



Massachusetts' Juvenile Detention Alternatives Initiative



Poll I: How familiar are you with the work of JDAI?

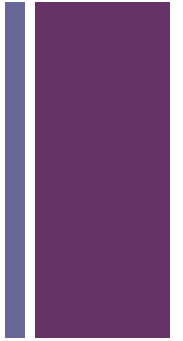


- A. Not at all familiar
- B. Slightly familiar
- C. Moderately familiar
- D. Very familiar
- E. Extremely familiar

+ Training Objectives

- Develop an understanding of the goals of JDAI and the principles that undergird JDAI's work.
- Identify the dangers of detention and the efforts underway to divert youth from the juvenile justice system
- Develop an understanding of the pathway into the juvenile justice system, and the data trends overtime in Massachusetts
- Demonstrate an understanding of the connection between JDAI's work and the work of the Family Resource Centers.
- Develop an understanding of Racial Trauma and how it relates to treatment

+ DYS Core Priority Areas



Dual Mandate

- I. Committed Youth – Youth post-adjudication committed to DYS care and custody until 18 or 21 Y.O., depending on the type of juvenile case.

- II. Detained Youth – Youth who are held awaiting further court action, either on a cash bail on a new offense; on a violation of release condition; awaiting a violation of probation hearing.

+ Detention



- Detention is a legal status for youth placed in DYS custody by a judicial officer, until their next court appearance.
- Detention is not a treatment intervention. No rehabilitative services are provided.

+ What is JDAI?



+ 4 Waves of Juvenile Justice Reform

Late 19th Century | Parens Patriae

1960's | In re: Gault

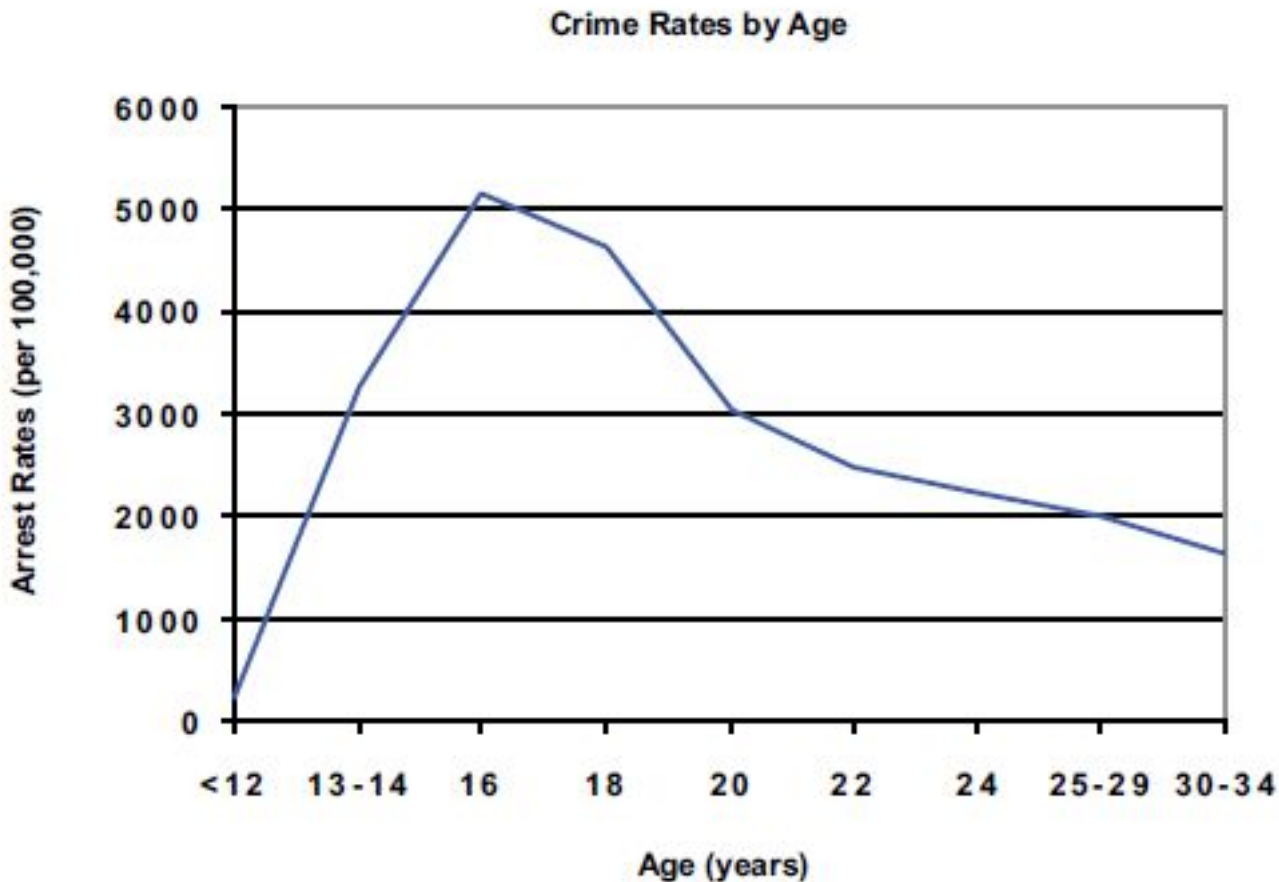
1980's-1990's | “Super-predators”

Past 15 years | Developmental Neuroscience/Research



+ What if we did nothing?

