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THE ISSUE OF SECURITY IN A
COMMUNITY-BASED JUVENILE CORRECTIONS SYSTEM:

THE FINAL REPORT OF THE
TASK FORCE ON SECURE FACILITIES

I. INTRODUCTION

For the past eight years, the Commonwealth has been engaged in a dramatic experimental approach to juvenile corrections which is unique in this country. The traditional state institutional system, dominated by large, centrally administered youth facilities, has been dismantled. In its place, the Department of Youth Services (DYS) administers a regional, community-based program network consisting of a broad and diverse range of placement and open setting options, the vast majority of which are privately-run. This comprehensive reform effort is now being challenged by a renewed concern focused on, and symbolized by, the issue of security: Can the community-based system accomodate effectively the public's right to protection from demonstrably serious and dangerous juvenile offenders and, at the same time, provide humane care and treatment geared to the individualized needs of youth? This controversy and the administrative problems which attend any major systemic change threaten the form and substance of the community-based reform approach.

The Task Force on Secure Facilities was appointed in this context in April, 1976, by the then new Commissioner of DYS to serve as an independent advisor on the problems and issue of security. The Task Force was composed of

individuals representing a broad spectrum of interests and perspectives. All members had substantial experience and recognized expertise in the field of juvenile justice. The Task Force process was designed to draw upon the backgrounds and observations of this group and to provide practical and meaningful assistance to the Commissioner.

This Report is the product of that process and the consensus which emerged in the course of a 14-month review. It represents the collective wisdom and best judgment of the Task Force on the problems and issues which must be addressed in connection with security. It is a measured, comprehensive response to this important but highly politicized subject.*

The Report has two dominant themes. First, the issue of security is not merely a matter of numbers. Like the underlying problem of juvenile violence, the issue of security is complex and multi-faceted; neither can be addressed responsibly in a vacuum nor are there simple solutions or panaceas. Security must be addressed comprehensively in a context which recognizes the integral relationship of articulated principles and objectives, administrative reform, the nature, content and quality of secure programs, and a viable network of non-secure program alternatives, to

*In July, 1976, the Task Force issued a 35-page Preliminary Report which was the product of an intensive three-month effort to arrive at conclusions and offer advice to the Commissioner at the earliest possible time. The primary focus was on the administration by DYS of its secure system. The Task Force recommended more than 70 reforms as pre-conditions for DYS to address the issue of security effectively. The substance of that preliminary review is incorporated in this Final Report, primarily in Section III. The remainder of the Report addresses issues the Task Force could not review adequately in the initial phase of its work. (continued)

effective public protection. Second, the community-based system is a viable approach to juvenile corrections which can uniquely balance, accomodate and moderate the competing concerns about, and inherent tensions between, public protection and individualized care and treatment. The reforms that are needed can and should be effected within the existing structure. However, prompt action by all concerned is required to implement these reforms.

The Task Force recognizes clearly that the issue of security and the problems involved in addressing it are of long-standing, are not unique to this jurisdiction, and are not solely the responsibility of DYS. In the past year, DYS has made real progress and should be allowed additional time to effect the remedies. The case should be continued for one more year. The best advice the Task Force can offer the Commissioner is that, thereafter, there can be "no more continuances". If substantial progress is not made, regardless of the reason, the justification for the approach advocated by the Task Force will inevitably be weakened and may give way to more drastic and less desirable alternatives.

This Introduction concludes with an emphatic tribute to the efforts of the Task Force members and the DYS participants. The time and energy expended by the members and the dedication they exhibited was clearly unique. Their

(*continued footnote from page 2)

The specific issues addressed by the Task Force, together with its general objectives and the process used to arrive at the findings and recommendations of this Report, are summarized in the Appendix.

commitment was total and their contribution in the public interest is significant. The Commissioner and his staff earned the respect of the Task Force. Their dedication, effort and willingness to be open and candid was impressive. Their approach and attitude is the best hope for change.

II. SUMMARY OF MAJOR RECOMMENDATIONS, THEMES AND CONCLUSIONS

N.B. This section summarizes many of the key aspects of the Final Report of the Task Force. It is primarily a guide to, not a comprehensive review of, the approximately 100 pages which follow.

GENERAL OVERVIEW

The Task Force recommendations are designed to implement the following general conclusions:

*The Commonwealth's commitment to the de-institutionalized, community-based approach to juvenile corrections should be preserved and strengthened. A viable balance can be maintained in the existing system between the need for security for purposes of public protection and the needs of youth for individualized care and treatment.

*The vast majority of DYS youth can be effectively and appropriately placed in the broad and diverse range of non-secure community-based settings and alternatives without detriment to public protection. However, while the number is clearly limited, a small percentage of DYS youth do need secure placements of some kind for some period of time for purposes of public protection. To meet this need, an increased emphasis on security by DYS is required.

*An increased emphasis on security which focuses primarily on the number of secure placements is inappropriate and may well be counterproductive. Therefore, the Task Force recommended a multi-pronged approach which conditioned an increase in the number of secure placements on administrative reform, the availability of a range of quality secure programs, and significant increases in the resources available for non-secure program alternatives.

*Secure and non-secure programs are integrally and inextricably linked in terms of success, effectiveness and quality. The need for a secure placement often results from the absence or inadequacy in the past of other alternatives, alternatives which are less costly in human and fiscal terms and have greater potential for success. Increases in secure programs at the expense, or in the absence, of a concomitant development and expansion of non-secure programs will be detrimental both to public protection and to the needs of most DYS youth.

DYS ADMINISTRATIVE REFORM

The Preliminary Report (July, 1976) focused on administrative reform as the most critical immediate need in addressing the issue of security. More than 70 changes were recommended. Since then, DYS has begun to implement many of the recommendations and must continue to give priority to these reforms. Some of the key ones are noted here and in SECURE PROGRAMS below.

- *Organizational and managerial changes, and articulation of the framework and principles for the administration of security, to permit positive problem-solving instead of crisis management.

- *The development and application of minimum standards and uniform policies and procedures.

- *A dramatic upgrading of the intake, assessment, placement and review processes to ensure effective and appropriate placements of youth.

- *The implementation of a reliable system of data-gathering, monitoring, evaluation and quality control in the interest of accountability and effective planning.

- *Effective personnel recruitment, selection, training, supervision and performance review programs and policies.

SECURE PROGRAMS

Secure programs in the community-based system have the dual purposes of public protection and quality care, both geared to the individualized needs of youth. The Task Force identified the elements which are critical to the achievement of these objectives.

- *The intake criteria must be clearly delineated. The eligibility of a youth for a secure placement should be determined by demonstrable, objective criteria which relate directly to public protection concerns. All youths who meet these criteria may not need secure placements; however, a secure placement is not appropriate unless these criteria are met.

*No one level or type of placement is appropriate or necessary for all youths in need of security. Security can generally be provided without a primary reliance on traditional high-level security designs. Therefore, there should be a graduated range of secure placements which includes a variety of levels and types of programs.

*Individualized plans and goals for services and care must exist for each youth placed in a secure program and effective after-care planning and community re-integration services must be provided.

*The quality of the secure programs is the single most important factor. The essential ingredients for quality programs, consistent with public protection, reasonable costs, and decent, humane care, are the following:

- An adequate number of trained and qualified staff is required to address constructively the needs of the most difficult youth in non-institutional settings. Staff/youth ratios should range from 1 1/2-to-1 to an optimum of 2-to-1.

- Youth populations in each program must be small in number. Large populations in secure settings inevitably result in the "warehousing" of youth, a primary reliance on traditional, de-humanizing custodial control, excessive costs and do not necessarily enhance physical security. To avoid these negative effects and to achieve positive results, the population size should be limited to 12-15 youths.

- Minimum standards for program content and quality control methods must be established and applied by DYS to every program.

- The program facilities must afford a decent, humane living environment. This requires adequate interior and exterior space and the maintenance of a low-profile security design. Security is primarily a function of program size, staff and content, not the physical character of the facility.

THE NUMBER OF SECURE PLACEMENTS

In the Preliminary Report the Task Force concluded that eventhough only a small percentage and a limited number of youth needed secure placements, there was a need for an increase. However, there was no rational or responsible

basis for quantifying this need. Therefore, the Task Force undertook an independent study - the first objective examination of the controversial subject of the secure placement needs of DYS.

*The study, based on a 10% sample of DYS youths, was designed to establish the presumptive eligibility of a youth for a secure placement, using only public protection criteria, i.e. offenses involving violence toward others and/or a pattern of other serious offenses. The study also included a determination in each case of the level and type of security required.

*The Task Force concluded that the vast majority of DYS youth (88.7%) were not even presumptively eligible for secure placements. Secure treatment placements were needed for a maximum of 11.2% of DYS youths. Since DYS had secure placements for only 3% of its youths (49), increases were needed.

*In terms of numbers, depending upon the DYS population, a maximum of 129-to-168 secure treatment placements are needed for DYS youth, but 25% of them should be in Department of Mental Health secure programs. DYS itself needs to provide only 100-to-130. Of this number, approximately 40% (46-to-60) only need a "light" level of security for public protection purposes, and the majority of the new placements should be of this type. DYS is now meeting most of the need for youths requiring a "heavy" level of security.

*DYS now has 114 secure detention placements. That number is clearly adequate and should not be increased. Any need in this area can be met by reforms of the intake/place-ment process to ensure appropriate uses of these placements and to limit the duration of a detention placement. The majority of youths in secure detention are there only because of the lack of other secure or non-secure alternatives.

*The Task Force "numbers" are not targets. They represent the maximum, or outer limit, of the secure placement needs of DYS. In a viable and effective system, the number of secure placements actually needed should be lower, since the study did not consider whether an appropriate non-secure placement, based on comprehensive case-by-case assessments, could be made without detriment to public protection. Such considerations are highly relevant to actual placement decisions.

BUDGETARY IMPACT OF SECURITY

The reforms recommended by the Task Force will require budget increases because security is an expensive proposition in any system and DYS has been significantly underfunded in the past. The Task Force analyzed the DYS budget for Fiscal Year 1977 and the 1978 appropriation. It estimated the maximum amount of increased funding DYS needed to address security effectively, identified the specific areas where the increases were needed, and recommended guidelines, conditions and alternatives to ensure the most efficient use of these funds. Some of the salient features of the budget review included:

*Secure programs are far more expensive than any other DYS program level or type. Secure programs in the institutions and those which are predominantly "state-run" have the highest average costs, even with larger populations. In general, purchase-of-service and non-secure programs are significantly more economical.

