
- 5% skipped school because they felt unsafe in the past month – a slight increase from 2013;
- 3% of students report carrying a gun on school property in the past month – remaining level from the previous year; and
- 4% report being injured or threatened with a weapon at school in the past year – remaining level from 2013, and a 43% decline from the 2011 survey.

<sup>59</sup> For students who identify their sexual orientation as Gay, Lesbian, and Bisexual, 34% report being bullied at school in the past year in contrast to 14% who identify as heterosexual.

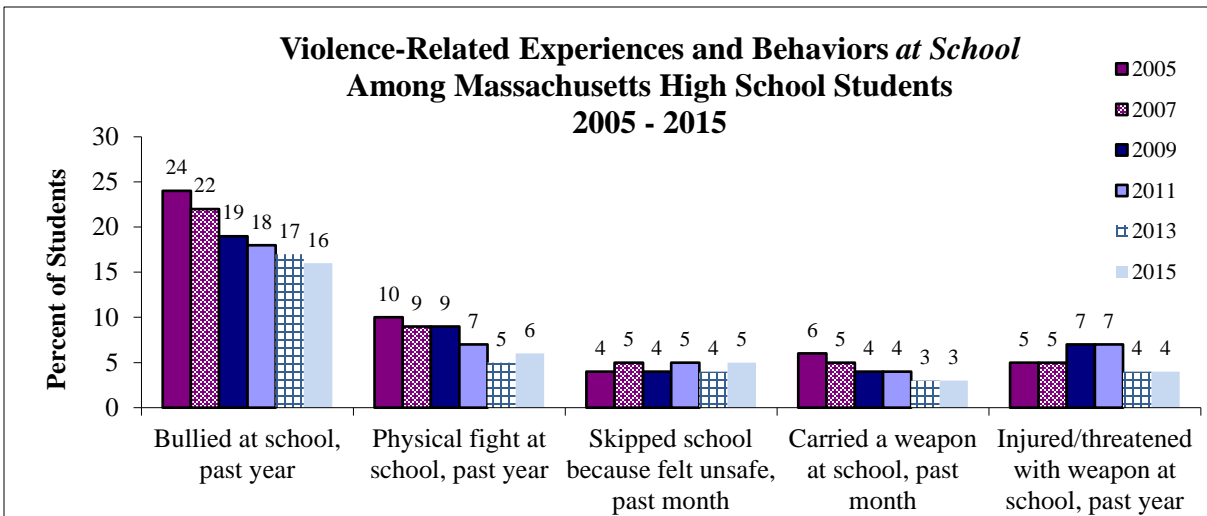


Figure 39. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

According to additional results from high school students who responded to the survey, 13% report being a victim of cyber bullying, 7% experience dating violence and 6% are a victim of sexual assault (Figure 40).

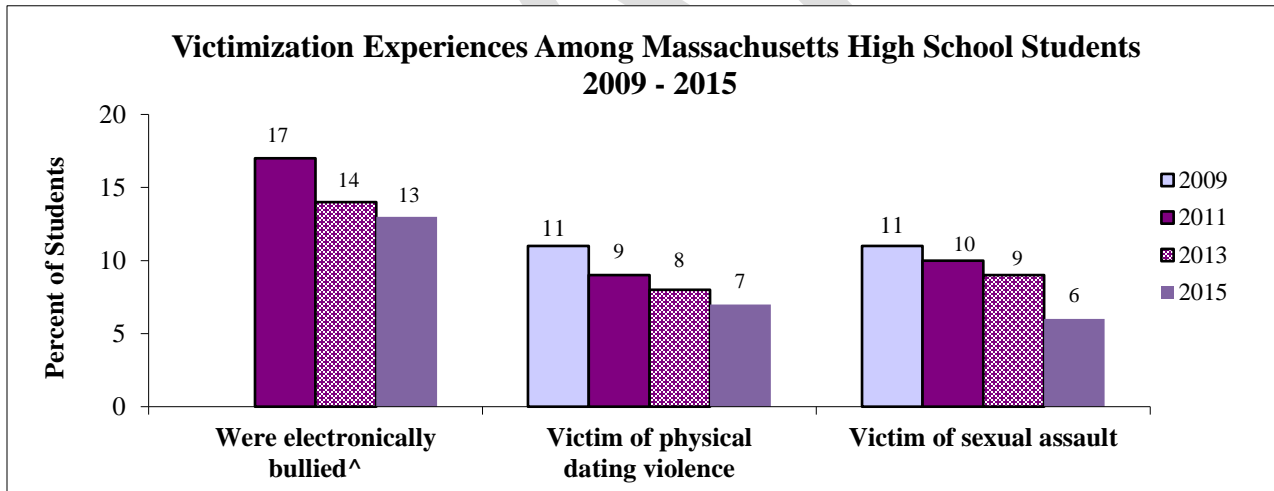


Figure 40. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

^Information for 2009 is unavailable.

The percentage of middle school students who experience family violence declined in 2015 (8%) from 2007 (12%). Middle school students who witness family violence shows a more gradual decrease since the survey began documenting this trend (Figure 41, page 44).