Most Young People Age Out of Crime on Their Own



Source: FBI Crime in the United States (1993).



Caught: The Lives of Juvenile Justice



“What happens to young people, is that they commit a crime, and we look at that crime as being so heinous, so dangerous, so violent, that it deserves the kind of retribution the kind of thing that’s beyond punishment, that it makes us unwilling to look at the catch 22 that they were trapped in. And if we took a step back and really honestly said, some of these crimes don’t warrant prison anyway, then maybe we can admit that we can more effectively deal with this in another fashion. We haven’t had that conversation. Even my crime, I carjacked somebody, they focused completely how heinous the crime is, but right now, I’m on government panels, I’ve been appointed to things by President Obama, I’ve been at Yale Law School, I mean all of those accolades, people think that that’s an example of my rehabilitation and overcoming, but I think what it is is an example of why we could have did something different with me when I was 16.”

+ What are we doing?

JDAI Massachusetts



+ Strategic Goals

- Improve cross system collaboration
- Ensure equitable outcomes in youth serving systems
- Guarantee equitable access and pro-social opportunities
- Assure fidelity to the JDAI 8 Core Strategies



JDAI uses eight interconnected strategies to enable jurisdictions to safely reduce on secure detention

PURPOSE:

To demonstrate that jurisdictions can establish more effective and efficient systems to accomplish the purposes of juvenile detention.

OBJECTIVES:

- 1) Eliminate inappropriate or unnecessary use of secure detention
- 2) Minimize failures to appear and incidence of delinquent behavior
- 3) Redirect public finances to successful reform strategies
- 4) Improve conditions in secure detention facilities
- 5) Reduce racial and ethnic disparities

CORE STRATEGIES:

Collaboration

Use of accurate data

Objective admissions criteria and instruments

Alternative to detention

Case processing reforms

Reducing the use of secure confinement for 'special' cases

Deliberate commitment to reducing racial disparities

Improving conditions of confinement



Current Initiatives with FRC Collaboration



- *Statewide Racial Equity Training*
 - FRC leadership has been trained on Seeing RED
 - FRC staff involved in JDAI Seeing RED Subcommittees
 - FRC staff attendance in the Racial Trauma Webinar

- **Localized Initiatives via County Committees**
 - FRC staff attendance and participation at JDAI local committee meetings
 - **DIY Case Conferences supported by FRC staff**
 - Hampden County Juvenile Court
 - Taunton Public School

- **Others?**



Diversion & Alternatives to Detention

Diversion

An alternative to formal processing that can occur at multiple decision points. Agreements may involve activities such as supervision and monitoring, school attendance, curfew, community service, restitution, mental health and substance use counseling, letters of apology, and/or restorative justice.

Alternative to Detention

A location or supervision that allows a juvenile with an open delinquency matter, including violation of probation, to remain out of hardware secure detention pending further court action.





What is Diversion?

CRA Diversion

What does CRA diversion look like for you?

Delinquency Diversion

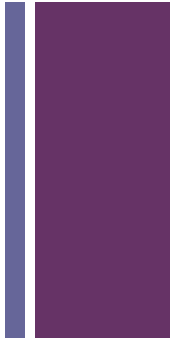
Can be....

- Formal or Informal
- Initiated by
 - Police
 - Clerk
 - D.A.'s Office
 - Judge

Discussion of benefits & challenges

+ What we should do?

