SENATE . . . . No. 1124

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:
Cynthia S. Creem	*First Middlesex and Norfolk*
Jason M. Lewis	*Fifth Middlesex*

SENATE . . . . No. 1124

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1124) of Cynthia S. Creem and Jason M. Lewis 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. *1198* OF 2011-2012.]

The Commonwealth of Massachusetts

_____

In the Year Two Thousand Thirteen
_____

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 practice by law enforcement personnel or by any
8   other official of the commonwealth or private service provider under contract or other agreement
9   with 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).

11   "juvenile" means a youth between the age of seven and seventeen and up to the
12   age of 21 if the individual remains within the jurisdiction of the juvenile court or juvenile justice
13   system, and children aged fourteen to seventeen who are charged with first or second degree
14   murder pursuant to M.G.L.A. 119 § 74;

15   "alternative lock-up program" means a facility and/or program that provides for

16   the physical care and custody of a youth being held by the police after an arrest and before an

17   arraignment, and includes programs provided by the police, municipal, county or state

18   government, as well as any contractor, vendor or service-provider working with such

19   government entities.

20   "racial/ethnic category" means the socio-cultural racial and ethnic category of

21   an individual as categorized in a manner that is consistent with the categories established and

22   utilized by the Office of Juvenile Justice and Delinquency Prevention.

23   "type of crime" means category of crime into which the alleged or proven

24   offense a youth has committed falls as categorized in a manner that is consistent with the

25   categories established and utilized by the National Incident-Based Reporting System.

26   SECTION 3. The Child Advocate shall create and update as may be

27   appropriate an instrument to record statistical data at each point of contact identified in sections

28   4(a)-(i). This instrument shall, at minimum, include age, gender, race/ethnicity category, and

29   type of crime. The child advocate shall give due regard to the census of juveniles when setting

30   forth the race/ethnicity categories in the instrument. The Child Advocate shall consider

31   providing guidance about the manner in which the race/ethnicity information is designated and

32   collected, with consideration of the juveniles' self-reporting of such categories. All Offices and

33   Departments subject to this law shall use this instrument to record contacts.

34   SECTION 4. (a)   The department of state police, municipal police

35   departments, Massachusetts Bay Transportation Authority police, any school-based police from a

36   local education authority, and any contractor, vendor or service-provider working with such

37   police including any alternative lock-up programs, shall collect the necessary information to

38   complete the instrument identified in Section 3 for each juvenile subjected to the following

39   contacts for each fiscal year

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

41   (2) arrest; and

42   (3) pre-arraignment detention;

43   (b) Clerk magistrates shall collect the necessary information to complete the

44   instrument identified in Section 3 for each juvenile subjected to the following contacts for each

45   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
57 other action; and

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

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

62   (1) arraignment as a delinquent

63   (2) arraignment as a youthful offender;

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

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

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

68   (5) adjudication as a delinquent;

69   (6) adjudication as a youthful offender;

70   (7) sentence to probation;

71   (8) commitment to the department of youth services pursuant to
72 M.G.L.A. ch. 119 § 58;

73   (9) commitment to the department of youth services pursuant to
74 M.G.L.A. ch. 279 s. 2 that are suspended;

75   (10) extension of commitments to the department of youth services
76 pursuant to M.G.L.A. ch. 120 § §17,18 by consent or order;

77   (11) juvenile brought before the court on criminal and non-criminal

78 violations of probation; and

79   (12) commitments to department of youth services following

80 probation violation.

81   (e) The office of the commissioner of probation shall collect the necessary

82 information to complete the instrument identified in Section 3 for each juvenile subjected to the

83 following 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; and

87   (4) supervision of youth on probation;

88   (f) The department of youth services and any contractor, vendor or service

89 provider working with said department including alternative lock-up programs shall collect the

90 necessary information to complete the instrument identified in Section 3 for each juvenile

91 subjected to the following contacts for each fiscal year

92   (1) pre-trial detention;

93   (2) commitment;

94   (3) level of care including, but not limited to,

95   a. "hardware," secure;

96   b. staff secure;

97   c. residential; and

98   d. community placement;

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

100   (5) hearing on grants of conditional liberty;

101   (6) youth placed in secure for violation of conditions of liberty;

102   (7) extensions of commitments pursuant to M.G.L.A. ch. 120 §

103 §17,18 sought by the department of youth services; and

104   (8) extensions pursuant to M.G.L.A. ch. 120 § §17,18 by consent or
105 order.

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

109   (1) arraignment for murder in the first degree and murder in the
110 second degree; and

111   (2) convictions.

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

115   (1) prearraignment detention;

116   (2) pretrial detention;

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

118   (4) post-conviction confinement for Murder.

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

122   (1) grant of parole;

123   (2) supervision of parole; and

124   (3) revocation of parole.

125   SECTION 5. (a) The Executive Office of Public Safety and Security shall be
126 responsible for assembling the data collected by the below offices and departments on an annual
127 basis. The collected data for each fiscal year shall be published on the Executive Office of
128 Public Safety and Security Website, filed with the clerks of the Massachusetts House and Senate
129 and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal
130 year. The first such report shall be submitted by January 2, 2012.

131   a. The Commissioner of the Department of Correction

132   b. Sheriffs of each County;

133   c. The Parole Board;

134   d. The Department of the State Police;

135   e. Municipal police departments;

136   f. The Massachusetts Bay Transportation Authority Police;

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

138   h. Alternative Lock-up Programs; and

139   i. any other contractor, vendor or service provider working with

140   school based or other police officers.

141   (b) The Attorney General shall be responsible of assembling data collected by

142   District Attorney's Offices on an annual basis. The collected data for each fiscal year shall be

143   published on the Attorney General's website, filed with the clerks of the Massachusetts House

144   and Senate and provided to the Office of the Child Advocate no later than 90 days after the end

145   of that fiscal year. The first such report shall be submitted by January 2, 2012.

146   (c) The Chief Justice for Administration and Management shall be responsible

147   for assembling data collected by judicial officers and court personnel including the

148   Commissioner of Probation, judicial officers and court personnel, and the Executive Director of

149   Community Correction. The data shall be collected on an annual basis. The collected data for

150   each fiscal year shall be published on the Supreme Judicial Court's website, filed with the clerks

151   of the Massachusetts House and Senate and provided to the Office of the Child Advocate no later

152   than 90 days after the end of that fiscal year. The first such report shall be submitted by January

153   2, 2012.

154   (d) The Executive Office for Human Services shall be responsible for

155   assembling data collect by the Commissioner of the Department of Youth Services and all

156   department personnel, contractors or vendors working with the Department. The data shall be

157   collected on an annual basis. The collected data for each fiscal year shall be published on the

158   Office's website, filed with the clerks of the Massachusetts House and Senate and provided to

159   the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The first

160   such report shall be submitted by January 2, 2012.

161   SECTION 6. Any individual data described or acquired under the provisions of

162   this chapter shall be used only for statistical purposes and may not be disseminated if it contains

163   data that reveal the identity of an individual who had contact with the juvenile justice system

164   within the meaning of this chapter.

165   SECTION 7. The annual Juvenile Justice Contact Data Reports from the

166   Executive Offices of Public Safety and Security, Attorney General, Chief Justice for

167   Administration and Management and Executive of Office of Human Services shall be public

168   records.