

Visioning an Improved Youth Justice System in Boston

Using community generated recommendations to create the blueprint for statewide diversion

A teenage girl was playing with a laser pointer in a Boston Public Library after school one afternoon, soon after she was violently arrested. On Fridays, the library would place police officers in the teen room, where young people come and hang out after school. The girl played with her laser pointer, aiming at a few books, laughing among her friends. The officer, spotting the laser, asked the girl to leave. The girl didn't get up immediately which caused the officer to briskly cross the room, grab the chair she was in and push her out of it. The girl then tried to leave, as the cop had advised, but the officer grabbed her, slamming her onto the floor in front of all of her peers, and put her in handcuffs. She was arrested, charged with disorderly conduct and resisting arrest.

Research has repeatedly found that being arrested and being charged in court for minor offenses hurts more than helps the young person involved; the arrest and court processing can also traumatize and derail young people at a very vulnerable stage in their lives. Instead of using the juvenile justice system as punishment, we need to explore alternative responses that both hold young people accountable and avoid harming their futures with a criminal record.

Incidents like the one above highlight the need for pre-arraignment diversion opportunities for young people in the city of Boston accused of low level offenses. The term “Diversion” is used across the justice system and is often used to refer to any opportunity to avoid further formal justice system involvement, whether offered before or after a court filing. In this report, we use the term “Diversion” to refer to any alternative to arrest or court-involvement that occurs prior to a formal arraignment.

Over the last year, Citizens for Juvenile Justice (CfJJ) has brought together groups of youth, parents, and allies in Boston to develop a community-driven “Diversion Network.” Informed by input from families in our communities, local data, and research, the goal of the Network is to collectively create a vision for a pre-arraignment diversion system that keeps young people out of court. The Diversion Network builds on the findings in CfJJ’s 2016 [Less Crime for Less Money](#) report, which found that Massachusetts, unlike most other states, does not provide state funding¹ for or require juvenile diversion of any kind. Instead of a unified policy approach, police, district attorneys, and court personnel offer a discretionary and disparate array of programs and practices, with no requirements to follow best practices or track what they do. The result is that children across the state receive vastly different opportunities to avoid court involvement depending on where they live and in many cases, what they look like.



This report sets forth the case for community-driven diversion solutions, and includes findings from our initial conversations in Boston, a summary of who participated in the groups, and the recommendations that young people and parents identified to avoid arrest and court for our young people. The recommendations covered the gamut from improving school climate to addressing trauma among families and young people to developing a better network of services in our communities to prevent the issues that lead to system involvement. These community recommendations should help drive the development of alternatives to arrest for young people, while simultaneously improving relations with law enforcement, offering more resources to families, and engaging young people throughout the entire process.

Why Do We Need Diversion?

If not diverted, a young person arrested by the police or referred to court will move through the formal juvenile justice system (Petrosino, 2013). This can ultimately lead to an adjudication in

¹ In FY2017 and FY2018, Massachusetts Probation Services was allocated \$200,000 to provide seed money to municipalities for pre-arrest and pre-arraignment diversion programs.

which the youth's guilt or innocence would be determined by a judge. If found delinquent, the youth would then face a disposition or sentencing, ranging from paying a fine, to probation, to commitment to the Department of Youth Services until the age of 18, or up to 21 if adjudicated as a "youthful offender" for a more serious offense. However, at any point the youth may also be diverted out of the system to counseling or services, or released altogether with service or check-in requirements. (Petrosino, 2013).