*Even with limited resources, DYS has been according priority in funding to secure programs. In Fiscal Year 1977, DYS devoted 25-30% of its program resources to secure detention and treatment placements for 12.5% of the DYS youth population.

*The 1978 DYS appropriation dramatically increased the amount and percentage of funds for security. Of the \$2.5 million increase from 1977 (\$15.9 million to \$18.4 million), 92% was for security. As a result of this increase, 35% of the program resources of DYS will be devoted to security. This should be the maximum percentage.

*Non-secure program funds continued to decrease as a percentage of the budget; even though they are far more economical and provide appropriate services to the vast majority of DYS youth. To preserve a viable program balance in the community-based system, the 65% allocation to this area should be the minimum.

*Throughout the Report, the Task Force specifically conditions its recommendation for an increased emphasis on security on (a) administrative reform, (b) quality programs and (c) a proportionate emphasis on non-secure programs. While the 1978 appropriation will permit DYS to increase its secure

placements to the number recommended, it does not permit DYS to do that and comply with the conditions the Task Force deemed critical to an effective and economical approach to security. The unmet needs include adequate pre-placement, "light" secure and after-care programs; increases in the average cost of secure programs necessary to meet the recommended quality standards; and funding increases for non-secure programs. Therefore, to address security effectively, DYS should have a budget of \$22.5 million, an increase of \$4.1 million.

*A corollary to the maximum flexibility DYS must have in resource allocations to administer the community-based system is the need for clear accountability. The present DYS budget is a maze which deters independent analysis; yet it is required by the appropriations process and is not subject to remedy by DYS alone. However, DYS should supplement its budget submissions with a clear, comprehensive budget overview.

THE RESPONSIBILITIES OF OTHERS

In reviewing the problems and issues of security in DYS, the Task Force repeatedly encountered problem areas which either cannot be remedied by DYS alone or for which it may not have the primary remedial responsibility.

*In addressing those problem areas, DYS is entitled to the support and assistance of a variety of state agencies and officials, including the Governor, the Legislature and the Judiciary.

*The Report identifies the areas where action by others is both feasible and necessary and sets forth a recommended agenda for each one, consistent with their respective roles and responsibilities. Their response may well bear on the capacity of DYS to meet its obligations to youth and the public.

IMPLEMENTATION OF THE REPORT

The Report sets forth a comprehensive agenda for change which can be substantially implemented within one year. The responsibility must be affixed to individuals in specific positions, rather than to corporate entities, if that goal is to be met.

*The primary and final responsibility must rest with the Commissioner of DYS.

*The Secretary of Human Services must assume the critical, secondary responsibilities for general oversight of DYS and facilitating inter-agency coordination.

*The Chairman of the DYS Advisory Committee must ensure that that group performs the role of the Task Force on an on-going basis, that of a reasonably independent ally and advisor and a constructive critic.

III. THE ADMINISTRATION OF SECURITY
IN THE DYS SYSTEM

INTRODUCTION

In 1969, a major reform in approach to juvenile corrections was initiated in Massachusetts. Through a combination of statutory changes and aggressive administrative action, the existing system of juvenile corrections was radically de-institutionalized. From a primary reliance on large, centrally administered institutions emphasizing physical security, DYS shifted to a regionalized, community-based system emphasizing individualized care and treatment through a diverse mix of programs, the vast majority of which are privately administered.*

*The reforms were an outgrowth of several years of controversy surrounding the existing institutional system. The critics included federal agencies, citizens' groups, law enforcement and judicial personnel, the Governor and members of the legislature. The criticism focused on a diverse set of factors, including: increases in juvenile violence and delinquency; incredibly high recidivism rates among youth previously committed to the youth authority; documentation of dramatic overcrowding and abuse of youth in institutions; the oppressive and deteriorating state of these facilities; the custodial attitude and approach of personnel; rampant inefficiency and political patronage; and, in general, the failure, if not outright counter-productivity, of the institutional approach as a method of rehabilitation.

By statute, the mandate and structure of the youth authority was altered and a new Department of Youth Services was created. In the early 1970's, the traditional status offenses ("truancy", "stubborn child", and "runaway"), the basis for institutionalizing a large percentage of youth, were decriminalized. Administrative action by DYS resulted in the closing of most of the remaining traditional institutions. For a detailed review of the background and implementation of these reforms, See Ohlin, Coates and Miller, "Radical Correctional Reform: A Case Study of the Massachusetts Youth Correctional System", Harvard Education Review, (1974) Volume 44, #1 at 74.

In this community-based system, there are several program levels and types and a variety of placement alternatives available. Approximately 90% of DYS youth, either in a detained or committed status, are placed in "open" or non-secure settings, ranging from non-residential and foster-care to group-home residential programs. Secure or "closed" detention and treatment programs represent only one level and type of placement within the community-based system. They constitute only a small percentage of the total placements available in DYS and are used for slightly more than 10% of DYS youth.

The effectiveness of this system depends upon maintaining an appropriate balance between secure and non-secure programs to ensure a broad and diverse range of non-secure alternatives for the vast majority of youth and an efficient and effective use of security for the limited number who need such placements. They are integrally related to each other and interdependent in every respect. For example, on a continuum of youth needs, early intervention and appropriate non-secure placements may eliminate a later need for security; effective secure placement decisions and programs can reduce the demands on, and free the resources of, non-secure programs; and close coordination between the two is essential for re-integrating youths into the community when they leave secure programs.

The Task Force focused on the DYS administration of security in this context. The issues and problems that exist in connection with security, many of which are a function of the speed and scope of the reform itself,

permeate the DYS system and only systemwide remedies will be effective. By segregating the secure aspects of the system for analysis, the Task Force does not support a "secure system" which is administered or functions autonomously within or from the community-based system.

The term "secure system", when used in this Section, describes two DYS program areas, secure detention and secure treatment. All programs in the secure system are funded and administered by the central office as part of a separate unit under the jurisdiction of the Assistant Commissioner for Clinical Services. In practice, the two program areas have functioned, and been administered, separately. This operational autonomy, now being curtailed, should be eliminated entirely so that the issues, problems and role of the secure system can be addressed in a uniform and unified manner.

In the Preliminary Report, the Task Force stressed that administrative reform was essential to enable DYS to address the issue of security effectively. The implementation of these reforms continues to be the top priority. This section identifies those elements which are of critical importance to the issue and administration of security in the context of a community-based system. Most are common to both secure detention and secure treatment and are addressed together, unless otherwise noted in the text.

N.B. The remainder of this section incorporates the substance of the Preliminary Report, pages 6-28, with some modifications to reflect the progress DYS has made since July, 1976. Since the Commissioner has chosen not to enlarge this Report by appending a

progress report from DYS, those Recommendations on which substantial progress has been made are noted.

DEFINITIONAL FRAMEWORK

Comments: The Task Force found that DYS did not have adequate definitions of some of the key terms being used in the secure system nor had it articulated the concepts and objectives which should govern the administration of that system. Consequently, DYS had no framework in which to develop and apply a uniform and coherent set of standards, policies and procedures. The number of secure placements available in DYS and the eligibility of youths for secure detention or treatment, were determined primarily on the basis of ad hoc judgments, the availability of fiscal resources and a very limited definition and concept of "security" and its purposes. The Task Force believed that an analysis of the issues relating to security in DYS in this context would serve no purpose since it would be, simply put, like comparing apples and oranges.

The following principles are central to the definitions formulated by the Task Force and to the administration of a system based on them.

First, in the interest of care and treatment for youth and protection of the public, the secure system should have the following basic objectives:

- a. Ensuring that the availability and use of secure placements are strictly regulated and narrowly circumscribed so that they are not just filled if available but are filled only because security is required.

b. Determining the presumptive eligibility of a youth for a secure placement primarily on the basis of demonstrable, objective criteria geared to the need for security as a matter of public protection.

c. Placing eligible youths in security only after comprehensive assessments and then pursuant to an individualized plan or program of care and/or treatment designed to achieve certain goals or purposes.

d. Establishing and maintaining constraints and limits on the freedom of youths to leave the placement, the level and type of which should vary widely because security can be provided in a variety of ways for different types of youth.

Second, security should not be defined or characterized primarily in limited or negative terms such as punishment, bricks and bars, custodial arrangements, fixed time, isolation or hardware. Instead, consistent with the objectives of the secure system, it must reflect some positive placement purpose, account for the conduct of youth and staff during the placement and, in the case of treatment, after it as well. There should be continued experimentation and careful monitoring of the extent to which intensive staffing and programming, one-to-one individual supervision or "tracking", geographic location, or some combination of one or more of these can reduce the reliance on mechanical constraints.

Third, the nature of the care and treatment provided is critical to an effective secure system. Humane, decent care, a range of planned program services geared to individual needs, administered by qualified staff in an appropriate living environment, must be afforded all youths and may be all the "care and treatment" that is appropriate. More specialized, intensive "treatment" modes must be strictly regulated and used circumspectly.

Fourth, adequate procedures and processes must exist to ensure that decisions to move a youth from a less to a more secure setting are justified and reviewed. The criteria and standards should be more stringent as the level of security increases. In addition, the following presumptions should be applied: (a) a youth will be transferred from a heavier to a lower level of security, or out of the secure system, as soon as it is feasible; and (b) no youth should remain in a program once that program has been "completed", even though some level of security may still be required.

Fifth, effective administration of the secure system requires:

- a. Clear and effective intake policies to reasonably ensure that only appropriate youths are placed in secure programs;
- b. Defined conditions and times, directly related to intake criteria and termination and after-care plans, for discharging youths;
- c. Minimum standards relating to the procedural and substantive aspects of the secure program system; and

d. An effective, on-going monitoring and review process to ensure responsibility and accountability.

The Task Force recognizes that the development of comprehensive definitions, based on these principles, which serve normative, descriptive and operational purposes is not a simple matter. It is a complex process and it should be an on-going and evolving one. However, it is essential. The definitions proposed here are intended to assist DYS as a first step. The principles and definitions also served as the framework for the comments and recommendations in this Report; the latter further explain and elaborate upon the definitions.

Proposed Definitions:

1. A Secure Detention Program is one which provides short term care and custody for those youths who have demonstrated, in prior commitments to DYS or by actions which are the basis for their present detention, that no other detention placement can reasonably ensure their appearance in court. Youths may be detained in a secure detention program only if they have been arrested and charged with delinquency and have been placed with DYS pending (a) arraignment (but only if held separately; if held in police stations on "overnight arrest", the facility must be approved by DYS); (b) trial or (c) disposition in court.