- Getting older and maturing
- Family and relationships
- Sobriety
- Employment
- Hope and motivation
- Having something to give to others
- Having a place within a social group
- Not having a criminal identity
- Being “believed in”

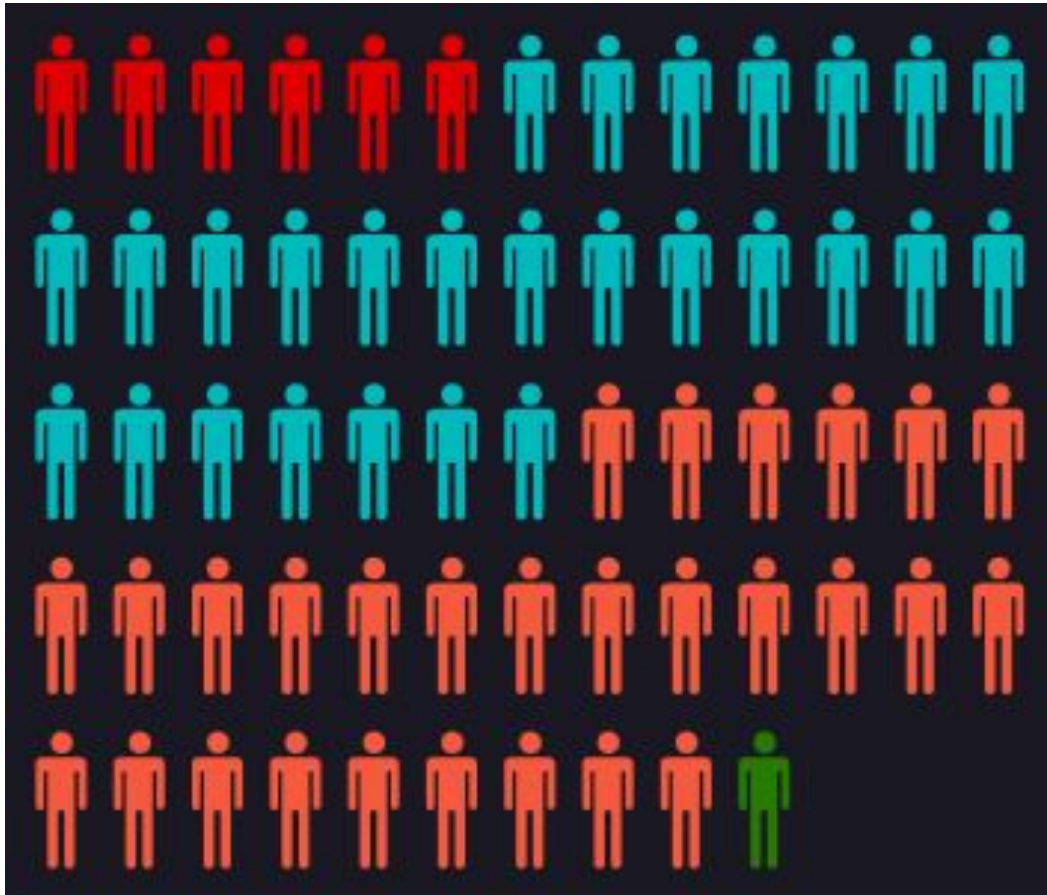


+Detention Population

In 2017, 16 of every *10,000* Massachusetts Youth, age 7-17, were detained



White
6



Black
27

Hispanic
28

Asian
1

+ Dangers of Detention

- Average Length of Stay

February						
Su	M	Tu	W	Th	F	Sa
			✓ 1	✓ 2	✓ 3	✓ 4
✓ 5	✓ 6	✓ 7	✓ 8	✓ 9	✓ 10	✓ 11
✓ 12	✓ 13	✓ 14	✓ 15	✓ 16	✓ 17	✓ 18
✓ 19	✓ 20	✓ 21	✓ 22	✓ 23	✓ 24	✓ 25
✓ 26	✓ 27	✓ 28				

March						
Su	M	Tu	W	Th	F	Sa
			✓ 1	✓ 2	✓ 3	✓ 4
✓ 5	✓ 6	✓ 7	✓ 8	✓ 9	✓ 10	✓ 11
✓ 12	✓ 13	✓ 14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

+ Poll II



Do you currently address or unpack the effects of racial trauma when working with youth and families?

YES

NO

NOT SURE

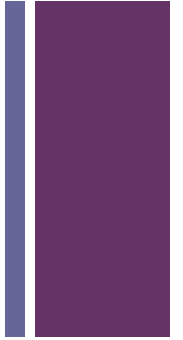
+ Addressing Racial Trauma

- Racial Trauma manifest in psychological problems such as substance abuse and behavioral problems
- The impact of racial trauma in adolescent has a great impact with their interaction with systems
- We cannot focus on the presenting problem without incorporating the influence racial trauma has on youth





How to Address Racial Trauma



Racial Socialization

- Creating a space for youth of color to have discussions about racial social structure and their beliefs
- deepens the understanding the role race place in society
- Breakdown initial barriers between staff and youth

Positive Racial Identity

- Heightens awareness of the impact race has on everyday interactions → helps youth resist internalizing discriminatory experiences
- Beneficial in coping with racial trauma associated with negative stereotypes
- Allows for youth to process and work through attitudes and beliefs of internalized racism and develop a strong awareness of racism and oppression