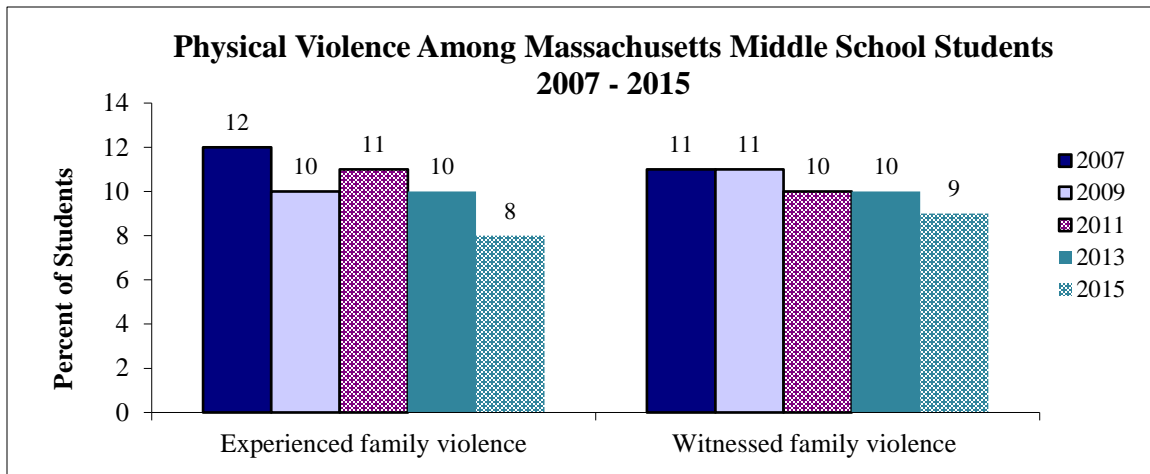


Figure 41. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

Figure 42 indicates middle school students initiating bullying, cyber bullying and dating violence exists; however, those initiating bullying have declined each survey year, and initiating cyber bullying and dating violence remained static in 2015. Middle school students who report being a victim of bullying declined 8% in the 2015 survey from the previous 2013 survey. Students who report initiating bullying decreased 38% from 2013.

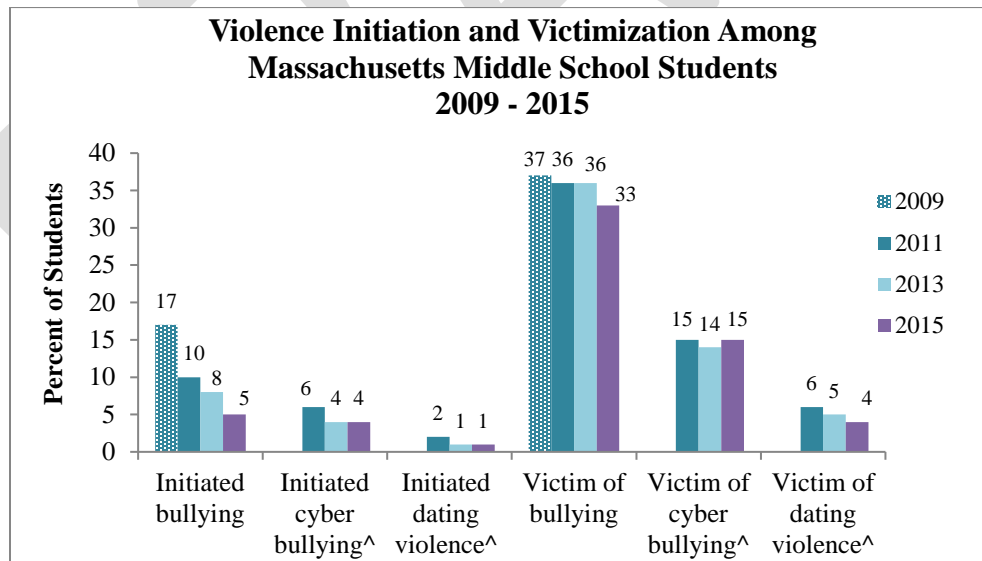


Figure 42. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

^Information for 2009 is unavailable.

## Tobacco and Substance Abuse

According to the 2015 survey, 28% of students report having smoked cigarettes and 4% stated they did so before the age of 13, a decline from 51% and 13% from 2005, respectively. Students who reported being current cigarette smokers declined from 21% in 2005 to 8% in 2015 (Figure 43).

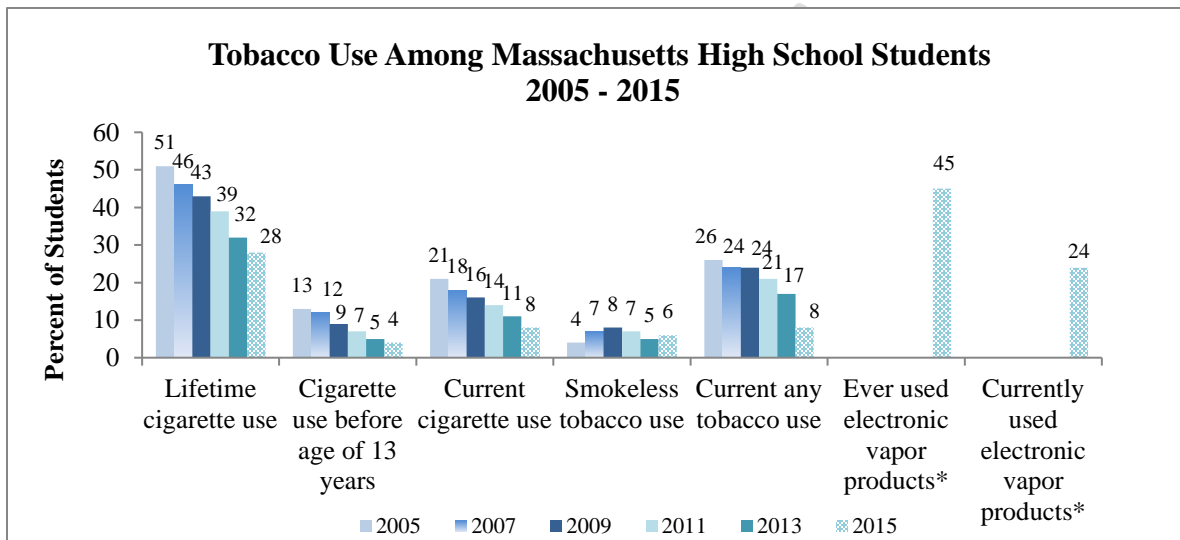


Figure 43. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.  
\*First time this question was asked in the YRBS.