2. A Secure Treatment Program is one which provides the care, maintenance and treatment for, and which contains or holds, youths who have demonstrated, in prior commitments to DYS or by the actions which are the basis for their present commitment, that:

a. They pose a danger of serious bodily harm to others, which cannot be averted or controlled in a less secure setting; or

b. They engage in a pattern of persistent, uncontrollable and serious offenses and it has been demonstrated that a less secure setting cannot control and treat them.

3. Care and Treatment, in the context of a secure system, is the provision of appropriate professional services geared to the special and different needs of each youth. While the provision of these services in a secure system is a complex issue, involving a broad range of philosophical points and practical possibilities, these services include, but are not limited to, the following: Medical and psychiatric care, educational and vocational training, counselling (individual, group, family), trained supervision and guidance, recreational programming, minimum nutritional requirements, those services necessary to ensure the re-integration of the youth into the community, and a physical environment suited to the rendering of these services.

4. A Graded Secure System is one which sets limits and imposes constraints on youth for care and treatment and for protection of the public. It involves several levels and types of secure settings and programs. "Security", within this system, should be defined in terms of outcome or result. While the setting of limits is an essential part of this system, the most desirable and effective method of maintaining security is through programs and staff which attract and involve youth rather than through a primary reliance upon mechanical constraints.

SECURE DETENTION: PROGRAM INTAKE AND PLACEMENT

Comments: Secure detention is one of three possible levels of placement of youth in DYS on detention status. The other two levels are shelter-care (generally involving placements in group homes or residential facilities) and foster-care (placements with individuals). Shelter-care and foster-care are considered to be non-secure placements. In theory, a program or facility is included in the secure system on the basis of its capacity to provide physical security and the type of youth for which the program is designed.

At present, DYS has 114 placements in five programs for secure detention.* They range in type from the large,

*For a complete list of all DYS secure programs, see the table, infra, p. 71.

much publicized, institution at Roslindale where short-term detainees and long-term bind-overs are intermingled, to the Charlestown "Y" Overnight Arrest Unit, a locked setting where youth are only to be placed pending arraignment. In fact, several non-secure programs seem to be identical to some of the secure detention facilities in terms of their capacity to provide physical security and the characteristics of the youth placed in them.

As is the case with the other placement levels, five categories of youths may be placed in secure detention. Four of them coincide with a youth's court status, i.e. detained by DYS in default of bail. These are:

- (a) Regular Detention (placed pending the next court appearance);
- (b) Double Status (similarly placed on a pending case but also with a previous outstanding commitment);
- (c) Bind-Over Status (placed pending trial in Superior Court as an adult); and
- (d) Children in Need of Services (placed pending determination of a so-called CHINS petition).*

The fifth category is called Reception/Transfer Status. Youths in this category are not detainees; they are already committed to DYS and are awaiting a program placement or a transfer of the placement.

*As of July 1, 1977, the jurisdiction for CHINS detention was transferred to the Department of Public Welfare, as sought by DYS and recommended by the Task Force.

This detainee placement mix is highly questionable. Youths in each category have, as a general rule, substantially different needs and reasons for being detained and require substantially different types of services and approaches. Of the five categories of detainees who may presently be placed in secure detention, only those in a regular, double or bind-over status are appropriately placed there. CHINS youth have engaged in acts which have been de-criminalized and should not be placed with the other secure detention youth, if only for their own protection. Committed youth on reception/transfer status need treatment program placements, not detention care and services.

The intake and placement process in a system of this complexity must necessarily be strictly regulated. At the present time, decisions are made on a regional basis through a process which is not uniform and is substantially unregulated by any central authority.*

Secure detention positions are allocated on a monthly basis among the seven regions by the regional directors and coordinated by the central office. Individual secure placements are known as "slots" and they are allocated in accordance with the projected needs of each region. These slots can be re-allocated or traded if a region needs additional placements. The number of positions available

*DYS has taken several actions which are designed to regulate this process more closely while preserving regional flexibility.

to each region, and the method by which the placement decisions are made within each region, vary dramatically. The decision may depend upon time of day, volume, and the individual deciding. A placement decision may often be made solely on the basis of a telephone call from the court which sets bail. Once a placement is made, there is no provision for a comprehensive formal review of that decision by anyone, unless the duration of the placement exceeds thirty days.

The Task Force recognizes the legitimate need for expeditious action in placing detained youth. However, the informality of this intake process and the crisis environment in which it must often operate seem primarily designed to ensure that any available secure placement positions will be filled; it does not reasonably ensure an effective and efficient use of those positions; and the potential for inappropriate placements seems clear.

The reform of this intake and placement process is an essential pre-condition for other needed reforms. The categories of youth eligible for secure placements must be limited and the characteristics of youth appropriate for such placements delineated. A pre-placement review process and a formal intake mechanism should be implemented in each region which can serve to rationalize placement decisions and ensure some measure of uniformity.

RECOMMENDATIONS:

1. DYS must develop and implement uniform policies and procedures governing the secure detention intake and placement process to ensure that only

youths in need of secure detention are placed at that level and then only for the shortest possible time. The Roslindale Consent Decree could serve as a guideline for these policies and procedures. Among other things, the policies must delineate with some specificity the profiles of youth who are appropriate for secure placement.

2. At the same time, DYS should expand its concept of secure detention to permit and include a graded system involving a range of program levels and types. This system would include existing programs which rely on methods other than mechanical constraints alone to set limits on the freedom of a youth's movement.

3. The allocation of secure placements among regions should be made on the basis of a rational and systematic determination of need which is consistent with uniform standards.

4. Absent an emergency situation, no youth should be placed in a secure placement without a thorough intake evaluation, interview and assessment which covers at a minimum: (a) the severity of the charges, (b) the probation record, (c) the recommendation, if any, of the court, (d) physical and emotional condition, (e) physical size and age, (f) ties to the community, (g) likelihood of appearing for trial, (h) prior DYS history and contact, (i) information available from community agencies and resources, and (j) input from the parents and a representative of the youth (attorney or advocate).

*5. Each region should have an intake-reception center, program or facility which has the capacity to evaluate detained youths prior to placement and to make determinations as to the most appropriate placement. These programs should also be capable of meeting the need for emergency placements in the case of overnight arrests. Whether the programs are administered and staffed by DYS, privately, or by the combination of the two, they should be patterned after the Community Advancement Program (CAP) in Region II and the Center for Human Development (CHD) program in Region I. In addition, these intake-reception programs must have the capacity to do the following, at a minimum:

- Operate 24 hours per day;

*Programs designed to implement this recommendation have been initiated in at least 5 of the 7 DYS regions. Significant progress in Recommendations # 1 - 4 turns on effective use of these programs.

- Accept youth upon referral from courts and, in overnight arrests, from police departments;
- Furnish all transportation services;
- Conduct the intake interview of each youth in accordance with Recommendation #4.
- Maintain complete records and documentation relating to each youth referred to it;
- Notify the court (probation office) of each placement made and the reasons therefor within 24 hours, and thereafter, keep the court advised of the placement status of the youth during the detention period;
- Collect and maintain information concerning profiles of youth as a basis for planning and program development by DYS and for routine monitoring of the intake process.

6. All secure placement decisions of the regions should be subjected to a system of formal review within 24 hours of the placement.

7. The categories of youth eligible for placement in the secure system should be limited to Regular, Bind-Over and Double Status detainees.

*8. CHINS youth should not be detained or placed in any DYS program or facility. (See footnote at p. 20 supra.)

9. Youths in reception/transfer status should not be considered, or dealt with, as detainees and should not be in secure detention placements.

10. Youths on a bind-over status should not be detained in facilities with other detained or committed youth unless those programs can effectively address their needs without adverse consequences to others in those programs or facilities.

11. Youths who are in different status or who are to be detained for significantly different lengths of time should not be placed in the same program except on an emergency basis unless an individual assessment indicates that would be effective.

12. The fact that a youth is a "runner", or clearly manifests a refusal to return home should not alone support a secure detention placement when the character of the offense charged or the youth's general behavior pattern would not independently warrant such a placement.

SECURE TREATMENT: PROGRAM INTAKE, PLACEMENT
AND REINTEGRATION

Comments: The Secure treatment intake and placement process is more formal than that for secure detention. Central team review of regional referrals for placement affords a method for making final placement decisions uniform. In addition, DYS has developed policy guidelines for this intake and placement process. However, there is also more time available to make a reasoned placement decision and a greater opportunity to ensure that the process functions effectively. While the model is better, the limitations in performance are more pronounced and less justifiable. Since the Preliminary Report, DYS has radically revised this process and these changes are reflected in these comments.

The informality of the regional referral process poses the same kinds of potential problems here as in secure detention. The regions are the primary source of referrals for placement. The decision to refer, or not to refer, a particular youth is generally made by the regional case-

worker subject to review by a regional supervisor. In the past, these practices were substantially undocumented and this low visibility precluded review or a demonstration that only those youth who were appropriate for security were being referred. Reasons for referral decisions must now be documented and the case files now indicate if security was considered but rejected by the region and why. However, the latter decision is still not subject to central review.*

The actual intake and placement decision is made by the central team under the Director of Secure Treatment. This team is composed of representatives of each region and of each secure program. It meets on a weekly or bi-weekly basis. The placement decisions are by majority vote. The team procedures and role had several limitations. Except where noted, all of them have been addressed.

a. The criteria by which a placement decision was made was unclear other than some determination of "heaviness" or program preferences for certain types of youth; further, there seemed to be a significant variation among Team members as to the weight accorded various factors.

b. There was no formal method for including representatives of the youth or outside professional assessments.

*The decision not to refer to the central team should be reviewed at least in the case of a youth who, using Task Force criteria, is presumptively eligible for security. Such a review would assist in monitoring and, more important, could serve to demonstrate the capacity of an appropriate non-secure placement to meet the need for public protection in many of these cases.

c. The extent to which the Team had a comprehensive profile of each youth depended primarily on the region.

d. No formal record was maintained of each placement decision; nor was there a systematic effort to monitor the progress of a youth placed by the Team. The Team still does not review periodically youths it rejected for secure placements.

e. The Team still can only place a youth in programs presently labelled by DYS as "secure". Any other placement alternative is left for regional decision.

f. The Team did not review those decisions which end the stay of a youth in a secure program; nor did they review whether re-integration plans were in place or the resources available.

