

**HOUSE . . . . . No. 2489**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Carolyn C. Dykema*

*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:	DATE ADDED:
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>1/19/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	
<i>James M. Cantwell</i>	<i>4th Plymouth</i>	
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	
<i>Chris Walsh</i>	<i>6th Middlesex</i>	
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	
<i>Denise Provost</i>	<i>27th Middlesex</i>	
<i>Jack Lewis</i>	<i>7th Middlesex</i>	
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	
<i>Robert M. Koczera</i>	<i>11th Bristol</i>	
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	
<i>Daniel J. Ryan</i>	<i>2nd Suffolk</i>	

<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	
<i>Stephan Hay</i>	<i>3rd Worcester</i>	
<i>Bradford R. Hill</i>	<i>4th Essex</i>	
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>	
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	
<i>John C. Velis</i>	<i>4th Hampden</i>	
<i>Linda Dorcena Forry</i>	<i>First Suffolk</i>	
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	

**HOUSE . . . . . No. 2489**

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By Ms. Dykema of Holliston, a petition (accompanied by bill, House, No. 2489) of Carolyn C. Dykema and others for legislation to improve data collection in the juvenile justice system. Public Safety and Homeland Security.

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**The Commonwealth of Massachusetts**

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**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.