Among middle school students responding to the 2015 survey, 6% report trying a cigarette and 1% report current cigarette use (Figure 44).

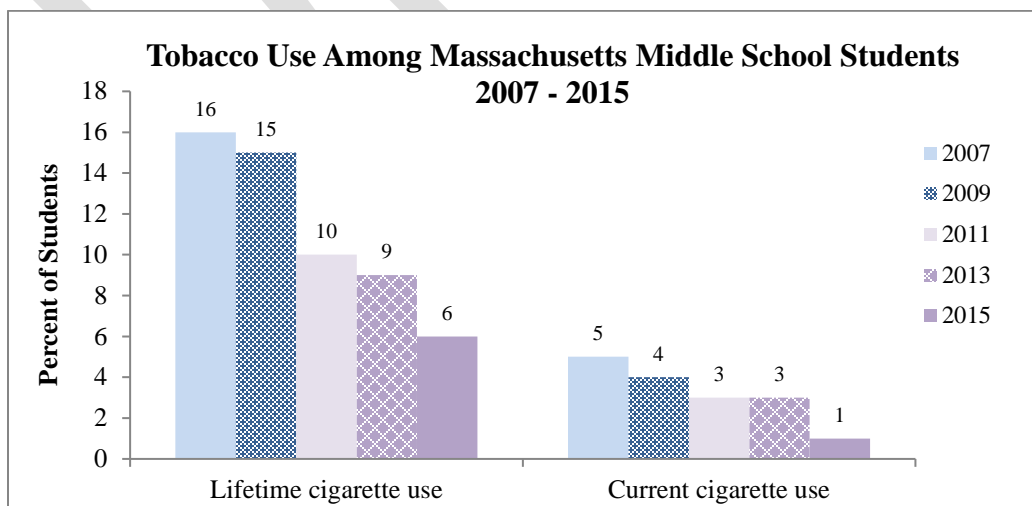


Figure 44. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

The percentage of high school students who report consuming alcohol prior to the age of 13 decreased by half from 22% in 2003 to 11% in 2013, but increased to 13% in 2015 (Figure 51). The rate of students who engage in binge drinking in the 30 days prior to the survey continued to decline from the high in 2007 (28% vs. 18%), (Figure 45). Males are more likely to engage in binge drinking as compared to females (20% vs. 16%), and 79% of students surveyed believe the risk of harm from binge drinking is moderate to great.

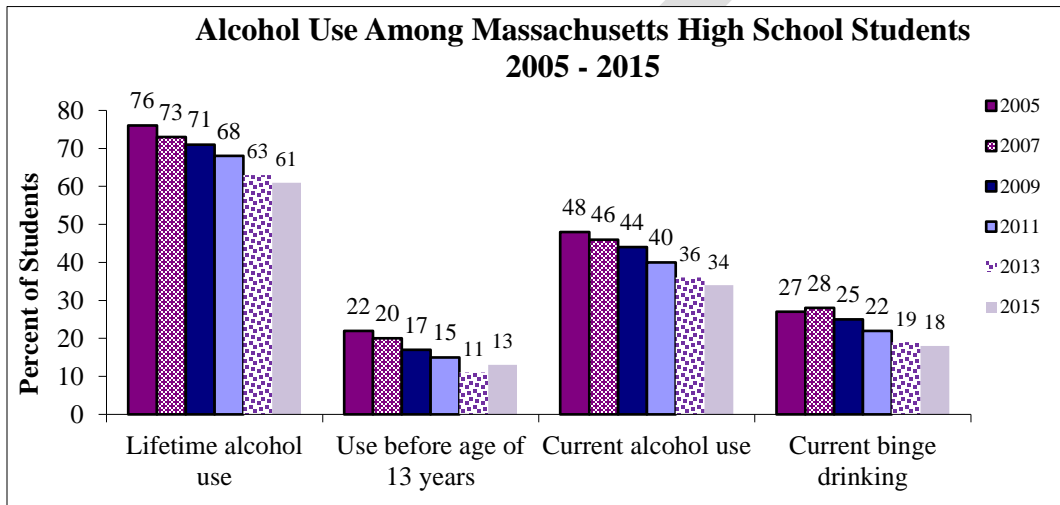


Figure 45. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

Among middle school students, 13% report having at least one drink of alcohol in their lifetime, 4% admit to current alcohol use, and 2% report current binge drinking (Figure 46, page 47). Furthermore, 38% of middle school students surveyed think it is very or fairly easy to get alcohol, and 81% think the risk of harm from binge drinking is moderate to great.

