

SENATE No. 1290

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia S. Creem

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act improving juvenile justice data collection.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia S. Creem</i>	<i>First Middlesex and Norfolk</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	<i>1/27/2017</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/30/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>1/30/2017</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>2/2/2017</i>
<i>Michael J. Barrett</i>	<i>Third Middlesex</i>	<i>2/2/2017</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/2/2017</i>
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/3/2017</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/3/2017</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>2/3/2017</i>
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	<i>2/3/2017</i>
<i>Jennifer L. Flanagan</i>	<i>Worcester and Middlesex</i>	<i>2/10/2017</i>

SENATE No. 1290

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1290) of Cynthia S. Creem, Jack Lewis, Marjorie C. Decker, Jonathan Hecht and other members of the General Court for legislation to improve data collection in the juvenile justice system. Public Safety and Homeland Security.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1241 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act improving juvenile justice data collection.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The purpose of this provision is to ensure that the Commonwealth
2 establishes systems to collect accurate, consistent, and comprehensive data on juveniles' contacts
3 with officials in the law enforcement and juvenile justice systems in order to improve
4 comprehensive state planning as required by Title 42 of the United States Code, section 5633.

5 SECTION 2. Definitions.

6 As used in this act, -

7 "contact" means any action or decision by law enforcement personnel or by any other
8 official of the commonwealth or private service provider under contract or other agreement with

9 the commonwealth, in dealing with a juvenile at any stage of the juvenile justice system
10 including, but not limited to, the points of contact listed below in sections 4(a) –(i), which causes
11 such juvenile to enter or exit the juvenile justice system or which will change his custodial status,
12 liberty, case processing, or status within the system.

13 “juvenile” means a youth between the age of seven and eighteen and up to the age of 22
14 if the individual remains within the jurisdiction of the juvenile court or juvenile justice system,
15 and children aged fourteen to eighteen who are charged with first or second degree murder
16 pursuant to M.G.L.A. 119 § 74;

17 “alternative lock-up program” means a facility and/or program that provides for the
18 physical care and custody of a youth being held by the police after an arrest and before an
19 arraignment, and includes programs provided by the police, municipal, county or state
20 government, as well as any contractor, vendor or service-provider working with such
21 government entities.

22 “racial/ethnic category” means the socio-cultural racial and ethnic category of an
23 individual as categorized in a manner that is consistent with the categories established and
24 utilized by the federal Office of Juvenile Justice and Delinquency Prevention.

25 “type of crime” means category of crime into which the alleged or proven offense a youth
26 has committed falls as categorized in a manner that is consistent with the categories established
27 and utilized by the National Incident-Based Reporting System.

28 SECTION 3. The Child Advocate shall create and update as may be appropriate an
29 instrument to record aggregate statistical data at each point of contact identified in sections 4(a)-
30 (i). This instrument shall, at minimum, include age, gender, race/ethnicity category, and type of

31 crime. The child advocate shall give due regard to the census of juveniles when setting forth the
32 race/ethnicity categories in the instrument. The Child Advocate shall consider providing
33 guidance about the manner in which the race/ethnicity information is designated and collected,
34 with consideration of the juveniles' self-reporting of such categories. All Offices and
35 Departments subject to this law shall use this instrument to record contacts.

36 SECTION 4. (a) The department of state police, municipal police departments,
37 Massachusetts Bay Transportation Authority police, any school-based police from a local
38 education authority, and any contractor, vendor or service-provider working with such police
39 including any alternative lock-up programs, shall collect the necessary information to complete
40 the instrument identified in Section 3 for each juvenile subjected to the following contacts for
41 each fiscal year:

42 (1) referral to and/or use of diversion programming; and

43 (2) arrest

44 (b) Clerk magistrates shall collect the necessary information to complete the instrument
45 identified in Section 3 for each juvenile subjected to the following contacts for each fiscal year

46 (1) criminal complaint filed

47 (2) finding of probable cause;

48 (3) complaint issued;

49 (4) appeal to judge of the finding by the clerk magistrate; and

50 (5) complaint issued after appeal.