The last two limitations underline the two major substantive defects which still exist in the secure treatment placement system. Both can be immediately addressed by DYS. The first one is the limited definition of a "secure program". A "graded system of security" with a variety of program levels and types, ranging from light to heavy, should exist. There are several "non-secure" programs which clearly fit within the definitions proposed by the Task Force and should be used as secure placement alternatives for appropriate youths.

The second major defect is the lack of adequate follow-up planning and services once a youth leaves a secure program to return to the community. It is one of the best examples of the lack of coordination and integration among the parts of the community-based system. Coordinated planning for re-integration should begin the day a youth enters a secure program. At the time of the Preliminary Report,

the amount and quality of the contact maintained between the regional caseworker, the youth and the program varied significantly from region to region and program to program. In addition, the procedures and policies for discharging youths from secure programs and the follow-up methods used also varied significantly.

DYS has taken steps to ensure that the decision to "graduate", or "terminate" a youth is made by both DYS and the programs and that the responsibility for after-care planning, follow-up and services is assumed by the regions. The quality of these plans and services may well determine whether the youth will have future contact with the juvenile or adult system - one of the criteria by which the public and the courts may appropriately judge DYS' performance. It is also a relevant criteria for DYS to use to evaluate its own performance.

RECOMMENDATIONS:

*1. DYS must tighten, upgrade and standardize the criteria for referral to and intake into secure programs. DYS should adopt the definition of "Secure Treatment Program" proposed by the Task Force as a first step in establishing these criteria.

*2. Regional personnel must understand these criteria, and their decisions to refer and not to refer youths for a secure placement must be monitored on a regular basis to ensure compliance.

3. The present composition, size and structure of the central team should be evaluated to determine if it is the best method for making placement decisions and for assuming the expanded role contemplated for it by these Recommendations. *In any event, the Team should include qualified professional personnel who are not affiliated with the regions or the programs and the placement process must be regularly reviewed by the Assistant Commissioner for Clinical Services.

4. Upon referral by the region, the Team should consider programs other than those presently designated as secure as being among the placement alternatives available to it. It should not be limited to either placing a youth in a secure placement or rejecting the youth and leaving further placement to the region. Such a broadened range of placements is essential to the implementation of a "graded secure system".

*5. Before it makes a decision, the Team must ensure that it has before it a complete history of every youth and an assessment based on detailed "core-type" evaluations which addresses individual needs and includes an individualized treatment plan. It should reject any regional referral which does not include this history and assessment, or any other information the Team deems necessary for making a responsible decision. Standardized forms must be developed and promulgated by DYS to ensure regions understand what will be required.

*6. The Team must ensure that each case before it is effectively presented. The presentation should be made by the regional caseworker and must include evidence that there has been an adequate opportunity at the regional level for advocacy by the youth's attorney, parents or other representative.

*7. The voting process should be formalized so that there are complete written minutes for each meeting which include each member's vote and reasons for it. No decision should be made without a quorum.

8. The Assistant Commissioner must develop a method for regularly monitoring the eventual placement and progress of each youth the Team rejects.* The progress of each youth placed by the Team should be formally monitored on a monthly basis.

9. DYS must establish standards, policies and procedures relating to caseworker/program/youth contact, support, after-care planning and a monitoring and review method for discharge/termination.* The Assistant Commissioner and the Team should review any decision by a program to terminate, graduate, transfer or otherwise change the program status of any youth it has placed.

*The Recommendation, or the part following the asterisk, has been substantially implemented.

*10. The Regions must be held accountable and responsible for youths placed in secure programs. In the absence of any other continuous system of advocacy for youth, regional caseworkers must be responsible for the youth from commitment until termination from DYS.

11. Discharge policies and procedures must be directly tied to intake criteria and procedures and treatment plans and goals. No youth, other than by voluntary act after leaving the jurisdiction of DYS, should leave any program or the graded secure program system without adequate plans being made for re-integration and follow-up over time.

*12. The Assistant Commissioner must be responsible for ensuring that adequate plans exist for re-integrating every youth placed by the Team.

SECURE PROGRAMS: NATURE AND CONTENT

Comments: The effectiveness of DYS in meeting its statutory obligations to provide care and treatment is dependent upon the quality of a broad and diverse range of programs. These programs, whether administered or funded directly by DYS, or through a system of purchase-of-services, vary substantially in philosophy, content, size and quality. Much of this variety is consistent with the need for flexibility in care and treatment recognizing both the diversity of needs and the reality that there is no simple or single panacea. The variations in quality are, however, inconsistent with and undercut the strengths of the diverse system of community-based programs.

The Task Force has no simple prescription for remedying this very complicated problem. However, the most critical factors in creating a context in which quality programs are possible consistent with security are readily identifiable. (The single most important factor - staff quality - is addressed separately infra.)

1. Population Size. Programs which are small in size have the greatest potential for providing quality care in a secure setting. The placement of large numbers of youth in one secure environment, however humane, inevitably results in an institutional atmosphere and pattern of conduct and, in general, is neither more secure nor more economical. Beyond a critical population mass, program staff, however dedicated and skilled, expend a significant amount of their time and resources exercising control and neutralizing the adverse effects of size. They must resort to extraordinary methods to the detriment of either decent and humane care or security. The youth population of any secure program should not exceed 12 - 15 unless there is clear proof that the quality of care and services afforded each youth would be significantly enhanced by a larger population.

2. The Nature of the Facility. The performance record of juvenile custodial facilities designed to provide, and relying primarily upon, traditional high-level security profiles is replete with examples of wasted resources, oppressive treatment and counter-productive results. The institutional past of DYS is just one example of this pattern which is replicated in almost every jurisdiction in this country.*

Security is not primarily a matter of bricks, mortar, locks and bars. Programs utilizing a low-profile security design, with a limited population, innovative and effective

*See Supra, p. 12.

programming, in an environment which affords decent interior and exterior space, represent the optimum for even the most difficult youth in a graded secure system. These models exist in the community-based system and they should be upgraded and supported.

The fact that a program is lodged in a state facility does not mean it will inevitably assume the negative characteristics associated with institutional care. However, the level of expenditure required to renovate and maintain many of these facilities in order to provide decent living environments may often far exceed their utility. For these reasons, the use of facilities like Roslindale and Worcester should not be replicated. If they must be used in the absence of other available alternatives, DYS must ensure that the secure program provided complies with the optimum model described above.

3. Quality control and Program Content. One of the major strengths of the DYS community-based system is the potential to evolve a multitude of care and service approaches adapted to the needs of youth instead of adapting youths to the mold required by a unitary system. Flexibility in resource allocations, purchase-of-service contracting, regionalized needs assessments, and the involvement of private providers, are just some of the factors which contribute to the unique mix of programs administered under the DYS umbrella. However, the corollary to flexibility and mix is the demand on DYS to provide quality control and program content standards and to apply them in a way which avoids homogen-

izing programs while ensuring a baseline of quality and full accountability.

Quality control begins with the initial funding decision process and continues through the technical assistance, monitoring and evaluation phases. In each phase, DYS' methods have been inconsistent and its capacity inadequate. Its program specifications and contracts have been vague, devoid of standards and competence measures, and limited in statements about the services to be provided and the types of youth to be served. Monitoring and evaluation occurred on an ad hoc and subjective basis and came to be perceived as "spying" and lacked internal credibility. Given this state of affairs, programs could rarely be held accountable except through bombshells. The Commissioner does not need this legacy to burden him and DYS has revised its methods, but its technical capacity is still inadequate.

Effective quality control ultimately depends upon program development and content. Too often, DYS has funded a good idea, an innovative concept or a dynamic individual in order to get programs in place without an adequate assessment of their viability, whether they met a general need, and/or the manner of implementation. The responsibility for program types and their programmatic content must be assumed by and rest with DYS, not the individual program. A crucial first step is the promulgation of specific and comprehensive minimum standards cover-

ing the subjects recommended by the Task Force. The substance of the standards could be readily delineated on the basis of, inter alia, (a) a review of existing programs which provide quality content, (b) the detailed reports on programs prepared by the DYS Evaluation Team, and (c) the Roslindale Consent Decree.* These standards will also assist DYS to evaluate and justify the resources needed to develop and sustain a good program, a pre-condition not only for program development but also for solid funding decisions and credible budget requests.

Even with the general diversity and adaptability of the DYS system, special attention will be required in addressing program content and development for secure detention and young women, two areas which have presented particularly difficult problems in the past. Program development in secure detention must be geared to the unique problems posed by the great variations in, and the uncertainty of, the duration of a youth's stay in a program and is compounded by populations composed of youths of markedly different statuses. This mix places an even greater strain on programs and staff already overburdened by limited resources and the demands upon them.

*DYS has now completed drafts of standards for two of its levels of care. Foster-care standards were drafted by a DYS staff group headed by Regina Mandl. Standards for group residential homes were prepared by the DYS Monitoring Board, a group appointed by the Commissioner which included directors of a variety of private residential programs, chaired by Craig Burger of Anker House and staffed by Jean Bellow.

The number and range of program alternatives geared to the needs of young women has been inadequate generally. Their care and treatment seems to have been relegated to a second-class status. However, in the course of the past two years, DYS has been attempting to address this critical service gap. While funding limitations continue to be an obstacle, DYS has made a reasonable amount of progress.* DYS must continue to experiment with, and accept the challenge to provide, innovative but effective programs for young women. It also must ensure young women are not relegated to a "second-class" status and that different, more "protective", criteria are not applied to them in terms of their eligibility for secure placements.

Finally, there are certain DYS youths who pose specialized treatment and care problems which clearly can and should not be met by even the most effective DYS programs. They are the youths who, based on conduct and clinical assessments, are primarily either "dangerous to themselves" or in need of specialized psychiatric treatment in a secure setting for purposes of public protection. These youths require treatment services which should be provided by the Department of Mental Health.

*Approximately 18% of DYS' program resources are now devoted to young women, who constitute 12% of the DYS population. In addition, the Commissioner has appointed several women to major administrative/policy positions in DYS, and created the position of Assistant Commissioner for Girls' Services.

A general examination of the needs of young women in DYS is the subject of a separate study now being conducted by the Task Force on Girls Most In Need of Services chaired by Representative Barbara Gray.

RECOMMENDATIONS:

1. No secure program should have a population of more than 12 - 15 youths.

2. Each program facility must provide a decent, humane living environment, including substantial internal and external space and a low profile security design consistent with the need for quality care and security.

3. DYS and the Office for Children (OFC) must ensure that DYS program facilities comply with OFC licensing standards and all applicable state and local health and safety laws.

4. DYS must ensure that all of its programs have adequate assistance in site location, community relations and housing funding.