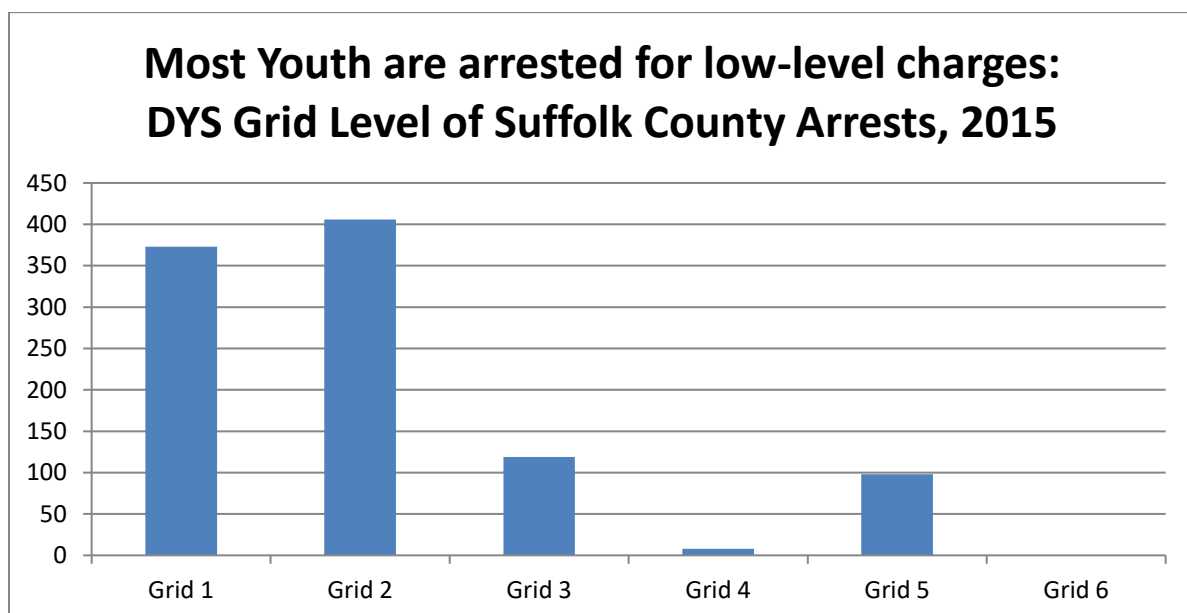
How do you wish adults would have responded?

"Consistent dialogue. You learn through experience, you have to learn from mistakes and figure out what's underneath those actions" – focus group participant

Pre-arraignment juvenile diversion allows youth to avoid formal processing in the court system and puts the focus on rehabilitation, directing them to services, treatment, and opportunities for community involvement and learning. Pre-arraignment diversion also helps avoid the creation of a court and or arrest record (CfJJ, 2016). Schools, police departments, the DA's office, or even a juvenile court judge can offer pre-arraignment diversion. Successful models of pre-arraignment diversion projects exist in Massachusetts, usually through partnerships between police, schools, and community organizations available to provide services.

Research has shown that the first time a young person is arrested doubles their risk of dropping out of high school. Young people are too often charged with disorderly conduct, theft, or minor fights that could be addressed through restitution or restorative justice approaches (CfJJ, 2016).

In 2015, 1,004 young people, age 7 to 17, were arrested in Suffolk County, including 837 arrested in Boston. The Department of Youth Services developed a grid level system to identify the seriousness of an offense. Grid 1 represents less serious offenses such as disorderly conduct while Grid 6 represents murder and other serious offenses (see Appendix A for a list of offenses by grid level). Most arrests in Suffolk County are for Grid Level 1 & 2 offenses.