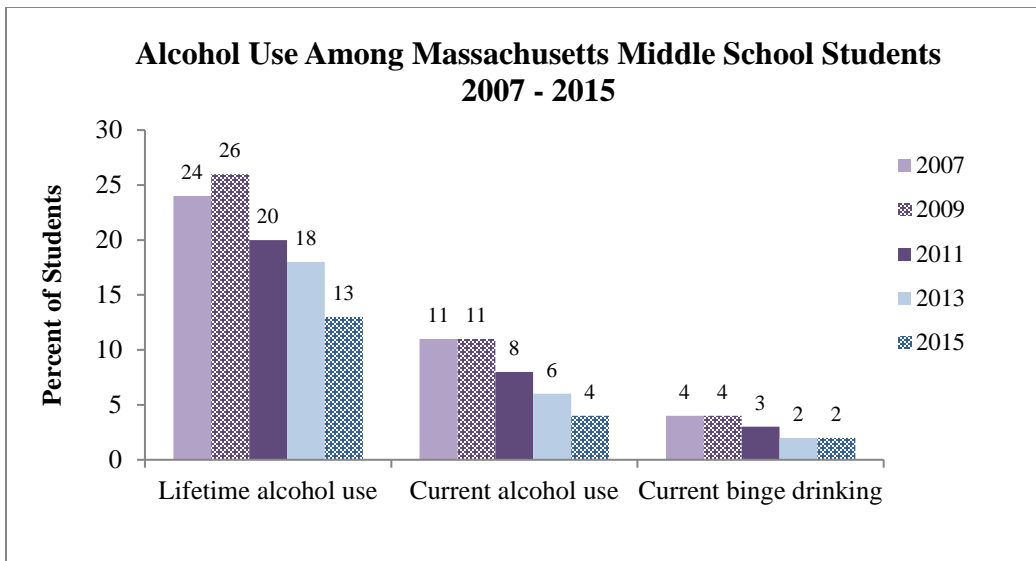


Figure 46. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

Forty-one percent (41%) of high school students report previous marijuana use, and one-quarter (25%) admit they smoked marijuana in the 30 days prior to the report (Figure 47).

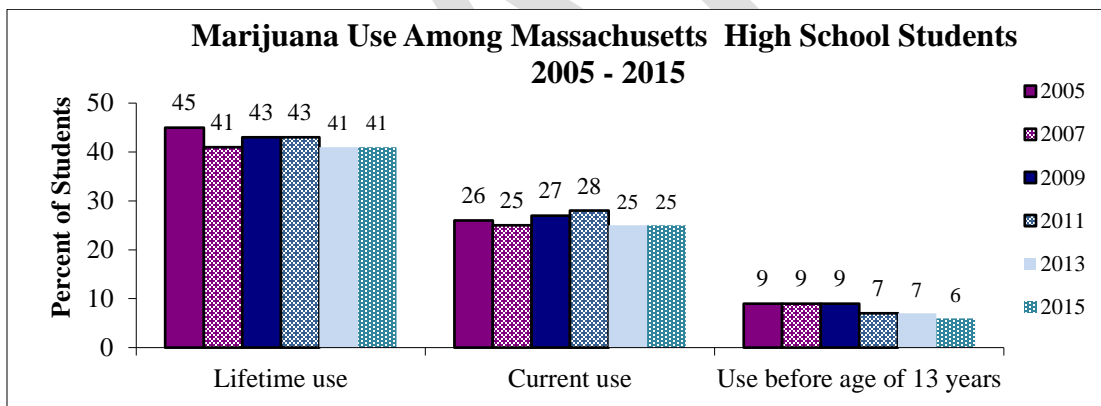


Figure 47. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

Among high school students surveyed, 2% report use of methamphetamines, 4% report taking a prescription drug that was not their own, and 1% used a needle to inject an illegal drug. In 2015, 6% of middle school students report using marijuana at least once in their lives and 2% currently use of marijuana. Reported lifetime marijuana use increased by grade levels; 2% in 6<sup>th</sup> grade, 6% in 7<sup>th</sup> grade, and 10% in 8<sup>th</sup> grade. Additionally, 3% of middle school students report taking prescription drugs that were not their own.



Twenty percent (20%) of high school students report being offered, sold, or given illegal drugs on school property during the past year; this figure marks a decrease from 30% of respondents who responded in the affirmative in 2005, and a decrease from 27% in 2011 and 23% in 2013. Alcohol and marijuana use at school in the past 30 days remained static in 2015 at 3% and 5%, respectively (Figure 48).

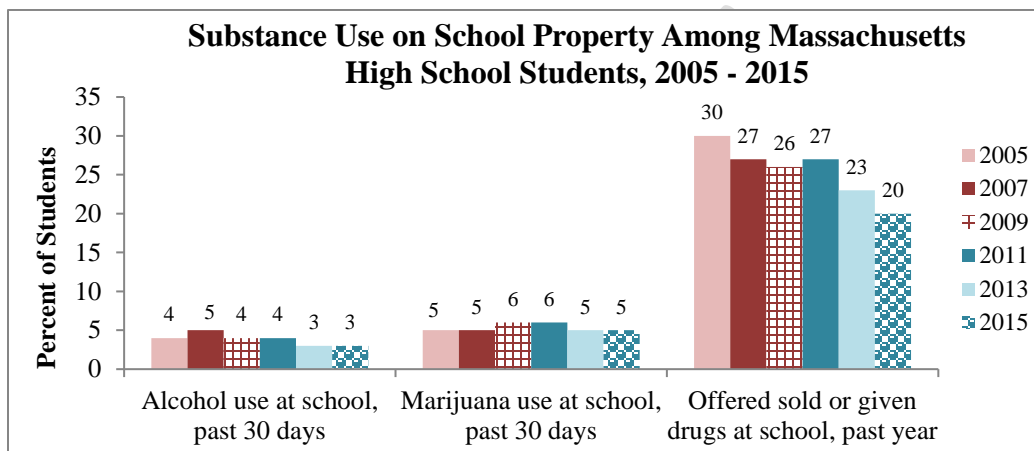


Figure 48. Massachusetts Department of Elementary and Secondary Education and Department of Public Health, *Health and Risk Behaviors of Massachusetts Youth, 2015*.