*5. The DYS central office should be responsible for all contracting and funding decisions for secure programs.

*6. DYS should make consistent use of more detailed RFP's to develop program prototypes, ensure meaningful competition and later accountability.

*7. All program contracts should contain minimum standards and be detailed as to the expected services to be provided. No contract or grant should be made without a detailed review of the capacity of the program to implement its objectives and of DYS' need for such a program.

*8. DYS should establish a timetable for program implementation which includes clear provisions for technical assistance, monitoring and evaluation.

*9. DYS must establish minimum standards for every program which clearly set forth what is required and what is prohibited in order to establish the ranges within which variety and flexibility may be offered by DYS programs.

10. The minimum standards should cover nutrition, living conditions, education, clinical services, counselling, vocational skills, program incentive systems, controls, schedules, reporting, accountability, legal rights, rules and regulations, recreation, staff selection, training, supervision, qualifications and performance review.

*Substantial progress has been made

11. Every program must provide at least the following: (a) 24-hour emergency medical, psychiatric and dental treatment and daily monitoring; (b) adequate opportunity and space for internal and external recreational activities; (c) adequate educational testing, development and skills programs and personnel, and (d) an effective educational and recreational component.

12. DYS should establish different categories of detention programs according to the status of youth and the duration of the detention. The program content of these programs should adhere to the same standards that are applicable to treatment programs, subject to appropriate adaptations geared to the different status of detainees.


13. Within practical and legal limits, DYS should, within 24 hours of placement, ensure that at least some preliminary assessment is made of each detained youth regarding any physical, medical or psychological disabilities or problems which either require immediate attention or would affect the placement decision. Records must be kept and procedures for follow-up testing and diagnosis must be implemented for youths subsequently committed to DYS.

14. The care and/or treatment services available in programs and placement decisions must be coordinated and understood. No youth should be placed in a program without an individual plan of care and a determination that that program can address that plan in accordance with specific timetables and goals. Programs should be required to further refine and develop those timetables and goals for each youth and should be subject to regular compliance reviews.

15. Every treatment program must be responsible for ensuring that re-integration plans are made for each youth in conjunction with the appropriate DYS personnel.

*16. DYS and DMH must cooperate to ensure that DMH treatment services are available for appropriate DYS youth. Until DMH has secure facilities available for placement, DMH should make the necessary personnel available on a regular basis to DYS and its programs. Similar kinds of cooperative arrangements should be developed with other agencies who share with DYS the responsibility for providing services to DYS youth.

*Substantial progress has been made.



*17. DYS must develop adequate secure programs in both treatment and detention which are geared to the particular needs of young women. Until DYS resolves the problem of how to address the very small percentage of young women who may be eligible for secure treatment, using the same criteria that are applied to young men, additional alternative program models patterned after the detention programs which have proven to be effective with young women must be developed and funded.

18. The DYS budget for secure programs must be increased to include and permit meaningful program, treatment, assessment and staffing content.

STAFF QUALITY

Comments: The single most important factor in the success of any program is the quality and competence of its staff. The multi-faceted roles and responsibilities of a secure program staff are particularly demanding. They require a range of skills and experiences in establishing relationships of trust with difficult and aggressive youth in order to involve them in programs, while, at the same time, being able and willing to set limits, and to confront these youth in a risk situation without losing control. The staff of every program must be large enough to (a) encompass a broad range of skills and experience and (b) ensure a capacity to deal with youth in a 24-hour per day, 7-day per week secure environment without relying on custodial attitudes and practices.

While there are many dedicated skilled people employed by DYS and the programs who consistently perform effectively and professionally, a significant minority still lack the necessary qualifications, training and/or attitudes. The combination of quality personnel strained to their limits

and unqualified or unproductive personnel filling desperately needed positions and performing critical roles is a situation which must be addressed and remedied. Some of these problems are caused by the state civil service system and generally low salary levels. More upgraded positions and funding increases are clearly needed to permit DYS and the programs to attract and retain qualified staff, and greater flexibility in dealing with state employee personnel matters would be useful.

More funds and flexibility alone, however, are just as clearly not the answer. The development of quality staff is accomplished primarily by systematic and comprehensive training efforts and a material upgrading of personnel selection, supervision and performance review practices. Once these are in place, many staff problems will either remedy themselves or there will be a basis for action by DYS. These self-help efforts are pre-conditions for credible requests for additional resources.

RECOMMENDATIONS:

*1. Job descriptions and minimum qualifications for every position must be developed.

*2. The salaries of line and supervisory staff must be upgraded to correspond to the level of skill and experience required for each position and a salary schedule provided which allows for merit increases. In no event should staff salaries be lower than comparable personnel in the adult correctional system or other similar state agencies providing equivalent professional services.

*3. DYS should engage in a full review of its personnel to determine whether reduction in staff is possible in areas not related to the provision of

direct services and the necessary support staff. However, no position should be eliminated if it can be restructured to meet immediate and emerging DYS needs.

*4. The present total staff-to-youth ratio in secure programs of one-to-one is inadequate. Secure programs require staffing 24 hours a day, 7 days a week; and a program staff must perform a variety of functions and have a variety of skills. The present ratio must be immediately raised to at least 1 1/2-to-1 with an optimum goal of 2-to-1.

*5. No line or supervisory staff position should exist for, or be filled by, a person whose skills, attitude and functions are primarily those of a "guard" and who is not qualified to constructively address the problems and needs of youths in secure settings.

*6. Each program must include as part of its staff individuals with specific experience and skills in counselling, education, psychology and physical education.

*7. DYS must develop and implement recruitment, selection, hiring and firing procedures which are uniform and subject to review. In particular, emphasis must continue to be placed on the development of effective and aggressive affirmative action programs to ensure that minorities and women are adequately represented in DYS and its programs at all levels.

*8. DYS must establish a formal program of orientation, initial and in-service training and reviews of staff performance. Training should include emphasis on behavior management, crisis intervention and counselling, basic safety and medical emergency procedures and DYS policies, standards and procedures. Participation in these programs should be a condition of continued employment.

*9. DYS should develop effective methods and standards for monitoring and reviewing the performance of all staff on at least a quarterly basis. A formal, systematic program of performance review and evaluation must be required for every program and be regularly monitored. DYS should provide technical assistance to regional office and program directors in developing supervision and evaluation procedures for, and in evaluating the performance of, supervisors and staff.

*10. Even if funds are available, no new secure program should be initiated unless the recommendations contained in this section are implemented at least as to that program.

*Progress is being made, however funding limitations do legitimately affect the capacity of DYS to implement parts of many of these recommendations.

MANAGEMENT AND ORGANIZATION

Comments: The management and organizational problems and issues facing DYS are the products of a reform effort which placed a premium on changing the nature of the system as quickly as possible; an organizational structure which has not kept pace with the transition of DYS from a centralized, institutional system to one which is regional and community-based, and the lack of a managerial sophistication and capacity to administer a new and complex system. The problems, i.e. crisis management, coordination, accountability, control, autonomy, etc., are inevitable, but they must be addressed both in order to stabilize the reform and because they are the source of much of the criticism of DYS.

The Task Force has not attempted an in-depth review of the management and organizational structure of DYS.* The Task Force comments are confined to those major problem areas which relate directly to the capacity of DYS to administer a system of security effectively. From this perspective, the following measures would address the management needs of DYS and the bases for much of the external critique:

First, DYS must know what is happening in its system at all times. This requires up-to-date information and documentation of practices and actions at every level on a regular basis. For example, current, aggregate data on all youth in the secure system at any one time should be available in one place.

*This subject was addressed in 1975 by the Governor's Management Task Force and is currently the subject of a project funded by the Committee on Criminal Justice.

Second, operational procedures and controls need to be in place to ensure that this information is generated and that policies are adhered to. The procedures and controls set forth in the Roslindale Consent Decree afford an example which could be adapted and applied throughout the secure system.

Third, responsibility must be clearly affixed at every point in the system. For example, it must be clear who is responsible for maintaining contact with every youth and for ensuring that all information about each youth is available at every stage of the process. What happens to a youth in DYS can depend as much on whether the youth has an advocate, or external pressure, as on judgments made by DYS.

Fourth, There must be a clear delineation of the relationship between the regional and central offices. The regional concept is designed to maximize community-based efforts and meet the program needs of each area of the state. Yet no region has full administrative or funding control, responsibility or accountability for all youths, programs or services within its jurisdiction.

Fifth, the administration of the community-based system requires the integration of all of its parts in an overall continuum. Yet the semantic and organizational differentiation between "secure" and "non-secure" programs and operations and between "secure detention" and "secure treatment" can have the adverse functional effect of segregating the parts into autonomous entities.

The Task Force has not specifically prioritized its recommendations for administrative reform nor prescribed detailed timetables for implementation. These are the responsibility of the Commissioner. The Task Force has sought to provide "structure without stricture". However, members have also expressed concern that making recommendations is not the same as making them happen, no matter how meritorious they may be or how much DYS is in agreement. As one member put it: "Who will decide to do it? When will the decision be made? What will happen in DYS to make sure an answer is given and then it is implemented?"

The Task Force is fully convinced that the task is manageable and that DYS and the community-based system are viable. Whether reform will occur depends upon how specifically and when DYS can answer the questions just posed; and how aggressively DYS continues to develop the organizational and management capacity necessary to the administration of security as part of this unique approach to juvenile corrections.

RECOMMENDATIONS:

*1. DYS must develop a record-keeping system which is uniform and current and which provides it with management, program and monitoring information. This system is essential for planning and budget purposes.

2. Current, comprehensive records on each youth must be maintained and be readily available to personnel at every decision point in the DYS system. Current, aggregate data on all youths must be available in one place at all times.

*Progress is being made.

*3. Specific responsibility for continuity of contact with, and advocacy for, youths and their progress in the secure system must be affixed at the regional and program level and be monitored at the supervisory and management level.

4. DYS must address the problems and issues posed by its regional system and begin the process of determining the appropriate role of the regional and central offices and their inter-relationship. If the regional offices continue to be the primary operating entities, they must be given the resources necessary and be held strictly accountable. The central office, however, must retain primary responsibility for general program, planning and policy decisions, development and enforcement of standards, general training, supervision and review, monitoring and evaluation.

5. If the central office is also to continue to administer some programs, particularly the "secure" ones, then the interface with the regions must be clearly delineated and coordinated to ensure accountability.

6. Regional offices and programs must be required to submit progress reports on a monthly and quarterly basis.

*7. Regional offices and programs must be monitored on a regular basis and technical assistance must be available to them whenever it is needed. The performance of regional offices and programs should be evaluated annually on the basis of explicit standards, policies and procedures.

