

MASSACHUSETTS

Juvenile Justice State Profile

DELINQUENCY SERVICES SUMMARY

Massachusetts is a combination state. The state operates most delinquency services for youth in Massachusetts. However, responsibility is divided between the state judicial and state executive branches. The State Court's Juvenile Court Department administers intake, predisposition investigations, probation supervision, and some aftercare. The Department of Youth Services administers secure detention, residential commitment facilities, and a range of community corrections programs. Aftercare is administered by the Department of Youth Services for youth returning to the community from placement.

TRANSFER LAWS

Massachusetts has the following transfer provisions

- Discretionary Waiver
- Presumptive Waiver
- Mandatory Waiver
- Statutory Exclusion
- Reverse Waiver
- Direct File
- Once an Adult, Always an Adult
- Juvenile Blended Sentencing
- Criminal Blended Sentencing

PURPOSE CLAUSE

Massachusetts' Purpose Clause emphasizes the promotion of the welfare and best interests of the juvenile as the sole or primary purpose of the juvenile court system. It also reflects the Standard Juvenile Court Act. Enacted in 1925 and revised numerous times, The Act proposed the idea that each child coming into court jurisdiction shall receive the care, guidance, and control that will be conducive to his welfare and to the best interest of the state. If the child is removed from the home, the court will provide care as equivalent as possible to that of his parents.

DELINQUENCY JURISDICTION

Lower Age: 7

Upper Age: 16

Extended Age : 20

DETERMINATE VS. INDETERMINATE

Juvenile court judges commit juvenile offenders to the Department of Youth Services (DYS) for an indeterminate period of time or until the juvenile's 18th birthday or 19th in the case of a juvenile whose case is disposed of when he or she is 18.

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DETENTION

How is detention organized?

The Department of Youth Services (DYS) administers 23 secure or staff secure detention facilities throughout the state. DYS either operates these facilities or contracts with non-profit service providers.

Who may be detained?

M.G.L. c.119, sec. 68 outlines criteria for secure detention. The court may recommend secure detention for a youth age 14 or older who is a fugitive from another jurisdiction or on conditional release

from a placement for certain serious offenses or has a recent record of violent acts or failure to appear.

Secure detention in Massachusetts is primarily for holding youth pre-adjudication. However, these units may also house youth who are committed by the juvenile court to DYS and are awaiting placement in a long-term residential facility. Detention cannot be ordered as a disposition or as a sanction for violation of probation, but can be used for youth who violate the terms of DYS community placements. No data is available on the use of alternatives to secure detention.

VICTIM RIGHTS AND SERVICES

Massachusetts Victim Bill of Rights specifically extends rights to the victims of juvenile violence, including a right to a full explanation by the prosecutor of their rights in the process, the right to attend all court hearings, the right to confer with probation officers prior to the submission of pre-disposition investigation, and to submit oral and written impact statements at disposition. The Department of Youth Services operates a Victim Services Unit that provides information and advocacy support for victims of juvenile crime.

DIVERSION

Clerk-magistrates can divert youth charged with misdemeanors to programs or enter into informal settlements with them. Prosecutors can divert complaints by entering a *nolle prosequi* which may even terminate the court's jurisdiction over complaints.

Diversion criteria does not reside in any statute and varies depending on the agency operating the programs. However, to be eligible for one of the prosecutor-operated programs, the juvenile must be a first-time, non-violent offender and demonstrate a willingness to attempt a positive change for a minimum duration of 4 to 6 months.

RISK/NEEDS ASSESSMENT

Initial detention decisions are currently not guided by a uniform risk-scaling tool as they are in some states, rather the statute guidelines are applied and the juvenile court determines whether secure detention is warranted at a detention hearing.

Probation officers develop supervision plans after completing a detailed offender profile that includes a risk/need classification.

COMMITMENT TO AUTHORITY

Juvenile offenders are committed to the Department of Youth Services (DYS). Youth indicted and subsequently adjudicated as youthful offenders can be committed until the "objective of the commitment is accomplished" or until age 21.

The court cannot place youth in private or local residential facilities without commitment to the Department of Youth Services.

PROBATION

Probation officers working for the Juvenile Court Department of the Trial Court supervise and monitor juvenile offenders assigned to traditional juvenile probation. Juvenile court judges set the terms and length of traditional probation. However, all probation services are subject to the central administrative authority of the Office of the Commissioner of Probation.

The Office of the Commissioner of Probation establishes standards for probation practice, provides training to probation personnel, and qualifies individuals for appointment as probation officers.

Juvenile probation officers must have a bachelor's degree and a minimum of one year of related work experience or a relevant master's degree.

The Office of the Commissioner does not certify individual officers. Instead, entire offices are certified through a review panel

RELEASE AND AFTERCARE

Release

Massachusetts does not have a juvenile parole or release board. The Department of Youth Services (DYS) may direct the release of a youth from residential facilities to his or her home and family but retain jurisdiction to supervise the youth in this placement until the commitment expires. When placing youth back into the home, DYS is responsible for notifying the Department of Transitional Services of the name of the child and the person to whom care has been entrusted. DYS may resume physical custody of any child released home under supervision.

DYS must notify the local police when a youth who was committed to DYS for certain serious and violent offenses returns home.

Aftercare/Reentry

The Department of Youth Services (DYS) works with juvenile offenders after their release from placement to reintegrate them into their communities. Following placement in facilities, juvenile offenders are placed in residential group homes or foster homes, or they return home with their families and are provided supportive services by DYS. Strategies include case management, outreach and tracking, day reporting centers, and electronic monitoring.

If the judge orders probation after release from placement, probation officers working for the Juvenile Court Department of the Trial Court provide aftercare services.

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The National Center for Juvenile Justice strives to make each State Profile as accurate as possible. Please bring any errors, updates, or additions to the attention of NCJJ.

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