## B. GOALS AND OBJECTIVES

### PRIORITY I: SIGHT AND SOUND SEPARATION AND COMPLIANCE MONITORING

***GOAL:*** Achieve and maintain compliance with Section 223 (a)(12) of the JJDP Act by sufficiently improving sight and sound separation between juvenile and adult detainees in the Commonwealth's court holding facilities by December 2022.

1. **Objective 1: Convene bi-monthly meetings of the Court Holding Facilities Working Group to ensure timely progress on meeting the goal of reasonable sight and sound separation compliance by December 2022.**
  - a. In consultation with Office of Grants and Research leadership, the JJ Specialist will facilitate the scheduling of regular bi-monthly meetings via outreach to participants of the Court Holding Facilities Working Group. **Ongoing.**
  - b. In consultation with OGR leadership, the JJ Specialist will assist in preparation of agenda items, including the specific facilities to be discussed and goals to be achieved at meetings. **Ongoing.**
  - c. The EOTC and the OGR JJ Specialist will track the details of progress and any setbacks on the overall project and will recommend adjustments as needed. **Ongoing.**

2. **Objective 2: The JJ Specialist will conduct a minimum of 60 site visits per year on court holding facilities, DYS institutions and jails to ensure compliance throughout the Commonwealth's Compliance Monitoring Universe.**
  - a. The JJ Specialist will provide periodic updates as needed to discuss progress and concerns. **Quarterly.**
  - b. The JJ Specialist will document any findings, issues or concerns discovered and inform OGR superiors. OGR will then present such concerns to the Chair of JJAC for group discussion. **Semi-annually.**
  - c. The JJ Specialist will provide the JJAC with a complete list of all MA lock up/holding facilities, identify and note which have been visited, which had issues and what those issues were and identify which ones will be targeted for the next monitoring year. **Annually.**
  
3. **Objective 3: Assess and implement alternative remedies (e.g. time phasing, video conferencing and court relocation) where feasible by December 2022.**
  - a. After consultation with the JJAC and OGR leadership, the JJ Specialist will work with the EOTC to assess if remedies such as time phasing, video conferencing and/or court relocation are viable alternatives. **Semi-annually.**
  - b. After consultation with the JJAC, OGR may sub-award funds from the sight and sound separation set aside of the Formula Grant to the EOTC to cover such allowable costs for potential remedies. **As needed and feasible.**
  
4. **Objective 4: Revise ineffective or suboptimal remedies as needed and as feasible on an ongoing basis.**
  - a. As part of compliance monitoring activities and in consultation with the EOTC, the JJ Specialist will assess the effectiveness of implemented remedies and provide feedback to OGR leadership, the JJAC and EOTC. **Semi-annually.**
  - b. OGR staff, the JJAC and the Working Group will identify improvements where necessary. **Quarterly.**
  
5. **Objective 5: Improve compliance data collection in all facilities as needed.**
  - a. As part of compliance monitoring requirements, the JJ Specialist (under guidance of the Research, Policy and Analysis Division team within OGR) will review the data collection practices and recommend improvements as needed. **Ongoing.**

## **PRIORITY II: DISPROPORTIONATE MINORITY CONTACT**

### **GOAL 1: Identify the rates of DMC and assess its causes.**

1. **Objective 1: Identify levels of disproportionality at each of the OJJDP contact points.**

- a. The DMC Specialist housed within OGR RPAD will obtain data necessary for complying with OJJDP Relative Rate Indices (RRIs) requirements to the full extent possible. **Annually.**
    - i. Continue annual contact with JJAC stakeholders to obtain relevant race and ethnicity data as it becomes available from our partners.
  - b. RPAD staff will calculate and analyze RRIs at OJJDP contact points. **Annually.**
  - c. RPAD staff will share results of RRI analysis with the JJAC. **Annually.**
- 2. Objective 2: EOTC will complete a DMC Assessment Study.**
- a. RPAD DMC Specialist will work with EOTC to receive updates and seek the completion of the assessment study designed and proposed in 2017. **Ongoing.**
  - b. RPAD will then review the completed study and based on the findings, will discuss with EOTC any issues or concerns (if any) and allow the EOTC an opportunity to present their study to the full JJAC (outcomes and process for moving forward). **Summer 2018.**

***GOAL 2: Participate on JDAI to assist DYS with its State goal to reducing racial and ethnic disparities throughout the Commonwealth and use available funds for projects with this endeavor.***

- 1. Objective 1: The DMC Specialist and JJ Specialist will continue their involvement with JDAI and sharing of relevant data, knowledge and ideas to the JJAC.**
  - a. OGR staff will continue participation in JDAI and related subcommittees to share data, knowledge and ideas back to the JJAC. **Ongoing.**
- 2. Objective 2: Assist JDAI in their collaboration efforts with the Municipal Police Training Committee (MPTC) to raise awareness of racial and ethnic disparities and promote strategies for their reduction.**
  - a. Consult with DYS/JDAI staff to determine how best OGR can assist JDAI in their efforts to provide and facilitate law enforcement training relevant to this subject matter. **Semi-annually.**
- 3. Objective 3: Engage stakeholders to educate, inform and participate with the JJAC on strategies and efforts for reducing racial and ethnic disparities.**
  - a. Invite JDAI representatives to present at a JJAC meeting about the work that JDAI is doing to reduce disparities and the ways JJAC members can be of assistance. **June 2018.**

**PRIORITY III: FUNDING EVIDIENCE-BASED PRACTICES AIMED AT REDUCING DMC, PREVENTING DELINQUENCY, JUVENILE DIVERSION AND YOUTH SUBSTANCE USE.**