*8. DYS must conform its job descriptions and titles at the administrative level to the actual responsibilities of the positions and reform its organizational structure to address the management needs of the system. It must also ensure that qualified persons are selected to fill the positions.

9. In order to ensure a management system exists which provides clear accountability and effective policy development, DYS must upgrade certain existing administrative positions in order to develop an adequate technical capacity in planning, evaluation, data collection, budgeting and training. These functions are far too important to be performed as secondary responsibilities by the major deputies and assistants who have other primary operational and policy responsibilities.

* * * * *

N.B. The following Sections IV through VI address the secure placement and budgetary needs of DYS and the responsibilities of others. These subjects were the primary focus of the second phase of the work of the Task Force which began in September, 1976, and ended in June, 1977. In this second phase, the Task Force also conducted a series of meetings throughout the state to obtain public comment on the work of the Task Force and continued to monitor the performance of DYS in implementing the recommendations for administrative reform set forth in Section III. The process used by the Task Force in this phase is also described in the Appendix.

* * * * *

IV. THE SECURE PLACEMENT NEEDS OF DYS

INTRODUCTION

One of the primary reasons for the creation of the Task Force was to determine the number of secure placements needed by DYS. Historically, this issue of "numbers" has been one of the most politicized, controversial and symbolic aspects of the de-institutional reforms of DYS. It has become the focus of the debate about, and the inherent tension between, public protection and individualized care and treatment of youth in a community-based context. In the main, the controversy, involving all segments of the ideological spectrum, has generated far more heat than light.

The Task Force review has been unique in terms of the consensus that emerged, from a membership with a variety of perspectives, on the issues and problems of, and the approach to, security in DYS. This Report reflects a detailed consensus about, and clear recognition of, the complex and multi-faceted nature of security. The Task Force's dominant theme is that the secure placement needs of DYS cannot be reasonably or responsibly determined in a vacuum. These determinations require a framework and context in which the key terms are defined, the underlying principles articulated, the administration of the system analyzed, and the objectives, nature and content of secure programs considered. Without such a framework, there can

be no certainty that secure placements will be used appropriately; the only inevitable result is that any available secure placement will be filled.

The Task Force consensus was that secure placement intake should be strictly regulated, governed by uniform criteria, and based on comprehensive assessments. Demonstrable, objective criteria geared to the use of security as a matter of public protection should determine the presumptive eligibility of a youth for a secure placement.

Thereafter, the actual need for a secure placement should be based on assessments both of the youth and the capacity of a non-secure placement to mitigate danger to the public. In a viable and effective system, the number of youths placed in security should never exceed, and should generally be below, the maximum number identified as being presumptively eligible by application of the Task Force criteria.

In the Preliminary Report, the Task Force concluded that eventhough only a small percentage and a limited number of DYS youth needed security for public protection purposes, there clearly was a need to increase the number of secure placements available. However, there was no rational or responsible basis for accurately quantifying the present or projected number and type of secure placements needed by DYS, given the inadequacy and limitations of (a) available data or documentation from any source on DYS youth in need of security and (b) the DYS framework for, and the administrative state of, the system of security. Therefore, the Task Force recommended that an inde-

pendent, objective study be undertaken during the second phase based on the principles and criteria set forth in the Preliminary Report. The Task Force approved and adopted the findings of that study. This section summarizes those findings and sets forth the conclusions and recommendations of the Task Force on the issue of numbers.

METHODOLOGY OF THE STUDY

1. The Task Force study was prepared and implemented by a seven-person subcommittee and the Planning Unit of DYS.* The Task Force members represented a cross-section of views and experience including research experts, child advocates, social services, law enforcement, probation, and state agency personnel. In view of the limited data and resources available, the time constraints and the Task Force objectives, the method chosen represented, in the opinion of the experts involved, the best available valid approach.**

2. A computer print-out of all committed youth*** in the DYS system as of September 21, 1976, was obtained, listed by region, from the DYS central office computer. The number of

*The Task Force members were L. Scott Harshbarger, Chairman, Department of the Attorney General; Joseph Toppin, Assistant Secretary of Public Safety; Joseph Foley, Deputy Commissioner of Probation; David Davis, Massachusetts Defenders Committee; Stephen Bing, Massachusetts Advocacy Center; Robert Bruzzese, Office for Children; and Dr. Lloyd Ohlin, Harvard Center for Criminal Justice.

**More detailed information about any aspect of the methodology described in this section is available from Joseph Cullen, DYS Planning Unit, or Dr. Lloyd Ohlin, Harvard Center for Criminal Justice. The methodology was also chosen because it can be readily tested, adapted and replicated.

***Except where specifically noted, the numbers and percentages in this section do not include youth in DYS on a detention or referral basis only.

youth in each region, listed by the computer, was as follows:

I - 211	III - 223	V - 120
II - 159	IV - 336	VI - 339
		VII - 113
TOTAL - 1501		

3. A table of random numbers was used to select the sample from the chronological numbered listings of youth by region. The sample size was 10% of the population as follows:

I - 22	III - 22	V - 12
II - 16	IV - 33	VI - 34
		VII - 12
TOTAL - 151		

This 10% random sample was used as the core group for arriving at decisions about secure placement numbers.

4. In order to elicit information the subcommittee felt to be essential to make decisions about which youth needed a secure program placement, a three-page survey form was designed to be completed on each youth in the sample. The survey forms were distributed to each region and were completed by the individual caseworkers based on their files and/or knowledge of each youth.

The survey form elicited only the following information summary on each youth: (a) juvenile record with dates and offenses; (b) most serious adjudicated offense; (c) number of commitments to DYS; (d) any clinical diagnosis; (e) placement history in DYS, including dates, nature and type of program, and reasons for leaving placements; (f) a statement in narrative form of the caseworker's preferred placement plan; and (g) the actual placement plan.

5. The votes of the subcommittee were based solely on the information contained in this form. The votes occurred in a series of meetings over a two-month period through mid-December, 1976. Votes on youth from various regions were interspersed. Each member had an opportunity to review each survey form in advance of these meetings. Each member voted orally, and the order of voting rotated, on each case.

The subcommittee took two kinds of votes. The first was to determine whether the youth was appropriate for a secure placement of some kind. If so, a second vote was taken to determine the type or level of secure placement. At the end of the process, in an attempt to further ensure uniformity, the subcommittee reviewed all of its affirmative votes on secure placements and all close negative votes. This review confirmed the original votes and resulted in no changes in outcome.

6. In determining whether a youth was appropriate for a secure placement, the subcommittee applied the criteria recommended by the Task Force, broadly categorized as violence and chronicity.^{*} Consistent with the random sample method used, each case was evaluated on a "here and now" basis, i.e. does the youth need a secure placement at the present time for purposes of public protection?

In essence, the voting criteria reflected primarily a present public protection concern, determined by reasonably

^{*}Youths who have demonstrated that they "pose a danger of serious bodily harm to others" or "engage in a pattern of persistent, uncontrollable and serious offenses." See Section III, Proposed Definitions, #2, supra, p. 18.

demonstrable, objective criteria. A "yes" vote was appropriate if a youth met one or both of the objective criteria now. An affirmative vote for security, therefore, did not take into consideration whether an appropriate non-secure placement now, based on comprehensive assessments and more detailed knowledge of the case and youth, could meet public protection concerns and mitigate danger to the public.* Conversely, a "no" vote was appropriate not only if there were no need for security now for public protection, even though a youth might have met one of the criteria at some prior time, but also if the offenses, even if repeated and on-going, were minor in nature.**

7. Once a youth was deemed appropriate for secure placement, the subcommittee voted on the level and type of security which seemed to be required.*** Given the summary nature of the information available and the limited

*Such considerations are obviously highly relevant to a secure placement decision and they should be applied by DYS. In many cases, the result would be a reasoned and reasonable judgment that a youth, presumptively eligible for security using the Task Force criteria only, could be placed in a non-secure setting without detriment to public protection.

**The Task Force consensus was that, pragmatically, the security priority of DYS should be on the "heavy hitter", "hard-core", visible "repeater" type of juvenile offenders who pose danger to the public, rather than on those, for example, whose "acting-out" may be an irritant or an indicator of a need, or call, for assistance or recognition, but does not pose an equivalent kind of threat or danger.

***This vote responded to the Task Force recommendation that the DYS secure system should be "graded" and involve "several levels and types of secure settings and programs." See Section III, Proposed Definitions, #4, supra p. 19.

type and range of secure program prototypes that now exist, the votes could not be meaningfully refined beyond "heavy" and "light" gradations, and "DYS" or "DMH" types, of secure programs. A vote for the latter type was appropriate where the information available clearly indicated that the primary need was for Department of Mental Health secure treatment.*

THE FINDINGS OF THE STUDY

1. Of the 151 cases in the sample, 35 had been discharged from DYS for some reason and were still being maintained erroneously on the central DYS computer as committed to DYS. This represents 23% of the population. This discrepancy indicates a seriously high rate of computer error. It does not, however, affect the number of secure placements needed because all votes were on youths actually in DYS selected from a pure random sample.**

2. Of the remaining 116 cases, 103 were voted not to be in need of secure placements of any kind at the present time. This represents 88.7% of the population of DYS. The subcommittee was closely divided on less than 3% of its "no" votes.

*The DMH vote total was a conservative one. A more clinical, diagnostic assessment based on more detailed information would probably expand the number of DYS youth eligible for security who should be placed in DMH secure programs.

**This discrepancy could mean that there are fewer youth actually in DYS than the computer indicates and the "N" is merely decreased. A review of the more accurate manual information system following the study indicated that the universe was in fact approximately 1500 youths and that it could be assumed that the computer error was equally distributed to both undercount active cases and retain inactive ones. Hence, the sample remains a valid 10% sample with 23% of the cases being inactive. See, also, p. 55, footnote, infra.

"No" Votes By Region

	Unanimous	6-1	5-2	4-3
I	8	4	2	1
II	9	2	3	---
III	14	---	1	2
IV	15	1	---	---
V	9	---	---	---
VI	13	7	3	---
VII	7	---	2	---
TOTALS	75	14	11	3

3. Of the 116 cases, 13 were voted to be in need of a secure placement of some kind at the present time. This represents 11.2% of the population of DYS. The subcommittee had no close "yes" votes.

