

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone 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 passage of the accompanying bill:

AN ACT TO IMPROVE JUVENILE JUSTICE DATA COLLECTION.

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO IMPROVE 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 establishes
2 systems to collect accurate, consistent, and comprehensive data on juveniles' contacts with
3 officials in the law enforcement and juvenile justice systems in order to improve comprehensive
4 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 official of
8 the commonwealth or private service provider under contract or other agreement with the
9 commonwealth, in dealing with a juvenile at any stage of the juvenile justice system including,
10 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 if the
12 individual remains within the jurisdiction of the juvenile court or juvenile justice system, and
13 children aged fourteen to seventeen who are charged with first or second degree murder pursuant
14 to M.G.L.A. 119 § 74;

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

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

22

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

26 SECTION 3. The Child Advocate shall create and update as may be appropriate an instrument to
27 record statistical data at each point of contact identified in sections 4(a)-(i). This instrument
28 shall, at minimum, include age, gender, race/ethnicity category, and type of crime. The child
29 advocate shall give due regard to the census of juveniles when setting forth the race/ethnicity
30 categories in the instrument. The Child Advocate shall consider providing guidance about the
31 manner in which the race/ethnicity information is designated and collected, with consideration of
32 the juveniles’ self-reporting of such categories. All Offices and Departments subject to this law
33 shall use this instrument to record contacts.

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

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

40 (2) arrest; and

41 (3) pre-arraignment detention;

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

44 (1) criminal complaint filed

45 (2) finding of probable cause;

46 (3) complaint issued;

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

48 (5) complaint issued after appeal.

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

- 51 (1) referral to and/or use of diversion programming;
- 52 (2) indictment as a youthful offender;
- 53 (3) dismissal of indictment/dismissal of indictment in exchange for other action; and
- 54 (4) prosecution in criminal court under M.G.L.A. ch. 119 § 74.

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

- 58 (1) arraignment as a delinquent
- 59 (2) arraignment as a youthful offender;
- 60 (3) referral to and/or use of diversion programming;
- 61 (3) pre-trial probation pursuant to M.G.L.A. ch. 276 § 87;
- 62 (4) cases which are continued without a finding, M.G.L.A. ch. 278 § 18 and M.G.L.A. ch.
63 119 §58 ;
- 64 (5) adjudication as a delinquent;
- 65 (6) adjudication as a youthful offender;
- 66 (7) sentence to probation;
- 67 (8) commitment to the department of youth services pursuant to M.G.L.A. ch. 119 § 58;
- 68 (9) commitment to the department of youth services pursuant to M.G.L.A. ch. 279 s. 2
69 that are suspended;
- 70 (10) extension of commitments to the department of youth services pursuant to
71 M.G.L.A. ch. 120 § §17,18 by consent or order;
- 72 (11) juvenile brought before the court on criminal and non-criminal violations of
73 probation; and
- 74 (12) commitments to department of youth services following probation violation.

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

- 78 (1) referral to and/or use of diversion programming;
- 79 (2) supervision of pre-trial probation;
- 80 (3) supervision of continuances without a finding; and
- 81 (4) supervision of youth on probation;
- 82 (f) The department of youth services and any contractor, vendor or service provider working
83 with said department including alternative lock-up programs shall collect the necessary
84 information to complete the instrument identified in Section 3 for each juvenile subjected to the
85 following contacts for each fiscal year
- 86 (1) pre-trial detention;
- 87 (2) commitment;
- 88 (3) level of care including, but not limited to,
- 89 a. "hardware," secure;
- 90 b. staff secure;
- 91 c. residential; and
- 92 d. community placement;
- 93 (4) notice of revocation of grants of conditional liberty;
- 94 (5) hearing on grants of conditional liberty;
- 95 (6) youth placed in secure for violation of conditions of liberty;
- 96 (7) extensions of commitments pursuant to M.G.L.A. ch. 120 § §17,18 sought by the
97 department of youth services; and
- 98 (8) extensions pursuant to M.G.L.A. ch. 120 § §17,18 by consent or order.
- 99 (g) The superior court shall collect the necessary information to complete the instrument
100 identified in Section 3 for each juvenile subjected to the following contacts for each fiscal year
- 101 (1) arraignment for murder in the first degree and murder in the second degree; and
- 102 (2) convictions.

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

106 (1) prearrest detention;

107 (2) pretrial detention;

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

109 (4) post-conviction confinement for Murder.

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

112 (1) grant of parole;

113 (2) supervision of parole; and

114 (3) revocation of parole.

115 SECTION 5. (a) The Executive Office of Public Safety and Security shall be responsible for
116 assembling the data collected by the below offices and departments on an annual basis. The
117 collected data for each fiscal year shall be published on the Executive Office of Public Safety
118 and Security Website, filed with the clerks of the Massachusetts House and Senate and provided
119 to the Office of the Child Advocate no later than 90 days after the end of that fiscal year. The
120 first such report shall be submitted by January 2, 2010.

121 a. The Commissioner of the Department of Correction

122 b. Sheriffs of each County;

123 c. The Parole Board;

124 d. The Department of the State Police;

125 e. Municipal police departments;

126 f. The Massachusetts Bay Transportation Authority Police;

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

128 h. Alternative Lock-up Programs; and

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

131 (b) The Attorney General shall be responsible of assembling data collected by District Attorney's
132 Offices on an annual basis. The collected data for each fiscal year shall be published on the
133 Attorney General's website, filed with the clerks of the Massachusetts House and Senate and
134 provided to the Office of the Child Advocate no later than 90 days after the end of that fiscal
135 year. The first such report shall be submitted by January 2, 2010

136 (c) The Chief Justice for Administration and Management shall be responsible for assembling
137 data collected by judicial officers and court personnel including the Commissioner of Probation,
138 judicial officers and court personnel, and the Executive Director of Community Correction. The
139 data shall be collected on an annual basis. The collected data for each fiscal year shall be
140 published on the Supreme Judicial Court's website, filed with the clerks of the Massachusetts
141 House and Senate and provided to the Office of the Child Advocate no later than 90 days after
142 the end of that fiscal year. The first such report shall be submitted by January 2, 2010

143 (d) The Executive Office for Human Services shall be responsible for assembling data collect by
144 the Commissioner of the Department of Youth Services and all department personnel,
145 contractors or vendors working with the Department. The data shall be collected on an annual
146 basis. The collected data for each fiscal year shall be published on the Office's website, filed
147 with the clerks of the Massachusetts House and Senate and provided to the Office of the Child
148 Advocate no later than 90 days after the end of that fiscal year. The first such report shall be
149 submitted by January 2, 2010

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

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