***GOAL 1: Prioritize and award Formula funds for evidence-based and promising programs.***

- 1. Objective 1: Incorporate Formula grant funding program areas approved by the JJAC into a competitive grant opportunity.**

- a. OGR will continue to work with our JJAC to update our grant program areas for consideration of funding into our applications. **Annually.**
- 2. Objective 2: Post an Availability of Grant Funds seeking applications from interested stakeholders proposing to implement evidence-based programming that will address one or more of the approved program areas.**
- a. OGR will make available a grant application for interested candidates to solicit for funding. **Annually or bi-annually.**
  - b. OGR will host a bidder's conference to educate candidates about the importance of implementing evidence-based programs. **Annually or bi-annually.**
  - c. OGR will facilitate a competitive peer review process and will invite JJAC members to participate that are not soliciting funding from this opportunity. **Annually or bi-annually.**
  - d. OGR will then present the reviewer recommendations to the full JJAC for commenting prior to forwarding to the Secretary of Public Safety and Governor for final approval. **Annually or bi-annually.**
- 3. Objective 3: The JJAC and OGR will collaborate and discuss substance abuse reduction efforts in the Commonwealth and determine what role the JJAC will have with respect to impacting and/or providing grant funds to address it.**
- a. Identify substance abuse groups and/or initiatives that would be useful for one or more JJAC members to participate on to represent a link between juvenile justice issues and substance abuse issues and help keep the JJAC informed on substance abuse trends and prevention and intervention efforts. **Fall 2018.**
- 4. Objective 4: The JJ Specialist will monitor all projects funded with Formula grant funds and update OGR leadership and JJAC accordingly with respect to program effectiveness and, if relevant, any impact on DMC.**
- a. Funded grantees will be invited to JJAC meetings to report to the Committee on their progress or lack thereof. **Annually.**
  - b. JJAC members will have the opportunity to visit any programs funded with Formula funds to see first-hand the quality of the services being funded. **Annually.**
  - c. The Chair of JJAC may create a sub-committee based on the type(s) of projects receiving Formula funding for members to be more actively engaged in the program cycle. **Annually or bi-annually.**

**PRIORITY IV: TRAUMA-INFORMED PRACTICES**

**GOAL: *Improve and expand juvenile trauma-informed practices in Massachusetts.***

- 1. Objective 1: Replicate the “Kids in Crisis” Trauma-informed practices training in one or more school districts or counties. **Dependent on available funds.****
- a. Collaborate with a District Attorney's Office to select a school district that is most in need of and most suitable for successful replication of the trauma-informed practices training.

- i. OGR and the Chair of the JJAC will identify and work with the entity in the identified school district or county to discuss how best to replicate the “Kids in Crisis” training
    - b. Sub-award Formula Grant funds for the training to the selected District Attorney’s Office identified as the most suitable entity to provide the training.
      - i. OGR staff will facilitate the sub-award process.
    - c. Assess the success of the “Kids in Crisis” training
      - i. OGR staff and/or the Chair of the JJAC will follow up with the county officials and personnel to assess the usefulness of the training in identifying and working with traumatized youth.
- 2. Objective 2: Use the JJAC to convene stakeholders and the sharing of useful information relating to childhood trauma and trauma-informed practices.**
- a. The Chair of JJAC will identify presenters and add them to meeting agendas as is suitable. **Bi-annually.**
  - b. The JJAC will dedicate at least one meeting or a separate forum – preparation for which will involve outreach to key stakeholders - to presentations by trauma experts and a discussion on how to enhance services in Massachusetts. **By Fall 2019.**
    - i. OGR staff will work with the Chair of the JJAC and other members to schedule and prepare for such a meeting or forum.
    - ii. Information and ideas from the meeting or forum will be documented by OGR staff to share with stakeholders and assist in future planning for improved services.
  - c. Post useful trauma-informed practices resources to the JJAC website for JJAC members, other stakeholders and the public. **Annually.**
    - i. OGR staff will research and collect useful resources and information on childhood trauma and trauma-informed practices
    - ii. OGR staff will post the key resources and information to the JJAC website

**PRIORITY V: JJAC ASSESSMENT AND PLANNING**

***GOAL: To access the JJAC roles and responsibilities and make recommendations to EOPSS for improvement.***

- 1. Objective 1: Identify new members and stakeholders for participation on future JJAC meetings and working groups. Annually.**
  - a. Identify and invite juvenile experts to be appointed or invited to participate on JJAC sub-committees.
  - b. Identify presenters with subject matter expertise to present to the JJAC as a way of providing new ideas and educational enhancement to the members.
  - c. Work with the new youth members appointed to JJAC to ensure that they have a voice at the table and are fully engaged in the process.
  - d. Discuss with the Chair ways that the JJAC set aside can be best used to meet the goals of the Committee.
  - e. Work with the Chair of JJAC on identifying new sub-committees to engage member participation.

## **C. IMPLEMENTATION (SEE ABOVE ACTIVITIES)**

### **Population-Specific Plans**

#### **(1) Gender-Specific Services for the Prevention and Treatment of Youth Delinquency**

Child-serving agencies and non-profit organizations throughout the Commonwealth use gender-specific approaches to working with youth. DYS staff receive training on gender-specific services as part of basic training. DYS manages female-specific caseworkers and female-specific programming.

DYS has developed and implemented policy and guidelines to effectively serve, and prohibit discrimination and harassment against lesbian, gay, bi-sexual, transgendered, questioning, intersex, and gender non-conforming youth. DYS has received state and national recognition for their work to improve care for these youth in the juvenile justice system.