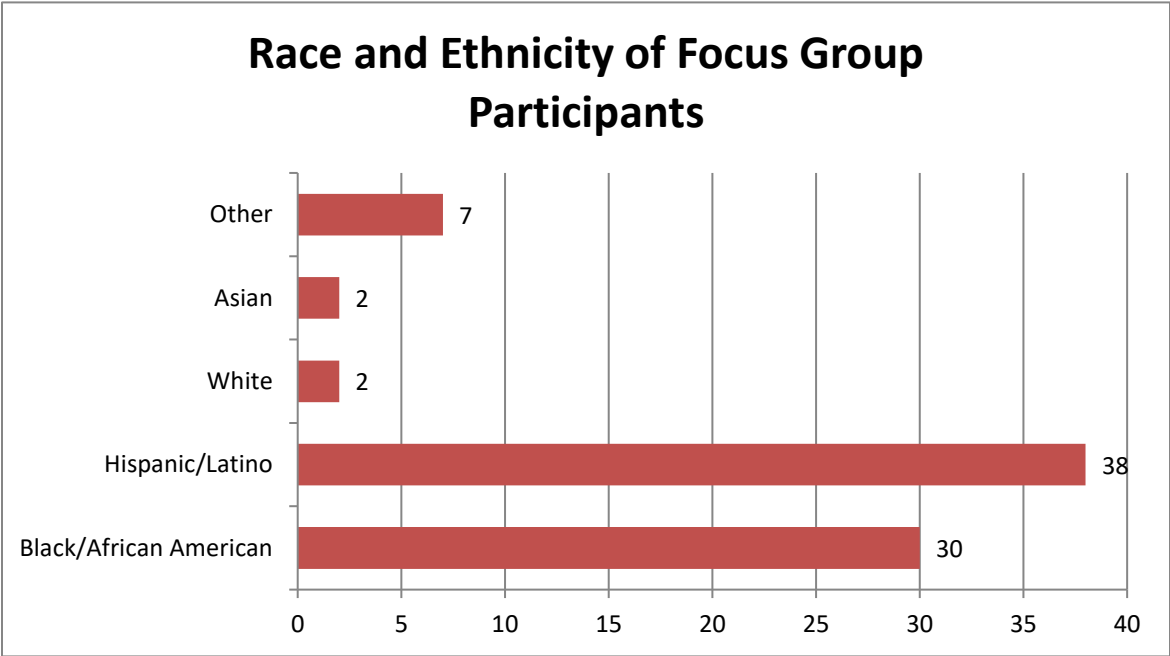


Source: 2015 UCR Arrest Data, FBI.

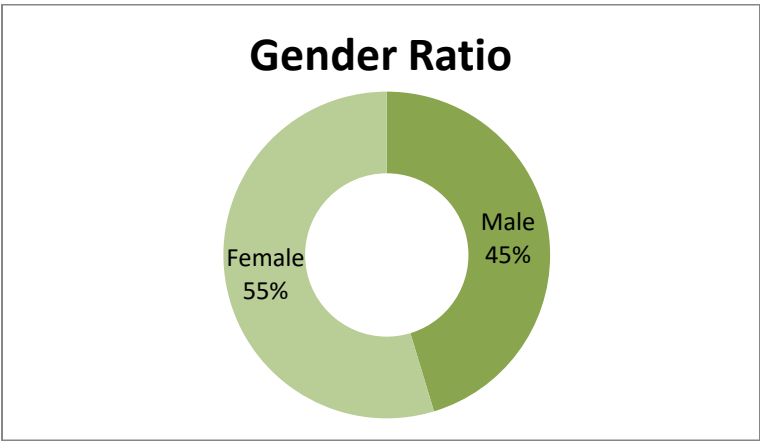
Participants in the Community Focus Groups