+ Dangers of Confinement

- Congregating delinquent youth together increases chances of reoffending
- Even when controlling for other factors, being detained increases the chances of a young person going “deeper” into the system.
- Entering the juvenile justice system makes kids **7 times more likely** to enter the adult criminal justice system. Being sentenced to juvenile prison made an adult arrest **37 times more likely**.
- Contact with the criminal justice system limited the ability of young adults to accumulate wealth between ages 25-30. (Maroto, Sykes 2019)

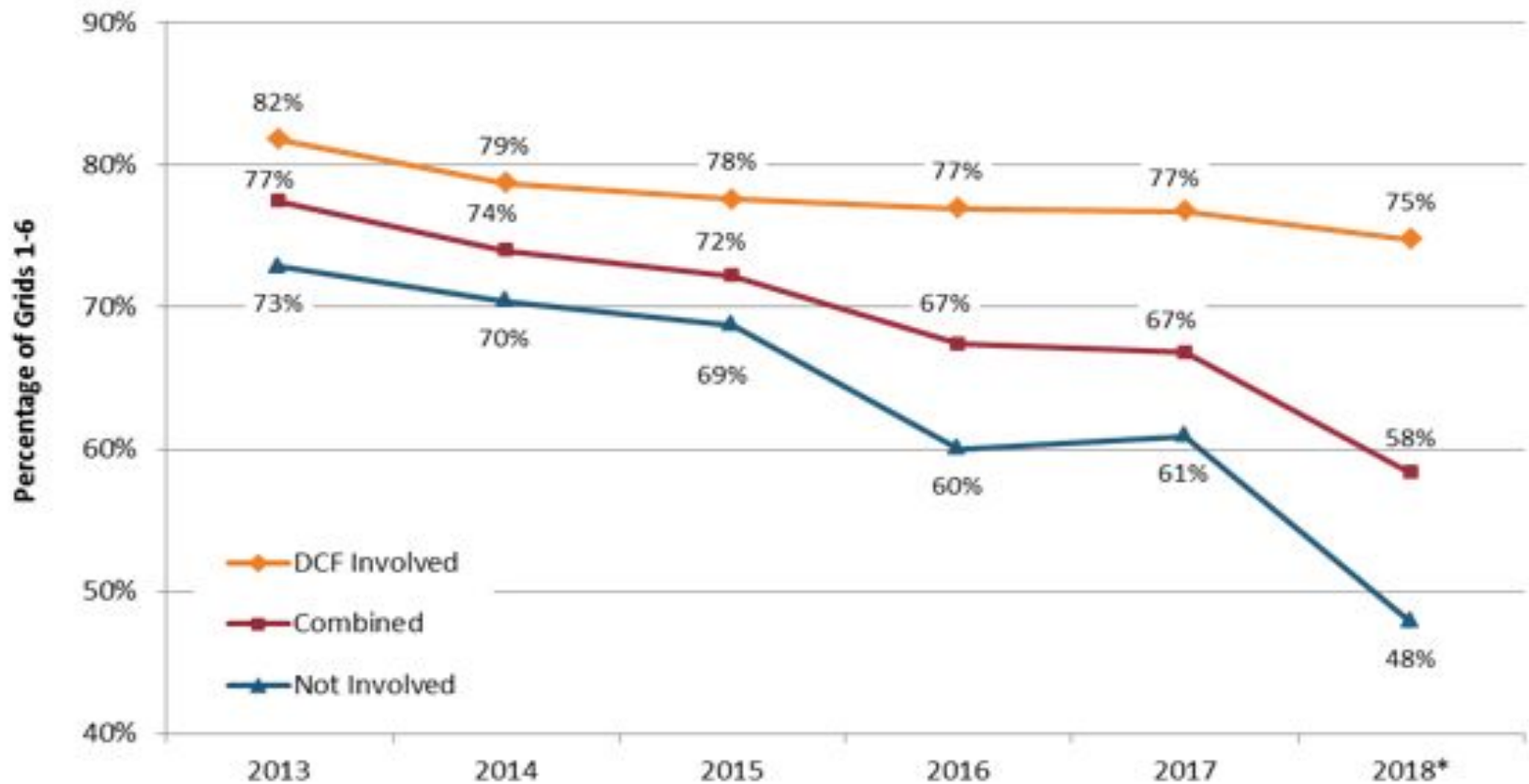




Detention of DCF Youth



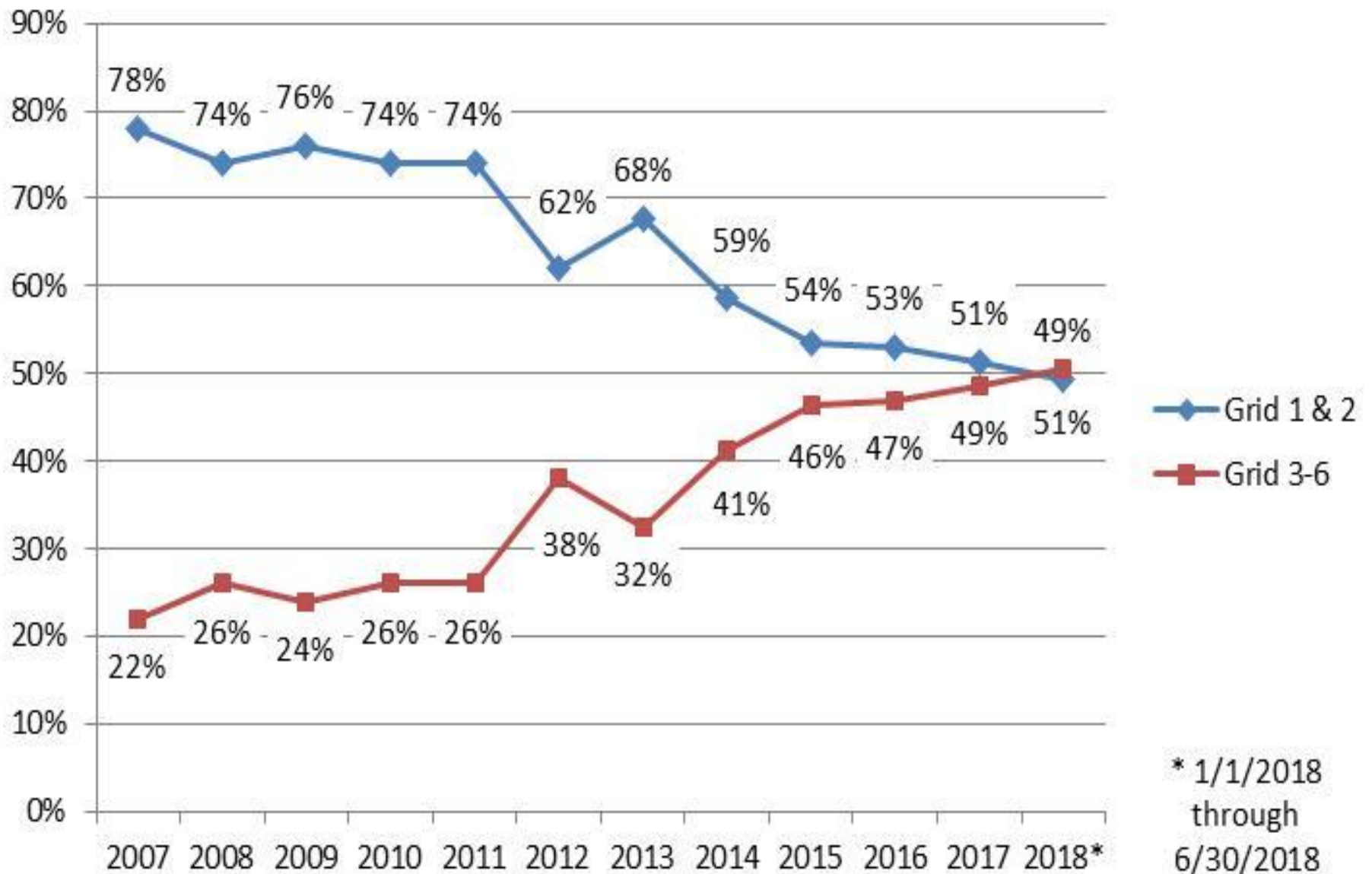
Grid 1-2 Detention Admissions as Percentage of All Grids, by DCF Involvement