#### **(2) Services for the Prevention and Treatment of Youth Delinquency in Rural Areas**

DCF and DYS services are available throughout the Commonwealth, including rural areas. Caseworkers are required to routinely visit the homes of clients regardless of where they live. DYS operates a regional case management and placement structure that is designed to keep youth that are in out of home placements as close to their home as possible in order to support access to the families and other sources of support. DYS offers maximum flexibility for parents and families to visit their children that are in placement and routinely works with families to coordinate travel and transportation related to visitation. Clients have individualized case plans that leverage local resources available in the local area.

In 2012, Massachusetts enacted Chapter 240 of the Acts of 2012, which significantly reformed the status offender system. Family Resource Centers (FRCs) are community-based, culturally competent programs that provide a variety of services to children and families, including evidence-based parent education, parent and youth mutual self-help support groups,

information and referral, grandparent support groups, mentoring, educational support, cultural and arts events and other services. FRCs also provide services specific to CRA cases as required by Chapter 240 of the Acts of 2012 (Chapter 240). A significant component of the model is universal access by any family member who requires assistance with any human services related matter. Families are able to access the centers by referral, contacting “2-1-1” or logging on to the FRC’ website. The FRCs are overseen by DCF, with 22 FRCs across the Commonwealth, including at least one in each Massachusetts County.

### **(3) Mental Health Services to Youth in the Juvenile Justice System**

Upon commitment to DYS, youth receive a comprehensive assessment that assimilates the family involvement, educational history, prior criminal record, presence or absence of substance abuse, medical and psychiatric history, and review of risk factors related to offending. Following the assessment phase, an individual treatment and service plan is developed and the youth is assigned placement in a residential or community based setting.

The clinical focus in the secure treatment residential programs is to rehabilitate the youth by preparing him or her to rejoin their community by teaching pro-social attitudes and behaviors through a cognitive behavioral approach. Youth participate in clinical interventions that emphasize the learning of new skills to ameliorate risk factors and to support acquisition of positive behaviors. DYS staff are licensed and license eligible professionals and work in an operational structure where they receive industry standard supervision and professional development.

In addition to secure treatment facilities, the Department has several community residential programs, all of which provide clinical services that emphasize accountability and pro-social skill development. All residential programs are consistent in using a cognitive behavioral approach, which emphasizes planning for community re-entry. DYS has prioritized



family engagement and invested in several evidence-based strategies in this area including Parenting with Love and Limits and Solution Focused Therapy.

When the youth returns to the community, clinical services are provided through the District offices. Services include: anger management, substance abuse, Dialectical Behavioral Therapy (DBT), pro-social skill groups, teen dating violence prevention, and parenting skills.

Medicaid-eligible youth under age 21 placed in the community, and their families, who have high need for behavioral health services can access the Children's Behavioral Health Initiative (CBHI). CBHI supports an enhanced continuum of home- and community-based behavioral health services. In addition to screening, assessment and service planning, CBHI provides: in-home therapy, therapeutic mentoring, in-home behavioral services, intensive care coordination, family support & training, and emergency services programs/mobile crisis intervention. Behavioral health providers can also access res

The MA Department of Public Health, Bureau of Substance Abuse Services connects youth, young adults, and their families experiencing substance use and co-occurring disorders to a range of high quality services including: acute treatment services, clinical stabilization services, transitional support services, methadone treatment and detox.

### **Consultation and Participation of Units of Local Government**

The Governor and EOPSS obtain and address the needs of units of local government in multiple ways. EOPSS provides oversight of and/or involvement with several relevant committees and initiatives that raise and discuss the needs of local government. These include the JJAC, JDAI, the Governors Crime Commission, and others. In addition, OGR manages the Shannon Grant which addresses youth and young adult gang involvement and includes research and assessment of such crime problems on the local level. OGR also houses RPAD which researches juvenile and adult crime trends. EOPSS is regularly in communication with grantees



and stakeholders who, in their reports and communications, inform EOPSS of local needs.

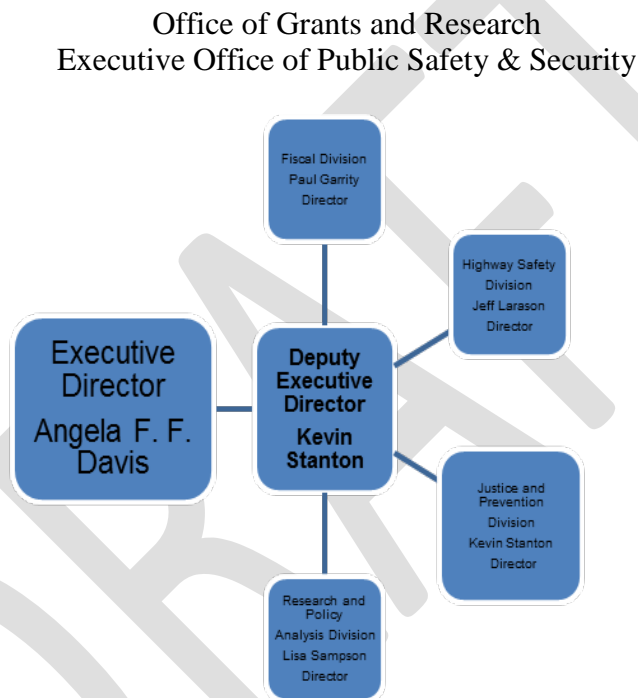
Responsiveness to local needs and the needs of at-risk and system-involved youth was recently demonstrated by the landmark criminal justice reform legislation passed by the state legislature and signed into law by the Governor after much work by local officials, concerned citizens and other stakeholders and experts. Numerous issues are addressed in the new law, including: requirements for the collection and reporting of more comprehensive data, creation of a Juvenile Justice Policy and Data Board, raising the minimum age of juvenile jurisdiction, allowance for judicial diversion of delinquency cases under certain circumstance, allowance of expungement of juvenile records under certain circumstances, and other juvenile justice related reforms.