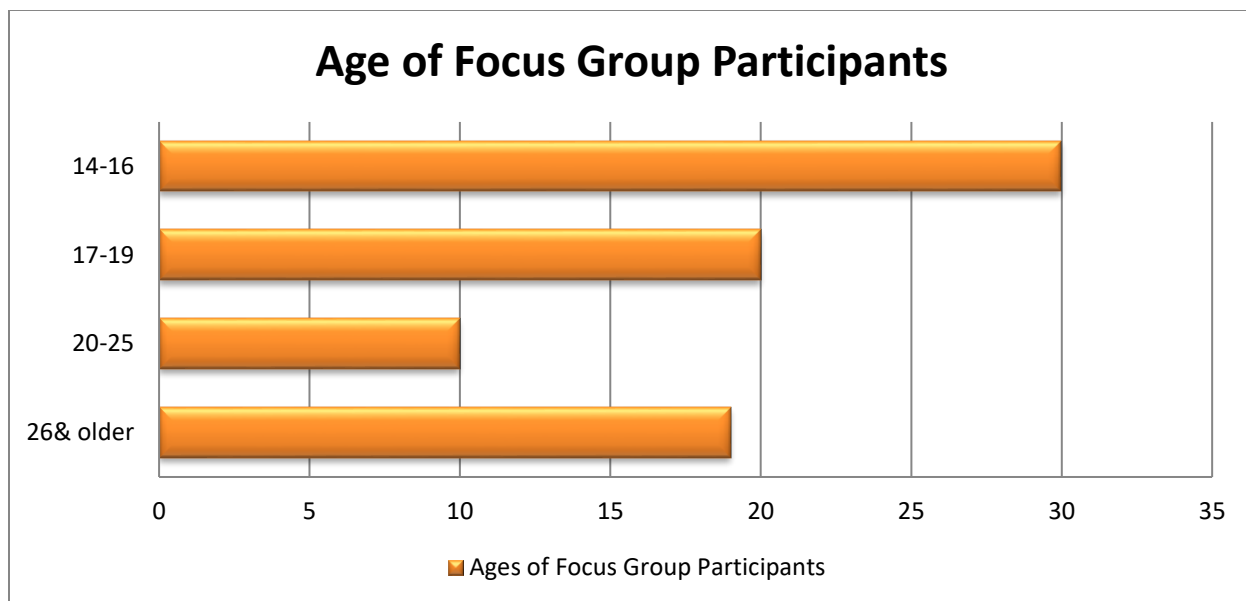
CfJJ started the Diversion Network project in Boston – the city with the largest population of youth of color in Massachusetts – with the goal of piloting the process here and then expanding it to other cities. Nearly a year later, CfJJ has conducted ten focus groups in Boston with young people and parents. We have met with system-involved youth, parents of system involved youth, advocates, public defenders, clinicians, and BPS employees.

In total, CfJJ met with nearly 100 individuals from January to July 2017. Based on the evaluation forms received from 80% of focus group participants and detailed transcripts of the meetings, we were able to capture their experiences and recommendations for this project.



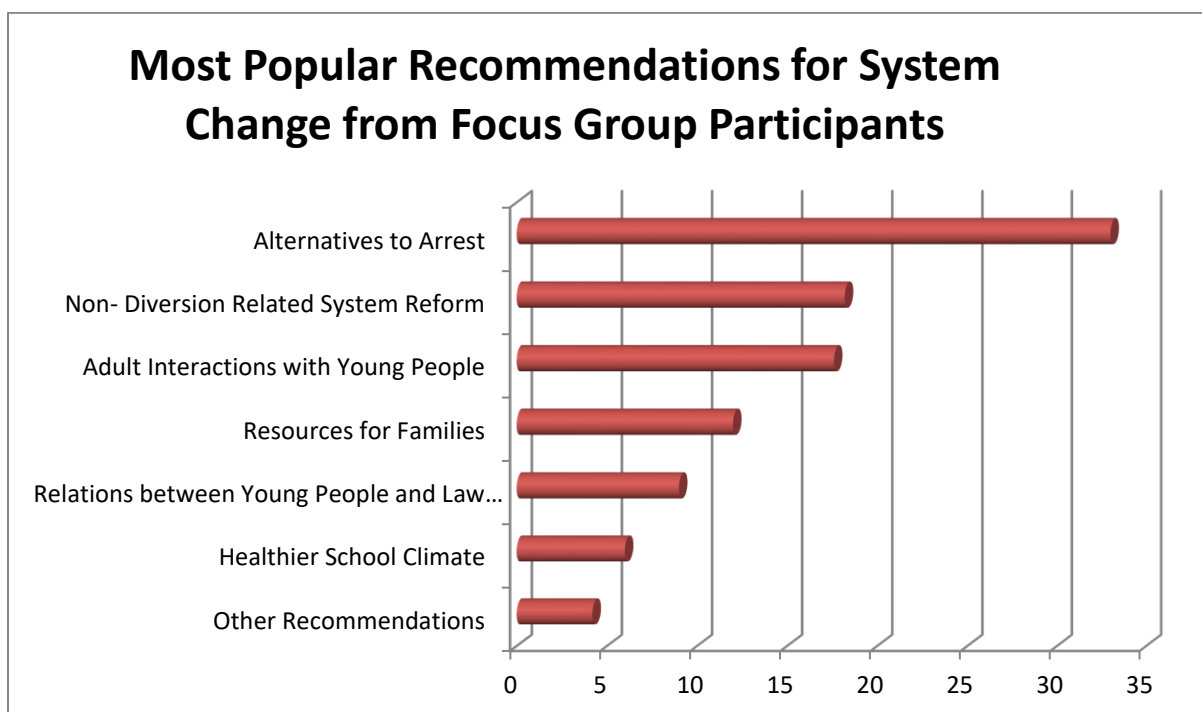
Our goal was to talk to as diverse an audience as possible when getting recommendations from the community. Nearly 80% of focus group participants identified as either black/African American or Hispanic/Latinx reflecting the racial and ethnic disparities of arrest. Focus group participants were split almost in 55% female and 45% male, though some individual focus group sessions consisted of one gender only. More than 60% of focus group participants were under the age of 20.