"Yes" Votes By Region

	Unanimous	6-1	5-2	4-3
I	1	1	---	---
II	---	---	1	---
III	1	---	---	---
IV	1	---	---	---
V	1	---	---	---
VI	4	1	---	---
VII	---	1	1	---
TOTALS	8	3	2	0

4. Of the 11.2% of the DYS youth appropriate for secure placements, the type and level of security needed and the basis for security were as follows:

a. Placements in Department of Mental Health secure program types were needed for at least 3 of these 13 cases, or 23% of these youths. DYS secure programs cannot adequately meet both the public protection and treatment needs in these cases requiring specialized, long-term psychiatric care.

b. A "light" secure program level would be adequate to meet the public protection concern in 5 of these cases, or for 38% of this population. Many of these youth could be placed, without detriment to public protection, in certain types of programs DYS now deems "non-secure", if the programs were slightly modified to provide, for example, more intensive staffing patterns.

c. The criteria of "violence" was the primary basis for the need for security in 7 of the cases, or for 54% of these youth. Those youth meeting this criteria also tended to be voted as in need of a "heavy" secure program level. Only about 15% of the cases met both the criteria of "violence" and "chronicity".

As the table below indicates, the votes on the foregoing were virtually unanimous.

Basis For And Type Of Security

Basis of "Yes" Vote	"DMH" Security	DYS Gradation	Vote
Chronicity	No	Light	6-1
Chronicity	Yes	Heavy	Unanimous
Violence	No	Need more Information	5-2
Chronicity and Violence	No	Heavy	Unanimous
Chronicity and Violence	No	Heavy	Unanimous
Self-Destructive	Yes	Light	Unanimous
Violence	No	Heavy	Unanimous
Chronicity	No	Light	6-1
Violence	No	Heavy	Unanimous
Violence	No	Heavy	Unanimous
Violence	No	Heavy	Unanimous
Chronicity	No	Light	6-1
Chronicity	Yes	Light	5-2

5. In order to translate the percentages of youth in need of security into numbers, a total population range of 1160 to

1500 committed youth was used to accomodate the fluctuation in this total at various times over a year.* Using this range, the results in terms of the number of DYS youth appropriate for, and the type and level of, security are as follows:

a. Secure placements of some type are needed for 129-to-168 DYS youths at any given time.

b. Placements in DMH secure programs are needed for at least 29-to-38 of these DYS youth.

c. Of the 100-to-130 secure placements needed by DYS, 54-to-70 placements should be in a "moderate" to "heavy" level of secure program; 46-to-60 placements should be in a "light" level of secure program.

6. The 11.2% represents the maximum percentage of DYS youth in need of security and the 100-to-130 represents the maximum number of secure placements DYS needs to provide. The study methodology implemented the Task Force criteria which were designed to identify the outer limits of the security needs of DYS for public protection purposes. The presumption of appropriateness for security is rebuttable by comprehensive individual assessments which reasonably demonstrate that a non-secure placement can be made without detriment to public protection.**

*Based on reports generated by the DYS manual information system since the study was completed and adopted by the Task Force, the weekly totals of committed youth have varied between 1383 and 1573. Hence, an upward adjustment in the bottom number of the range of projected placements needed would be appropriate. However, the critical finding is the maximum percentage precisely because it is adaptable to better population information or shifts.

**See p. 47 and footnote on p. 51, supra.

ADDITIONAL FINDINGS

1. Secure detention. While the study did not directly include consideration of the number of secure placements needed for detention purposes, the Task Force concluded that the present number of positions DYS now deems secure (114) is adequate, for the following reasons:

a. In fiscal year 1977, DYS had sufficient capacity to detain some 2,419 youth (one-third of its detainees) in secure placements for some period of time. These placement numbers are exclusive of the 7 shelter-care programs available for boys' detention and the 5 detention programs specifically designed for girls.

b. The Task Force, in Section III, supra, recommended a variety of actions DYS could take to substantially upgrade secure detention intake and placement practices to ensure that the placements that now exist are used far more efficiently and effectively.

c. The implementation of the plans for a separate "bind-over" program for youths in that status who may need secure placements in other than existing programs will make additional secure detention placements available.

d. Nearly 80% of the youths detained in the four major DYS secure detention programs have already been committed to DYS, are on a reception/transfer or dual status, and/or are being held pending appeal or adult bind-over proceedings. All of these youths are necessarily included in the total population from which the study sample was drawn. Hence, if the number of secure treatment programs is increased, a

large percentage of the youth now filling secure detention positions could appropriately be placed in those programs, thus freeing existing positions for other detainees in need of security.*

2. Security for Girls. A review of the affirmative votes for security by the DYS Planning Unit revealed that no girls had been found to be presumptively appropriate for security at the present time. The fact is that the number of girls in DYS in need of security, judged by the Task Force criteria, is small and might validly not be reflected in a 10% random sample. A separate study limited to girls only, using Task Force criteria, has been conducted by DYS. It appears to indicate that a maximum of 10% may need some type of secure placement. These needs can and should be met within the secure placement numbers recommended by the Task Force.

3. Data Controls. The continuing problems of the DYS data base and collection methods re-surfaced in the course of the study. These problems impact not only the accuracy of the data but also control and accountability. For example,

*These are January, 1977, statistics, but they are reasonably constant. If these committed youths are appropriately in secure detention because of a need for security pending some other secure or non-secure placement, DYS should consider re-defining these existing programs and using them as an alternative mode or type of secure care placement for youths on an interim status or who need shorter-term secure placements. Then it would be appropriate to review the number of secure detention placements available. However, if this change occurred, it would obviously decrease the number of new secure care and treatment placements needed as well.

- The rate of computer error is a primary concern because it is supposed to be the source of current information on, and the key central listing of, all youth in DYS. Its primary function is to generate information for purposes of billing and invoices, and allocation of flexible purchase-of-services funds among regions. Its unreliability requires DYS to maintain manual back-up data to ensure fair budget allocations and fiscal accuracy.

- The computer theoretically contains a variety of additional information about DYS youth which could have been useful in the study. However, this supplementary data was incomplete and out-of-date. As a result, the survey form was designed and the information retrieved manually.

- Distributing and explaining the form to regions, and reviewing and obtaining the completed ones, was a time-consuming task for the DYS staff assigned to the study. Substantial extra effort was also required of the caseworkers themselves, in part because this information was not always readily available in their files. The process reflected the difficulty the central office would have at the present time in obtaining expeditiously any kind of detailed information on cases on a systematic basis for any purpose.

- The data retrieved on the survey form underscored the need for greater uniformity in case file record-keeping procedures among and within regions. There are significant regional disparities in the quality and quantity of the information available on youths and in the placement practices and policies. DYS is now working on two major projects, a casework management system and a manual information system upgrading, which are designed to address the quality of case records and the information generated.

RECOMMENDATIONS:

1. Based on the Task Force criteria, a maximum of 11.2% of the youth committed to DYS need secure care and treatment placements of some kind for public protection purposes. In terms of numbers, depending on the total population at any given time, a maximum of 129-to-168 DYS youth are in need of secure placements. DYS itself should provide no more than 75% of these secure placements, or 100-to-130.

2. Since DYS now has only 49 care and treatment placements it deems secure, the number of secure placements should be increased. This increased need can be met by a combination of the following methods:

a. Of the DYS youth needing security, at least 23% (29-to-38 in number) need secure placements in Department of Mental Health programs. Therefore, most of these youth should be placed now in existing DMH secure programs.

b. Of the DYS youth needing security, 38% appear to need only a "light" level of secure placement. A majority of these 46-to-60 youth could be placed, without detriment to public protection, in structured residential programs. Viable models already exist and several of these programs have already demonstrated a capacity to meet the secure treatment needs of these youth. However, some new programs are needed and the upgrading of both the existing and new programs would be desirable.

c. The secure placement needs of youths needing a "heavy" level of security are now being met by the existing secure programs. The implementation of DYS' plans for 3 or 4 new 12-bed secure programs should permit (i) an expansion of the levels and types of secure programs available; (ii) the appropriate placement of youth who might otherwise be in secure detention programs; and (iii) any need for security for young women to be met.

d. The continued implementation and application of the recommendations for administrative reform of the secure treatment intake, placement, review and after-care/re-integration process set forth in Section III of this Report.

3. The present secure detention capacity of DYS is adequate. There is no basis at this time for increasing the number of these placements. The following actions are necessary to ensure that they are used as efficiently and effectively as possible:

a. The implementation of the already planned and funded 12-bed program for those youths who are in a "bind-over" status who need a secure placement and whose needs cannot be met in existing secure programs.

b. The removal of youths on reception/transfer status from detention placements.

c. Implementation of the Task Force recommendations in Section III of this Report in order to reform and upgrade the intake, placement and review process, with a particular emphasis on a reduction in the length of time any youth is held in a secure detention placement.

4. Notwithstanding the foregoing recommendations, no secure program should continue to exist, no program should be used for secure placements, nor should new programs be implemented, unless and until DYS can ensure that these programs will be administered in compliance with the recommendations of this Task Force regarding the size, nature, content, staff and funding levels of secure programs.

5. DYS should implement a graded system of security with a range of levels and types of programs far more broad and diverse than the present system. Within each level, there should be a diversity of program types and alternatives and some variation in program duration.

6. Any increase in the number of secure detention and treatment placements needed for young women can be readily met within the framework of Recommendations #3 and #4.

7. The data and information systems in DYS should be upgraded dramatically and DYS should be provided with adequate resources and expertise to design and administer these systems.

8. Each year, DYS should conduct a study similar to that undertaken by the Task Force. In addition to using it to update, review and refine the analysis of secure placement needs, this annual study should serve as a method for analyzing other program needs, quality control and general monitoring.

V. THE BUDGETARY NEEDS OF DYS

INTRODUCTION

The Preliminary Report contained no specific findings and recommendations on the funding level DYS needs to address the issue of security effectively. The Task Force did identify a few specific program areas where increased funding was needed and generally endorsed the view that DYS appeared to be significantly underfunded. Still, it concluded that money alone was clearly not the primary solution to the problems and issues facing DYS. The most immediate need was administrative reform, reforms which (a) ensure a more efficient and effective use of resources already available, (b) create the framework for a more discriminating analysis of funding needs, and (c) serve to justify an increased funding level.