Source: DYS Bail Report

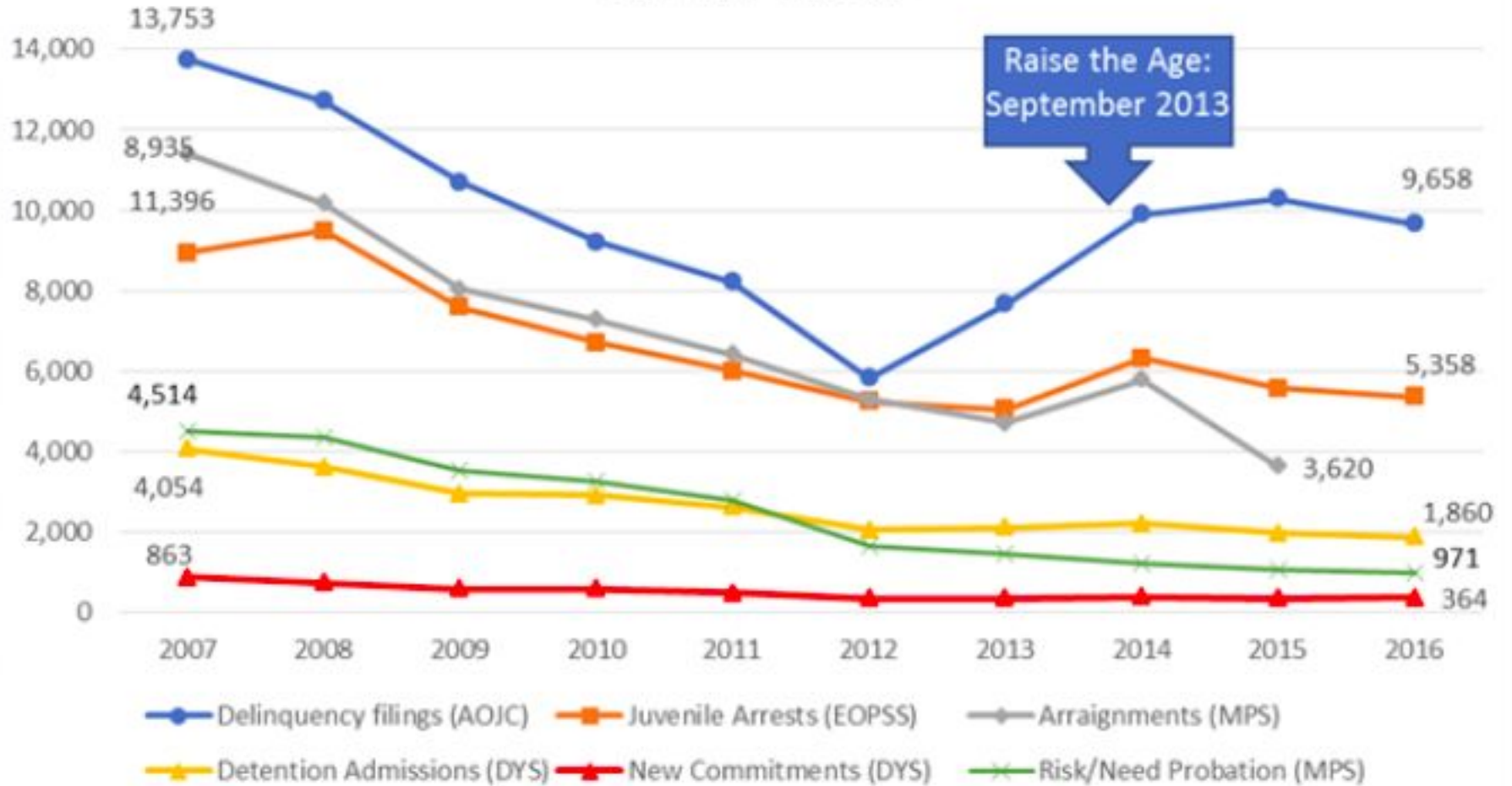
* Annualized based on 1/1/18 through 6/30/18.