51 (c) The district attorneys shall collect the necessary information to complete the
52 instrument identified in Section 3 for each juvenile subjected to the following contacts for each
53 fiscal year

54 (1) referral to and/or use of diversion programming;

55 (2) indictment as a youthful offender;

56 (3) dismissal of indictment/dismissal of indictment in exchange for other action; and

57 (4) prosecution in criminal court under M.G.L.A. ch. 119 § 74.

58 (d) The juvenile court department shall collect the necessary information to complete the
59 instrument identified in Section 3 for each juvenile subjected to the following contacts for each
60 fiscal year

61 (1) arraignment as a delinquent

62 (2) arraignment as a youthful offender;

63 (3) referral to and/or use of diversion programming;

64 (4) imposition of bail or order to hold without bail;

65 (5) pre-trial probation pursuant to M.G.L.A ch. 276 § 87;

66 (6) cases which are continued without a finding, M.G.L.A. ch. 278 § 18 and M.G.L.A. ch.
67 119 §58;

68 (7) adjudication as a delinquent;

69 (8) adjudication as a youthful offender;

- 70 (9) imposition of an adult sentence pursuant to M.G.L.A. ch. 119 § 58;
- 71 (10) sentence to probation;
- 72 (11) commitment to the department of youth services pursuant to M.G.L.A. ch. 119 § 58;
- 73 (12) commitment to the department of youth services pursuant to M.G.L.A. ch. 279 s. 2
- 74 that are suspended;
- 75 (13) voluntary extensions of commitments to the department of youth services;
- 76 (14) juvenile brought before the court on criminal and non-criminal violations of
- 77 probation;
- 78 (15) commitments to department of youth services following a probation violation; and
- 79 (16) revocation of a continuation without a finding pursuant to M.G.L.A. ch. 278 § 18
- 80 and M.G.L.A. ch. 119 §58 ;
- 81 (e) The office of the commissioner of probation shall collect the necessary information to
- 82 complete the instrument identified in Section 3 for each juvenile subjected to the following
- 83 contacts for each fiscal year
- 84 (1) referral to and/or use of diversion programming;
- 85 (2) supervision of pre-trial probation;
- 86 (3) supervision of continuances without a finding;
- 87 (4) supervision of youth on probation; and
- 88 (5) referral to the court for a probation violation.

89 (f) The department of youth services and any contractor, vendor or service provider
90 working with said department including alternative lock-up programs shall collect the necessary
91 information to complete the instrument identified in Section 3 for each juvenile subjected to the
92 following contacts for each fiscal year

93 (1) pre-arraignment detention;

94 (2) pre-trial detention;

95 (3) commitment;

96 (4) level of care including, but not limited to,

97 a. "hardware," secure;

98 b. staff secure;

99 c. residential; and

100 d. community placement;

101 (4) notice of revocation of grants of conditional liberty;

102 (5) hearing on grants of conditional liberty; and

103 (6) revocation of grants of conditional liberty for violation of conditions of liberty; and

104 (7) voluntary extensions of commitments with the department of youth services.

105 (g) The superior court shall collect the necessary information to complete the instrument
106 identified in Section 3 for each juvenile subjected to the following contacts for each fiscal year

107 (1) arraignment for murder in the first degree and murder in the second degree; and
108 (2) convictions.

109 (h) The department of correction and each sheriff's department shall collect the necessary
110 information to complete the instrument identified in Section 3 for each juvenile subjected to the
111 following contacts for each fiscal year

112 (1) pre-arraignment detention;

113 (2) pre-trial detention;

114 (3) post-disposition confinement of youthful offenders; and

115 (4) post-conviction confinement for Murder.

116 (i) The parole board shall collect the necessary information to complete the instrument
117 identified in Section 3 for each juvenile subjected to the following contacts for each fiscal year

118 (1) grant of parole;

119 (2) supervision of parole; and

120 (3) revocation of parole.

121 SECTION 5. (a) The Executive Office of Public Safety and Security shall be responsible
122 for assembling the data collected by the below offices and departments on an annual basis. The
123 collected data for each fiscal year shall be published on the Executive Office of Public Safety
124 and Security Website, filed with the clerks of the Massachusetts House and Senate and provided

125 to the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The
126 first such report shall be submitted by January 2, 2018.

