

SENATE No. 1241

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>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1241) of Cynthia S. Creem, Ruth B. Balser, James B. Eldridge, Jason M. Lewis 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. 1124 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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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 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).

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

15 “alternative lock-up program” means a facility and/or program that provides for the
16 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 an
21 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 offense a youth
24 has committed falls as categorized in a manner that is consistent with the categories established
25 and utilized by the National Incident-Based Reporting System.

26 SECTION 3. The Child Advocate shall create and update as may be appropriate an
27 instrument to record statistical data at each point of contact identified in sections 4(a)-(i). This
28 instrument shall, at minimum, include age, gender, race/ethnicity category, and type of crime.
29 The child advocate shall give due regard to the census of juveniles when setting forth the
30 race/ethnicity categories in the instrument. The Child Advocate shall consider providing

31 guidance about the manner in which the race/ethnicity information is designated and collected,
32 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 departments,
35 Massachusetts Bay Transportation Authority police, any school-based police from a local
36 education authority, and any contractor, vendor or service-provider working with such police
37 including any alternative lock-up programs, shall collect the necessary information to complete
38 the instrument identified in Section 3 for each juvenile subjected to the following contacts for
39 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 instrument
44 identified in Section 3 for each juvenile subjected to the following contacts for each fiscal year

45 (1) criminal complaint filed

46 (2) finding of probable cause;

47 (3) complaint issued;

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

49 (5) complaint issued after appeal.

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

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

54 (2) indictment as a youthful offender;

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

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

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

60 (1) arraignment as a delinquent

61 (2) arraignment as a youthful offender;

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

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

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

66 (5) adjudication as a delinquent;

67 (6) adjudication as a youthful offender;

68 (7) sentence to probation;

69 (8) commitment to the department of youth services pursuant to M.G.L.A. ch. 119 §
70 58;

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

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

75 (11) juvenile brought before the court on criminal and non-criminal violations of
76 probation; and

77 (12) commitments to department of youth services following probation violation.

78 (e) The office of the commissioner of probation shall collect the necessary information to
79 complete the instrument identified in Section 3 for each juvenile subjected to the following
80 contacts for each fiscal year

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

82 (2) supervision of pre-trial probation;

83 (3) supervision of continuances without a finding; and

84 (4) supervision of youth on probation;

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

- 89 (1) pre-trial detention;
- 90 (2) commitment;
- 91 (3) level of care including, but not limited to,
- 92 a. “hardware,” secure;
- 93 b. staff secure;
- 94 c. residential; and
- 95 d. community placement;
- 96 (4) notice of revocation of grants of conditional liberty;
- 97 (5) hearing on grants of conditional liberty;
- 98 (6) youth placed in secure for violation of conditions of liberty;
- 99 (7) extensions of commitments pursuant to M.G.L.A. ch. 120 § §17,18 sought by the
100 department of youth services; and
- 101 (8) extensions pursuant to M.G.L.A. ch. 120 § §17,18 by consent or order.
- 102 (g) The superior court shall collect the necessary information to complete the instrument
103 identified in Section 3 for each juvenile subjected to the following contacts for each fiscal year
- 104 (1) arraignment for murder in the first degree and murder in the second degree; and
- 105 (2) convictions.

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

109 (1) prearrest detention;

110 (2) pretrial detention;

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

112 (4) post-conviction confinement for Murder.

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

115 (1) grant of parole;

116 (2) supervision of parole; and

117 (3) revocation of parole.

118 SECTION 5. (a) The Executive Office of Public Safety and Security shall be
119 responsible for assembling the data collected by the below offices and departments on an annual
120 basis. The collected data for each fiscal year shall be published on the Executive Office of
121 Public Safety and Security Website, filed with the clerks of the Massachusetts House and Senate
122 and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal
123 year. The first such report shall be submitted by December 31, 2015.

124 a. The Commissioner of the Department of Correction

- 125 b. Sheriffs of each County;
- 126 c. The Parole Board;
- 127 d. The Department of the State Police;
- 128 e. Municipal police departments;
- 129 f. The Massachusetts Bay Transportation Authority Police;
- 130 g. School based police from any local education authority;
- 131 h. Alternative Lock-up Programs; and
- 132 i. any other contractor, vendor or service provider working with school based or other
- 133 police officers.

134 (b) The Attorney General shall be responsible of assembling data collected by District
135 Attorney's Offices on an annual basis. The collected data for each fiscal year shall be published
136 on the Attorney General's website, filed with the clerks of the Massachusetts House and Senate
137 and provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal
138 year. The first such report shall be submitted by December 31, 2015.

139 (c) The Chief Justice for Administration and Management shall be responsible for
140 assembling data collected by judicial officers and court personnel including the Commissioner of
141 Probation, judicial officers and court personnel, and the Executive Director of Community
142 Correction. The data shall be collected on an annual basis. The collected data for each fiscal
143 year shall be published on the Supreme Judicial Court's website, filed with the clerks of the
144 Massachusetts House and Senate and provided to the Office of the Child Advocate no later than

145 90 days after the end of that fiscal year. The first such report shall be submitted by December 31,
146 2015.

147 d) The Executive Office for Human Services shall be responsible for assembling data
148 collect by the Commissioner of the Department of Youth Services and all department personnel,
149 contractors or vendors working with the Department. The data shall be collected on an annual
150 basis. The collected data for each fiscal year shall be published on the Office's website, filed
151 with the clerks of the Massachusetts House and Senate and provided to the Office of the Child
152 Advocate no later than 90 days after the end of that fiscal year. The first such report shall be
153 submitted by December 31, 2015.

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

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