Detention Admissions by Grid Level





Massachusetts Juvenile Contact Points: Ten Year Trends



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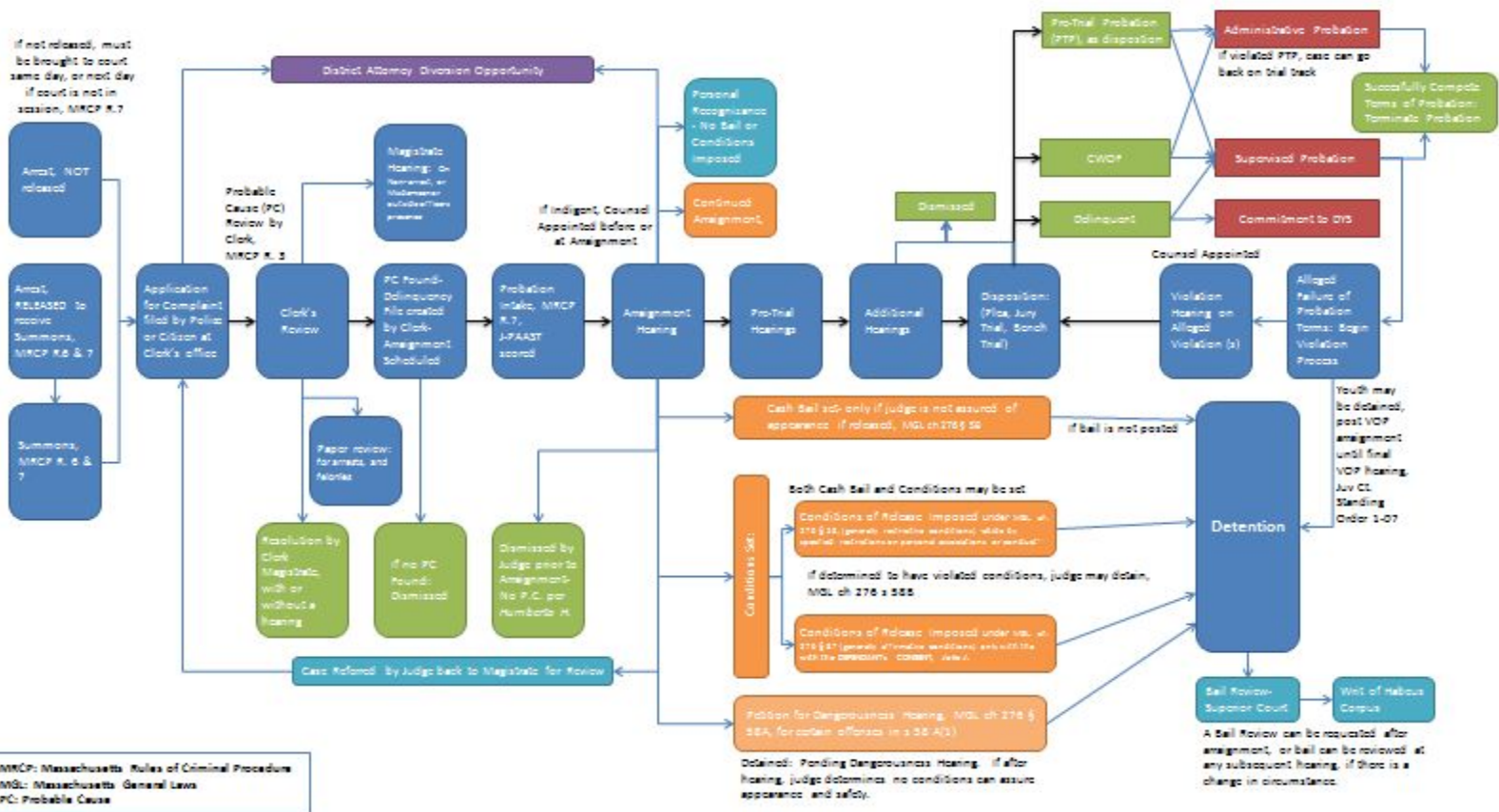
Meet Marcus

- 15 years old
- Enjoys school
- Plays basketball with his friends every weekend
- History of childhood trauma
- Lives with his mom, mom's boyfriend, and five siblings





How does Marcus meet the Department of Youth Services?



MRCP: Massachusetts Rules of Criminal Procedure
 MGL: Massachusetts General Laws
 PC: Probable Cause

• A youth's competency to stand trial can be raised at any point in the juvenile justice process by any party. A Court may order an initial evaluation by a court clinician, MGL ch 223 §10a, and further evaluation as necessary under §10b. A youth may evaluate in detention during this time.
 • The court may order a youth to undergo a diagnostic evaluation to aid the court, under MGL ch 118 §68A. This evaluation can be completed in the community, or in detention, however, if the youth is detained the evaluation must be completed within 30 days.
 • Counsel for a youth may request funds from the Indigent Court Costs Fund, G.L. c. 261, §§ 27A-D, to privately retain a mental health expert for needed evaluations.

