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Report: Too many Mass kids are in detention

Even though alternatives are better for public safety and for youth

BOSTON – A high proportion of Massachusetts youth charged with minor offenses are held in prison-like facilities, even though research clearly shows that detaining kids increases recidivism, according to a report released today by Citizens for Juvenile Justice (CfJJ).

Unlocking Potential: Addressing the overuse of detention in Massachusetts found that more than 50 percent of youth in detention have only misdemeanor charges, a percentage that has increased over time. While Massachusetts has substantially lowered the number of detentions overall, the Commonwealth is detaining the same proportion of arraigned kids, despite reform efforts.

“The good news here is that we know there is a better way,” said CfJJ Executive Director Naoka Carey. “Our report looks in-depth at alternative programs in Massachusetts that are keeping kids in their communities and, in some cases, diverting them from the juvenile justice system entirely. Kids in these programs go on to have very low rates of reoffending. Massachusetts needs to scale up these successful efforts.”

Massachusetts must “institutionalize” these alternative programs so that they are available statewide and have the capacity to serve all the kids who are appropriate for them, said the Honorable Jay Blitzman, a juvenile court judge in Middlesex County. “The research is conclusive that unnecessary detention increases recidivism, is exceedingly expensive and fuels the school-to-prison pipeline,” he said. A youth in detention may miss three to four weeks of school, he said, creating the risk of falling behind academically. “Youth who don’t graduate high school are eight times as likely to get arrested as their peers,” said Blitzman.

“Detention retraumatizes kids who have a significant trauma history, disrupts education, disrupts health care and has kids penetrate deeper into the juvenile justice system,” said Francine Sherman. Sherman directs the Juvenile Rights Advocacy Project at Boston College Law School and is an ongoing consultant to the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) on strategies to reduce the detention of girls nationally.

The Massachusetts Budget and Policy Center simultaneously released a report showing that the Commonwealth would save money if it decreased its reliance on secure detention in favor of alternative programs that yield better outcomes for kids and for public safety.

Other key findings of the CfJJ report include:

- Approximately two-thirds of the youth in detention are children of color.
- Juvenile detention facilities are often prison like, with barbed wire, barred windows and inmate uniforms.
- While the average stay is three weeks, a small percentage of kids may be in detention two months or more. (Keep in mind: these are children who have not been found guilty of anything.)
- Misdemeanors are the most serious charges facing 58 percent of Massachusetts kids in detention.
- Half the youth in detention have educational disabilities, and 40 percent have open child welfare cases.
- 44 percent of kids in detention are there because they have been accused of violating parole. This is often a technical matter, such as missing a meeting with a parole officer.
- Many kids in the juvenile justice system have been physically or sexually abused. Detention retraumatizes them. Some choose not to see their families rather than submit to the strip search that is mandatory after a family visit.
- Kids in detention may opt for unfavorable plea bargains to hasten their release.
- Nationally LGBTQ youth are over-represented in detention and are vulnerable to harassment there. Massachusetts does not keep statistics on these groups.
- Data collection in general must be improved to ensure that the use of detention is fair and equitable.

The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative has worked in the state to lower reliance on detention. The foundation also financed this report. The work of JDAI and stakeholders within the state as well as a falling youth crime rate have combined to reduce the number of youth in detention by half over the past decade, but far more remains to be done.

For a fully copy of the report, please visit www.cfjj.org

For a copy of the Massachusetts Budget and Policy Center Report, please visit www.massbudget.org