Analysis of Recommendations from the Focus Groups

In total, we received 164 recommendations from our nearly 100 participants over the course of six months. In order to better understand the overall trends within these recommendations, we categorized them under roughly seven topic areas. These areas were: alternatives to arrest, resources for families, interactions with young people, relations between young people and law enforcement, healthier school climate, non-diversion related system reform, and other recommendations proposed by the participants. The graph below shows the percentage of each topic area based on the total number of recommendations. A summary of the feedback under each topic is set forth below.



The key recommendations that came out of the focus group discussions were used to create the sessions for a Diversion Conference in September 2017. The purpose of that conference was to bring together individuals who are most impacted by the juvenile justice system - young people, their families and their communities – to build off the recommendations and collectively design alternatives to justice system involvement. At the conference, CfJJ shared the findings from our research followed by interactive working groups to create the vision for more effective solutions to the problem of unnecessary court processing and detention.

Alternatives to Arrest

Based on frequent feedback about negative interactions with police, we asked participants what were some of the alternatives to arrest that they would recommend. Just shy of 33% of all recommendations addressed changes in policies and laws to decrease arrests for young people. This totaled 53 recommendations out of the 164 gathered from the focus groups.

Of these 53 recommendations, 43% asked for policy and law changes to be made to prevent arrest or court processing. The remaining 57% offered a host of recommendations that dealt with access to diversion for anyone charged with a low-level offense, as well as more events and programs in the neighborhood as a whole.

“In communities in the suburbs they give second chances, but in Dorchester the cops approach the kids with six cars and it raises the kids’ stress levels.” – focus group participant

Non-Diversion Related System Reform

Our conversations with the focus groups also generated several other recommendations for system improvement beyond police interactions. Their suggestions accounted for 18.2% (30) of all recommendations.

Criminal record reform and increased records protections, including expungement, CORI reform, and raising the age of juvenile court were recommended the most. Participants (16.6%) suggested that the expungement of juvenile records for those over eighteen was important. CORI reform was the most prevalent recommendation (20%), with an emphasis on record sealing. There were also recommendations to raise both the minimum and maximum age (20%) for a young person to be placed in the juvenile justice system.

Further system reform recommendations included improving detention centers and/or probation (10%), sentencing reform (16.6%) including mandatory minimum reform and changing what charges should be considered a felony, as well as reducing or getting rid of fees for courts and bail (10%). The remaining 8% of recommendations dealt with the issue youth involved in both the child welfare system and juvenile justice system.

Adult Interactions with Young People

When examining the recommendations that focus on adult interactions with young people, we separated law enforcement and other adult interactions. These recommendations were compiled to be based on how young people are interacting with adults as a whole.

How did adults respond?