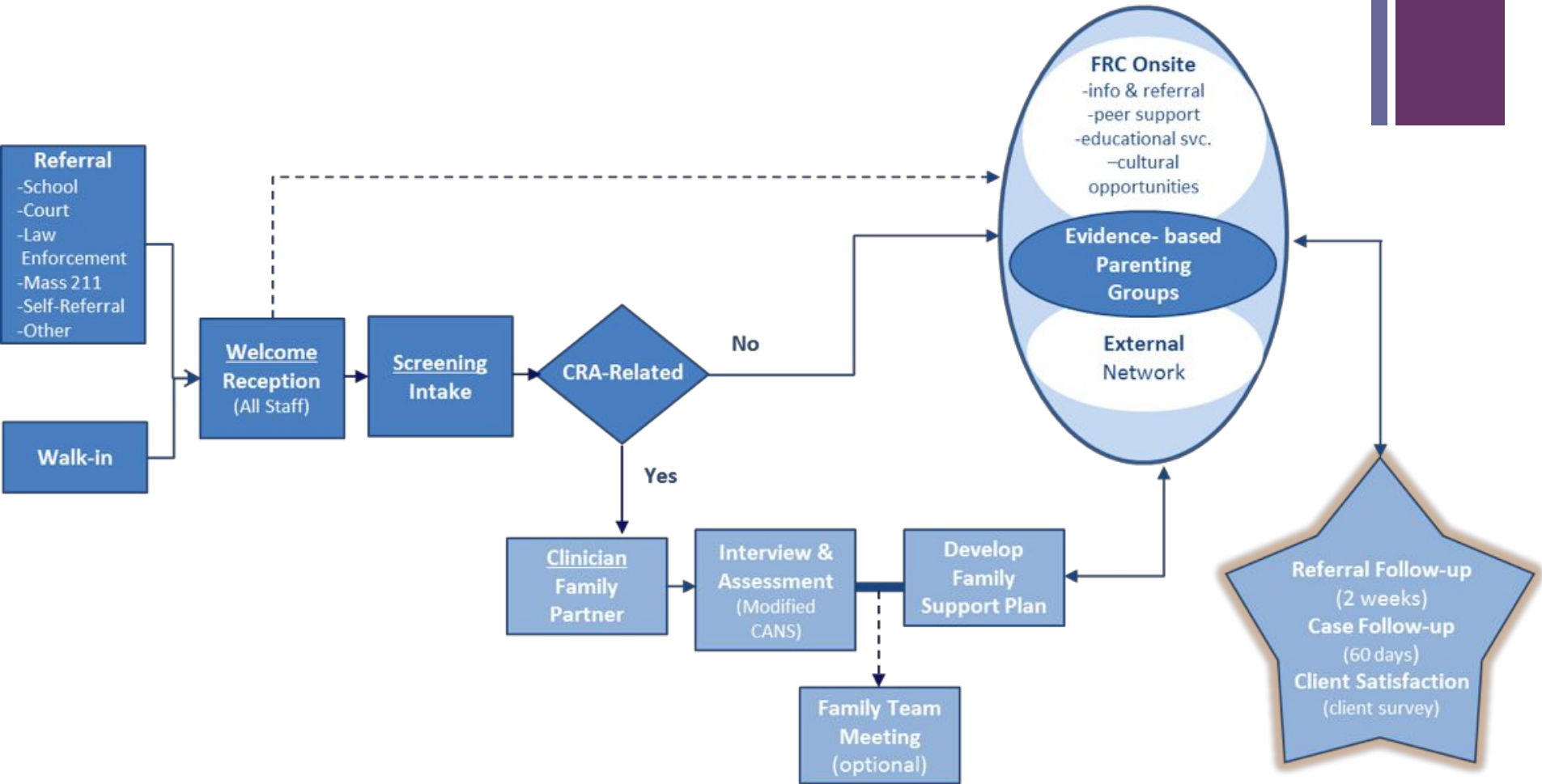
+ Marcus in Detention

- Misses his math final
- Due to past trauma his depression and anxiety are amplified
- He starts to feel like he's a bad kid
- He is exposed to youth who display criminogenic thinking
- He is more likely to come back into the system





Family Resource Center Model

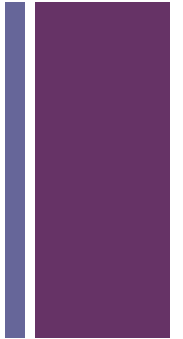


+ Case Study

Read your case individually. As a group compile a list of possible alternatives that would meet the following criteria:

1. Hold youth accountable for their actions
2. Provide support to the youth and the entire family unit
3. Maintain the youth in the community
4. Divert the youth from DYS/ provide alternative to detention
5. Improve the current living situation for the youth to promote success and to stop delinquent behaviors
6. Establish strong familial relationships

Include a description of how you considered race equity when answering the questions.



+ Case 1

15-year-old black male was arrested at home on a Saturday night for a fight with his brother. Mom called 911 because he allegedly punched his brother in the face, and Mom was afraid that he would seriously hurt him later in the day. The brother had taken his phone and sent a message to his girlfriend as a joke, which initiated the fight. In cases of domestic violence, even sibling on sibling, the police “shall” remove someone from the home. This youth is brought to the police station, bail is set, he is held in Overnight Arrest and arraigned on Monday where is ultimately detained.



+ Case 2

17-year-old white male was arrested for leaving the scene of a motor vehicle accident after causing property damage. There was a warrant out for his arrest and he was arrested at school the following day. He had a previous record of driving without a license, destruction of property, and significant substance use issues, although he had a license this time and there was no way to tell if he was under the influence at the time of the crash. In this particular court, his prior record prevented him from being diverted. At his arraignment he is detained.



+

Thank you!

Questions? Comments?





Poll III: After today's training how familiar are you with the work of JDAI?



- A. Not at all familiar
- B. Slightly familiar
- C. Moderately familiar
- D. Very familiar
- E. Extremely familiar

+ Poll IV: Are hearing this presentation how likely are you to become engaged in the JDAI work/philosophy?

- A. Very likely
- B. Moderately likely
- C. Very unlikely