127 a. The Commissioner of the Department of Correction

128 b. Sheriffs of each County;

129 c. The Parole Board;

130 d. The Department of the State Police;

131 e. Municipal police departments;

132 f. The Massachusetts Bay Transportation Authority Police;

133 g. School based police from any local education authority;

134 h. Alternative Lock-up Programs; and

135 i. any other contractor, vendor or service provider working with school based or other
136 police officers.

137 (b) The Attorney General shall be responsible of assembling data collected by District
138 Attorney's Offices on an annual basis. The collected data for each fiscal year shall be published
139 on the Attorney General's website, filed with the clerks of the Massachusetts House and Senate
140 and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal
141 year. The first such report shall be submitted by January 2, 2018.

142 (c) The Chief Justice for Administration and Management shall be responsible for
143 assembling data collected by judicial officers and court personnel including the Commissioner of

144 Probation, judicial officers and court personnel, and the Executive Director of Community
145 Correction. The data shall be collected on an annual basis. The collected data for each fiscal year
146 shall be published on the Supreme Judicial Court's website, filed with the clerks of the
147 Massachusetts House and Senate and provided to the Office of the Child Advocate no later than
148 90 days after the end of that fiscal year. The first such report shall be submitted by January 2,
149 2018.

150 d) The Executive Office for Human Services shall be responsible for assembling data
151 collect by the Commissioner of the Department of Youth Services and all department personnel,
152 contractors or vendors working with the Department. The data shall be collected on an annual
153 basis. The collected data for each fiscal year shall be published on the Office's website, filed
154 with the clerks of the Massachusetts House and Senate and provided to the Office of the Child
155 Advocate no later than 90 days after the end of that fiscal year. The first such report shall be
156 submitted by January 2, 2018.

157 SECTION 6. Any individual data described or acquired under the provisions of this
158 chapter shall be used only for statistical purposes and may not be disseminated if it contains data
159 that reveal the identity of an individual who had contact with the juvenile justice system within
160 the meaning of this chapter.

161 SECTION 7. The annual Juvenile Justice Contact Data Reports from the Executive
162 Offices of Public Safety and Security, Attorney General, Chief Justice for Administration and
163 Management and Executive of Office of Human Services shall be public records.

164 SECTION 8. There shall be a Juvenile Justice Policy and Data Commission convened by
165 the Child Advocate for Massachusetts. The Commission shall evaluate policies related to the

166 juvenile justice system, oversee the collection and dissemination of aggregate data regarding the
167 system, and study the implementation of any major statutory changes to the juvenile justice
168 system, including but not limited to the expansion of juvenile jurisdiction to include persons
169 eighteen, nineteen and twenty years of age.

170 The Commission shall consist of the following members or their designees: Two
171 members of the General Court, one of whom shall be appointed by the speaker of the House of
172 Representatives, and one of whom shall be appointed by the President of the Senate; the Child
173 Advocate; the chief justice of the juvenile court; the commissioner of probation; the
174 commissioner of youth services; the commissioner of children and families; the commissioner of
175 mental health; the commissioner of public health; the Secretary of Education; the chief counsel
176 of the Committee for Public Counsel Services; the executive director of the Massachusetts
177 District Attorneys' Association; the chair of the Massachusetts Juvenile Justice Advisory
178 Committee; the executive director of Citizens for Juvenile Justice, Inc.; the executive director of
179 the Children's League of Massachusetts; a representative of the Massachusetts Chiefs of Police
180 Association; 2 parents whose children have been subject to Juvenile Court jurisdiction; and 1
181 member to be appointed by the governor who shall have experience or expertise related to the
182 design and implementation of state administrative data systems. All appointments to the
183 Commission shall be made not less than 30 days after the enactment of this legislation.

184 The task force shall have an Executive Director who shall convene the Commission,
185 prepare reports as called for herein; and identify academic research partners in Massachusetts or
186 elsewhere to assist in the analysis and reporting.