"My mom would usually agree with the adults and assume I was the problem. She would scream at me and it would be a one-sided conversation which would make me feel bad by how disappointed she was in me." – focus group participant

Of the recommendations, nearly 18% (29) focused on improving how adults see young people; 69% of these recommendations were from young people asking for adults to be more understanding and patient before making decisions that impact their lives. Young people want to be heard and to be treated with more sympathy and understanding when they misbehave. They want youth voice to be taken into consideration and valued. They also want to have the ability to explain themselves so that they can be helped. The participants felt that adults pass judgment without taking youth explanations into account.

The remaining 31% wanted less profiling from adults, including racial profiling for young people.

Resources for Families

About 12% (21) of the recommendations asked for additional resources for families and parents. Some of the participants sought more programs for young people. A majority of these resource-related recommendations (66%) were aimed towards prevention, such as placing more of a focus on why teens end up arrested rather than how to deal with them once they are justice-involved. Participants felt there needed to be more of a concentration on rehabilitation, education programs, and restorative justice.

"My friend was suicidal, cutting, and felt her voice was never heard. The school sent her to a mental health program after a few incidents of self-harm. I felt like something could've been done before she got to that point" – focus group participant

Another major area of resource recommendations was the need for parents and families to have better access to referral information; 19% of participants felt parents needed to be given more guidance on how the system itself works as well as ways through which they could help prevent their child from ever being court involved.

Relations between Young People and Law Enforcement

The participants felt there needs to be less punitive treatment and more understanding of young people: 9% of recommendations directly related to improving relations between young people and law enforcement. Suggestions included workshops with officers and young people and police training on dealing with teens and how young people are different than adults.

"I was with friends on a bus leaving a community event. Police pulled over the bus and pulled guns on us. They claimed we fit the description of some dudes who had robbed a Papa John's. We sat for hours on the side of the road in handcuffs until they realized we had not been the robbers" – focus group participant

The participants also felt that officers should receive cultural training, especially in areas that would prevent less profiling of young people of color.

"I had a cop point a gun in my face, saw my friend get beat up by a cop, was pepper-sprayed, and traumatized. The lieutenant was there. How am I going to look up to them? How am I supposed to feel at 13?" – focus group participant

Healthier School Climate

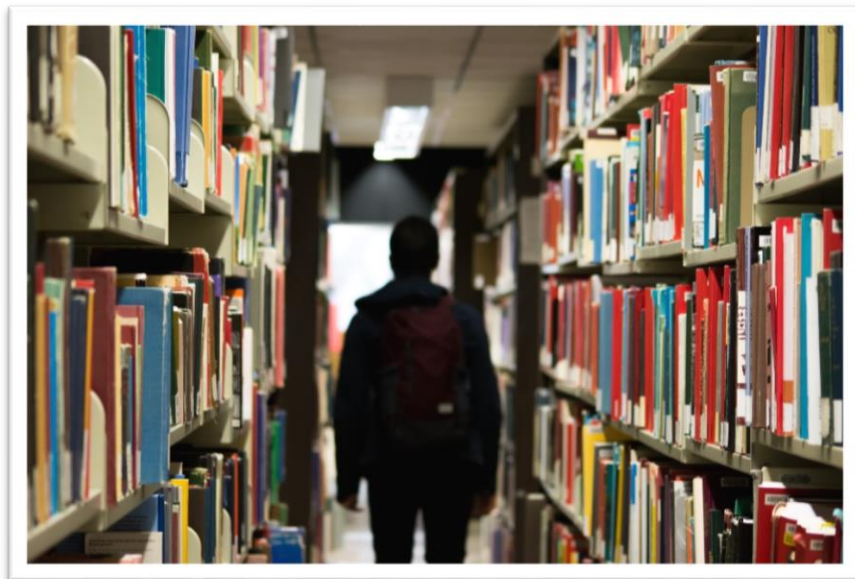
In recent years, there has been significant attention given to the school-to-prison pipeline. Several experiences shared by focus group participants highlighted issues within schools or due to school policies that either directly caused them to become system involved, or played an important role in system involvement.

What did you need?

"Teachers to listen. Principal and student support/guidance counselor to listen too." – focus group participant

Within our focus group recommendations, there were few direct recommendations given for school climate improvement (6%), yet school held a significant role in several of the other major areas such as youth interactions and alternatives to arrest.