### **Collecting and Sharing Juvenile Justice Information**

1. OGR's RPAD is responsible for collecting the data that is incorporated into the Three Year Plan. Outreach to numerous agencies and stakeholders are conducted in order to collect an array of information. Data and trends are obtained from agencies such as: DYS, DCF, DESE, the EOTC and the MSP. Most of this information is included in the Analysis of Juvenile Delinquency Problems and Needs section above. Topics for which data is obtained and reported include (but are not limited to): DYS detention and commitment rates, juvenile probation rates, child abuse and neglect rates, data about school exclusions, juvenile drug use, etc. Such data is generally reviewed and presented to highlight multi-year trends. In most cases, as shown above, it can be disaggregated by county, race/ethnicity, gender, age and/or other categories. An array of stakeholders works collaboratively and shares data throughout the Commonwealth. For example, data is collected and shared among initiatives and groups such as the JJAC, the Child Welfare and Juvenile Justice Leadership Forum, JDAI, Citizens for Juvenile Justice and other stakeholders.

2. Efforts have been underway in Massachusetts to determine how to improve client information sharing without jeopardizing the rights and best interests of at-risk and system-involved youth. Confidentiality laws hinder liberal sharing of client information. Some of these laws are included in M.G.L. c. 119: §§ 39E (CRA proceedings), 51E (confidentiality of DCF records), and 60A (delinquency proceedings).

**D. FORMULA GRANT PROGRAM STAFF**



EOPSS OGR is the State Administering Agency for several federal grant funds from the U.S. Department of Justice, the U.S. Department of Homeland Security/Federal Emergency Management Agency, and the National Highway Traffic Safety Administration. The Justice and Prevention Division (JPD) administers the funds from OJJDP, as well as those from the Bureau of Justice Assistance and the Office on Violence Against Women. Additionally the unit is responsible for administering several state-funded initiatives as well such as the Shannon Community Safety Initiative for youth violence prevention (based on OJJDP’s comprehensive gang model) and the Municipal Public Safety Grant.

OGR's RPAD serves as the Commonwealth's Statistical Analysis Center with support from the Bureau of Justice Statistics' State Justice Statistics Program for Statistical Analysis Centers and Justice Assistance Grant funding.

## **JPD**

Currently, the Deputy Executive Director of OGR also serves as the Director of JPD. The Title II Formula Grant and other OJJDP grant streams (when available) are managed within JPD. The juvenile team consists of the Juvenile Justice Specialist/Compliance Monitor and the DMC Reduction Specialist.

### **Juvenile Justice Team funded with Formula Grant Funds**

#### *JJ Specialist/Compliance Monitor – Andrew Polk*

Andrew Polk is the JJ Specialist and Compliance Monitor for the Commonwealth. He is responsible for administering the Formula grant funds, staffing the JJAC and conducting compliance monitoring activities. He serves as an advisor to the JJAC regarding JJDP Act and regulations associated with these funds. Activities include: various duties associated with staffing the JJAC and submitting the Three Year Plan, facilitation of the OJJDP DMC Reduction Cycle, and carrying out compliance activities such as compliance site visits, data collection and preparation and submission of the annual Compliance Report, and facilitation of efforts to regain compliance with the Separation core requirement of the JJDP Act. His position is funded 100% from the Formula Grant (from combinations of funds from the Administration and Separation program areas). Approximately 10% of his salary consists of a state funding match.

#### *DMC Reduction Specialist – Patricia Bergin*

Patricia Bergin of the RPAD, works part of her time as DMC Reduction Specialist. She is responsible for the collection and analysis of DMC data and assists with developing and carrying out DMC activities. She helps prepare sections of the Three Year Plan and participates in JJAC and JDAI committees. Since 50% of her time is spent on DMC activities, 50% of her salary is from the Formula Grant.

#### *Assistant Budget Director – Brenda Barton*

Brenda Barton spends approximately 10% of her time on the OJJDP juvenile justice grant programs. Her activities cover various fiscal duties related to managing the federal awards. 5% of her salary is paid for with the Formula Grant and 5% is paid for with the state match for the Formula Grant.

#### *Fiscal Specialist – Jennifer Keating*

Jennifer Keating spends approximately 10% of her time on fiscal activities related to processing of Interdepartmental Service Agreements from juvenile justice grants sub-recipients. 5% of her

salary is paid for with Formula Grant funds and 5% is paid for with the state match for the Formula Grant.

#### **4. PLANS FOR COMPLIANCE**

Please see the documents submitted with the annual Compliance Report in the compliance monitoring tool.

#### **5. ADDITIONAL REQUIREMENTS**

Please see Attachment I.

#### **6. PLANS FOR COLLECTING DATA REQUIRED FOR THIS SOLICITATION'S MEASURES**

Massachusetts will collect and report data on the mandatory performance measures for each applicable program area for each year of the award period through the Data Reporting Tool. OGR will collect data from sub-recipients on a quarterly basis. Quarterly reporting of applicable mandatory data will be a condition of the sub-grants. OGR will review and report the mandatory data. Due to the Separation from Adult Inmates JJDP Act core requirement non-compliance penalty, however, there may not be significant funds to sub-grant to typical prevention, intervention and systems improvement programming. Many of the mandatory performance measures may not be applicable to the Separation from Adult Inmates projects towards which the funds must be allocated. As a result of this situation, there may not be a significant amount of data to report that relate to the delineated OJJDP performance measures.