187 Not later than January 1, 2019, and no later than each January 1 following, the
188 Commission shall report to the Clerks of the Senate and the House of Representatives, the Chief
189 Judge of the Trial Court, and the Governor, regarding the following:

190 (a) Any statutory changes concerning the juvenile justice system that the committee
191 recommends to (A) improve public safety, (B) promote the best interests of children and youths
192 who are under the jurisdiction, supervision, care or custody of the Juvenile Court, the
193 Commissioner of Youth Services, or the Commissioner of Child Welfare; (C) improve
194 transparency and accountability with respect to state-funded services for children and youths in
195 the juvenile justice system with an emphasis on goals identified by the committee for
196 community-based programs and facility-based interventions; and (D) promote the efficient
197 sharing of information between the Executive Branch and the Judicial Branch to ensure the
198 regular collection and reporting of recidivism data and promote public welfare and public safety
199 outcomes related to the juvenile justice system

200 (b) Short-term goals to be met within twelve months, medium-term goals to be met
201 within eighteen months and long-term goals to be met within thirty-six months, for the
202 Commission and state agencies with responsibilities with respect to the juvenile justice system to
203 meet, after considering existing relevant reports related to the juvenile justice system and any
204 related agency or entity strategic plans;

205 (c) By no later than January 1, 2018, the capacities and limitations of the data
206 systems and networks used to collect and report state and local juvenile caseload and outcome
207 data. The analysis shall include all of the following:

- 208 i. a review of the relevant data systems, studies and models from the commonwealth
209 and other states;
- 210 ii. identification of changes or upgrades to current data collection processes to
211 remove inefficiencies, track and monitor state agency and court-involved juveniles and facilitate
212 the coordination of information sharing between relevant agencies and the courts, including
213 without limitation data that is required to be reported under federal law or for purposes of
214 securing federal funding;
- 215 iii. the identification and evaluation of any racial and ethnic disparities within the
216 juvenile justice system and recommendations regarding ways to reduce such disparities;
- 217 iv. recommendations for the creation of a web-based statewide clearinghouse or
218 information center that would make relevant juvenile justice information on operations,
219 caseloads, dispositions and outcomes available in a user-friendly, query-based format for
220 stakeholders and members of the public, including a feasibility assessment of implementing such
221 a system;
- 222 v. a plan for improving the current juvenile justice reporting requirements, including
223 streamlining and consolidating current requirements without sacrificing meaningful data
224 collection and including a detailed analysis of the information technology and other resources
225 necessary to implement improved data collection.
- 226 vi. any other matters which the task force determines may improve the collection of,
227 and interagency coordination of, juvenile justice data.

228 (d) The impact of any legislation that expands or alters the jurisdiction or functioning
229 of the juvenile court, including but not limited to legislation to include persons eighteen, nineteen
230 and twenty years of age within the jurisdiction of the juvenile system, as measured by the
231 following: (A) Any change in the average age of children and youths involved in the juvenile
232 justice system; (B) The types of services used by designated age groups and the outcomes of
233 those services; (C) The types of delinquent acts or criminal offenses that children and youths
234 have been charged with since the enactment and implementation of such legislation; and (D) The
235 gaps in services identified by the committee with respect to children and youths involved in the
236 juvenile justice system, including, but not limited to, children and youths who have attained the
237 age of eighteen after being involved in the juvenile justice system, and recommendations to
238 address such gaps in services; and (5) Strengths and barriers identified by the committee that
239 support or impede the educational needs of children and youths in the juvenile justice system,
240 with specific recommendations for reforms.

241 (e) The quality and accessibility of diversionary programs available to children and
242 youths in this state;

243 (f) An assessment of the system of community-based services for children and
244 youths who are under the supervision, care or custody of the Department of Youth Services or
245 the Juvenile Court;

246 (g) An assessment of the number of children and youths who, after being or while
247 under the supervision or custody of the Department of Children and Families, are adjudicated
248 delinquent or as a youthful offender; and

249 (h) An assessment of the overlap between the juvenile justice system and the mental
250 health care system for children in Massachusetts.

251 (i) Any appropriations necessary to accomplish any goals or suggested policy
252 changes identified by the Commission.

253 The Commission shall establish a timeframe for review and reporting regarding the
254 responsibilities outlined in this section. Each report submitted by the Commission shall include
255 specific recommendations to improve outcomes and a timeline by which specific tasks or
256 outcomes must be achieved.