"I had a lunch fight with a girl...we both were arrested by a Student Resource Officer (SRO) for throwing milk at each other. Ended up diverted (wrote apology letters and talked about what was wrong)." – focus group participant



Recommendations for a healthier school climate included more access to school mentors. One recommendation in particular stressed the importance of having a stronger relationship between

DYS and the school system. Though our project aims to avoid arrest and court processing, we are aware of the needs of young people who spend time in DHS and return back to their local schools. A plan for each child is needed so that a young person does not fall too far behind and potentially become system involved once more.

Other Recommendations

During the course of the focus groups, there were some recommendations for tougher penalties and earlier arrest for young people. These seven participants (4.2%) felt that young people who became system involved earlier will likely be deterred from committing crimes later in life.

“Catch kids early/young – put them in a cell and they will learn. Need to shock them back to reality.” – focus group participant

Slightly over half (57%) of this minority of recommendations (about 2% of all recommendations) felt that DHS must be stricter. These recommenders stated DHS can sometimes feel like a “kiddie camp” and does not do enough to hold young people accountable for their actions. The remaining 43% of this set of recommendations (about 2% of the total) stated that more tough on crime measures are needed and that diversion does not provide that.

For complete community investment in a project such as this, we will need to convince people such as the recommenders above that there are more suitable alternatives to arrest than outdated scared straight tactics, which have been repeatedly found to actually worsen recidivism. Alternatives, created jointly by both community and system leaders, will bring about more positive results for young people yet still hold them accountable.

Conclusion

The young people, parents, and advocates in Boston that we spoke to consistently urged the system to find alternatives to arrest for young people, improve relations with law enforcement, offer more resources to families, and engage young people throughout the entire process. The young people we spoke to were energized and excited to know that their voices mattered in decisions that impacted their lives and the communities around them. They were able to share experiences of fear, trauma, a lack of understanding, or the need for a helping hand, to complete strangers so that they could chronicle and share what they are experiencing to a bigger audience. It is our duty as advocates, system leaders, and adults to honor them by creating a system that finds alternatives to arrest, while holding young people accountable, when appropriate, so that they can learn from their mistakes, without suffering a lifetime of stigma from having a record of court involvement.

Looking back at the teenage girl in the library, we can see that the community has offered tangible recommendations to avoid such an occurrence. If alternatives to arrest can become the new presumption for young people in all of our communities – as it is in many of our suburban communities – we can avoid hindering young people’s futures over juvenile mistakes.

References

Citizens for Juvenile Justice, *Less Crime for Less Money: Why Massachusetts should reduce unnecessary and harmful court processing for children and teens* (2016). Available at https://cfjj.org/s/Diversion_White_Paper.pdf

Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg. *Formal System Processing of Juveniles: Effects on Delinquency*. No. 9 of Crime Prevention Research Review (2013), Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services. Available at <http://www.ric-zai-inc.com/Publications/cops-w0692-pub.pdf>.

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Appendix A: Offenses by DYS Grid Level

Grid 1	Grid 2	Grid 3	Grid 4	Grid 5	Grid 6
Operating a MV with a suspended license drug possession shoplifting disorderly conduct Peeping Tom Fondling Embezzlement Impersonation Prostitution Bribery Theft from MV Counterfeit/forgery Swindling Pocket-picking Intimidation Liquor violation Extortion/blackmail Trespass	OUI liquor or drugs Possession of heroin Assault Assault & battery - Tagging Breaking & entering	Indecent A&B on a child Robbery Stalking Burning buildings	Incest Sodomy Involuntary manslaughter Assault to murder A&B with dangerous weapon Armed robbery Carjacking - Kidnapping	A&B on a child with substantial injury Attempted murder Armed robbery Assault to murder Armed carjacking	Manslaughter - Home invasion Rape Trafficking Firearms Murder Weapon violation



44 School Street, Suite 400

Boston, MA 02108

www.cfjj.org