The Task Force recommendations for reforms do, however, have a fiscal impact. Security is an expensive proposition in any system. There is little to be gained from making recommendations if a legitimate funding obstacle precludes their implementation. Therefore, in the second phase of its work, the Task Force undertook a detailed independent analysis of the actual fiscal impact on DYS of the approach to the issue of security recommended in this Report.* This

*The Task Force chose not to rely on DYS' own evaluation of its budget needs because agencies will always find that more funds are needed. The lack of money is a traditional rationale in any bureaucracy for a failure or an inability to provide services efficiently and effectively. Even
(continued)

section summarizes the Task Force findings on (a) the content of the DYS budget for fiscal year 1977, (b) the effect of the increased appropriation for DYS for 1978, and (c) the budgetary needs of DYS in connection with security.*

THE STRUCTURE AND CONTENT OF THE DYS BUDGET

The first objective of the Task Force was to review the DYS budget for fiscal year 1977 in order to understand how DYS was spending the resources currently available to it. This budget would then serve as a baseline for evaluating the recommended appropriation level for 1978 and the fiscal impact of the Task Force recommendations.** It became readily apparent that, unless one is intimately familiar with DYS and the appropriations process, the very structure of the

*(continued from p. 61)

in those instances where their assessment is correct, they lack the standing to assert their interests with credibility in a skeptical public forum. In an era of fiscal constraints and conservatism, these problems are particularly exacerbated for agencies dealing in the soft goods of human services where cost-benefit analysis is more difficult and performance measurements are less tangible.

*The conclusion that DYS needs an increased funding level may seem foreordained. However, the Task Force has fixed the maximum amount DYS should need to address security effectively within the community-based system. Further, the basis for the Task Force conclusions is clearly noted; the areas where increases are needed and the reasons are specified; the recommendations are conditioned on administrative reforms and adherence to clear spending guidelines, all of which are subject to external monitoring; and the objectives to be achieved are measurable.

**The Task Force budget review was conducted in the course of Fiscal Year 1977 and prior to final action by the Legislature on the Governor's recommendations for 1978. References, therefore, to the present DYS budget mean the 1977 appropriation. Except where noted in the text, the Task Force analysis is not affected by the new budget year and appropriation level.

budget and the nature of that process pose significant obstacles to efforts to understand and evaluate the budget and the manner in which it is allocated. For example:

- the official budget documents are complicated and confusing and the major budget accounts do not fully coincide with the actual program and operational structure of DYS;

- the actual budget expenditures on a program basis cannot be determined without reviewing a plethora of background materials and cross-referencing among accounts, source and types of funds and terms of art;

- the budget materials are less than uniform, are often not internally consistent, and appear to vary depending upon who prepared the material, when and for what purpose;

- none of the budget documents, standing alone, presents a comprehensive and definitive budgetary overview of DYS.*

This problem seems to be endemic to the appropriations process generally and is not unique to DYS, or totally subject to remedy by it alone. However, the budget is a concrete statement from and about an agency. The budget process is often the only real opportunity an agency has to state its case, or for others to review the agency's performance. DYS cannot ultimately benefit in this public forum by the present budgetary maze which deters and virtually defies independent review.

*These obstacles are often justified by DYS advocates on the basis that they afford DYS the flexibility in resource allocations needed to administer a community-based system and that greater clarity would inevitably result in more restrictive appropriations. There is no question that flexibility is critical to permit DYS to adapt to changing needs and that the restrictions that do exist are inconsistent with this objective. However, the position of the Commissioner and the Task Force is that the need for flexibility does not excuse nor justify a lack of accountability for, and a clear explanation of, resource allocations, that they are legitimate sources of concern to those who recommend and appropriate funds, and should be addressed by DYS.

For the Task Force, the primary problem was that the variety and complexity of the DYS system - the source of its greatest strengths and the cause of many of its administrative weaknesses - is mirrored in this budget. Secure and non-secure program expenditures are not the subject of discrete budget accounts. Budget action in any program area ripples, for good or ill, throughout the system. Therefore, a detailed review of the entire budget was required.

The Task Force findings on the DYS budget are outlined below:

1. State Appropriation. In fiscal year 1977, DYS received \$15.9 million in state funds. In 1974, the appropriation level was \$17.6 million. In the same period, the budgets for the Departments of Mental Health and Corrections, agencies maintaining a large number of institutional facilities and state personnel, increased substantially. Hence, in spite of an inflation economy and an overall increase in caseload, the state funds available to DYS in 1977 were significantly less than in 1974.

2. Budget Accounts. The DYS budget appropriation is made in eight general accounts, each of which is further broken down into a series of sub-accounts and line items. The accounts, the 1977 appropriation, and a description of each are as follows:

- Administration (\$1,411,193) - all central office personnel and operations;

- Purchase of Care (\$8,650,000) - the funds available for all programs and services in the seven (7) DYS regions throughout the state;

- LEAA Match (\$200,000) - the state appropriation necessary to generate the block and discretionary grant funds from the Committee on Criminal Justice;

- The Connelly Youth Center (\$960,634), Hampden County Detention Center (\$372,385), Worcester County Detention Center (\$380,792), and French Forestry Camp (\$390,688) - the state costs for personnel and administration of four specific institutional facilities.

- Regional Services (\$3,559,633) - the personnel and operations of the regional offices.

3. Regional Offices. The primary vehicle for the administration of the community-based system is the regional office. The seven offices are geographically dispersed throughout the state and the personnel and operation of these offices accounted for approximately 23% of the 1977 appropriation. In addition to the supervisory responsibilities and services of the regional caseworkers, the regions directly control the allocation and expenditure of approximately 60% of the DYS purchase-of-service funds available for programs and services. The central office controls the allocation of the remainder, including the funding of all of the detention and treatment programs now deemed secure.

4. Purchase of Services. In 1977, 55%, or \$8.7 million, of the budget was appropriated for purchase-of-services. These funds are used to purchase program services for DYS youth on a contract basis from private agencies. Approximately 95% of these funds are used for non-secure programs and services. Purchase-of-service funds are expended by DYS in two ways:

a. Flexible Regional Budget. In 1977, approximately \$5.9 million was allocated by DYS to the regional offices for their discretionary use to purchase services for detained or committed youth through individual contracts. The types of placements range from group homes, foster-care and non-residential for the majority of the youth to a limited use in appropriate cases of specialized facilities and schools. The amount allocated to each region is determined by a needs assessment formula.

The placements and services purchased by the regions with these "flexible" funds are the most economical of all DYS placement funding methods. In terms of average costs per year per youth, non-residential placements are \$4,000, residential foster-care is \$3,600, and group-home residential programs are \$11,000.

b. Fixed-cost Contracts. Some \$2.8 million of the purchase-of-service funds were expended by the central office through fixed-cost contracts. Under this method, DYS purchases a fixed number of positions, or amount of service, from a private agency on an annual basis. In 1977, sixteen DYS programs or facilities were fully or partly funded by these kinds of contracts, in addition to diagnostic and screening services. They were the primary funding source for the DYS shelter-care and girls' programs and one secure treatment program; and they supplemented funds appropriated in one of the other general accounts in five programs or facilities, including two of the secure detention programs.

On the whole, in each program type, those programs funded primarily by fixed-cost contracts have lower annual average costs per youth than equivalent programs which are fully or primarily funded by state appropriations in accounts other than purchase-of-services.*

5. Appropriations for Specific Facilities. Approximately \$2.1 million, or 13.2% of the DYS budget, was specifically appropriated by account for four institutional facility programs. Three of these facilities are considered to be secure programs and they account for approximately 50% of the secure placement capacity of DYS in both detention and treatment. The fourth facility is used for residential non-secure placements.** These facilities are funded and administered through the central office and are predominantly staffed and maintained by state personnel and funds. All are considered to be "state-run" programs.

In addition to the appropriation levels provided in each account, DYS expends a substantial amount of funds from other sources on these facilities, including fixed-contract, LEAA, and federal special education funds. DYS has also requested about \$1 million in state capital outlay funds for general renovation work needed to upgrade each of these facilities,

*For example, the general range in shelter-care programs is \$13,300 to \$16,000; one of the two programs utilizing primarily state staff averages \$19,100. Also, compare the DARE program with Worcester and Madonna Hall on the table, infra, p. 71.

**The "Connelly" is the Roslindale secure detention program (35 positions); "Hampden" is the Westfield secure detention program (21 positions); Worcester "County Detention Center" is a secure treatment program (23 positions); the French Forestry Camp has 32 residential non-secure positions.

both to meet physical standards DYS believes to be desirable and to obtain and maintain compliance with state licensing standards and federal law.* Eventhough the youth population of all but one of these facilities is nearly double that of other programs funded or used by DYS, these facilities are still more expensive on an annual per youth cost basis than programs of the same type which do not involve state personnel, and are exceeded in cost only by fixed-cost programs which are staffed predominantly by state personnel.**

These facilities, their budgetary titles and the appropriation method by which they are funded are remnants of the "institutional" past of DYS. While in operational and program terms DYS has adapted their role and function to the reformed system, their institutional physical characteristics (prior to extensive renovations) were, and their budget titles are, anachronisms. There is no operational justification for their status as the subjects of special budget accounts. Continuing that status further exacerbates the problem which permeates the DYS budget, i.e. the perception and fact that there is a significant discrepancy between the official budget and the reality of agency operations

*Except for French, each of the facilities has been the subject of controversy in recent years in terms of their physical structure and conditions. Substantial funds have been required, together with staff increases and youth population reductions, to enable the facilities to meet the licensing standards of the state Office for Children for any facility - state or private - used for the placement of youth. Roslindale itself is also the subject of a federal court consent decree (1976) which requires it to be closed or comprehensively upgraded.

**The French is \$13,000 compared to a general DYS residential program average of \$11,000. Comparative costs on the other facilities are set forth on the table, infra, p. 71.

and funding allocations. More importantly, from a budgetary/managerial perspective, specific account appropriations for these facilities substantially and unreasonably restrict the flexible use of a significant percentage of DYS' limited resources.

6. State Program Personnel. The budget creates a perception that, except for institutional facilities, no DYS personnel are involved directly in programs. In fact, a substantial number of state personnel included in the central and regional office accounts are directly involved as staff in a variety of "privately-run" programs funded in part by fixed-cost contracts or LEAA. State personnel, for example, constitute a majority of the staff of the YMCA shelter-care programs in Brockton and Worcester and the Charlestown YMCA, Danvers I-3 and Taunton CIC secure detention programs. About \$1.3 million of the central and regional office accounts are for state program personnel, in addition to the state employee costs included in the appropriations for the institutional facilities.*

*In addition, until January, 1977, when the House Ways and Means Committee finally approved a major re-classification, there was often little relationship between an employee's budget title and actual function, assignment, responsibility, or physical location, and many still reflected the old "institutional" job labels. These discrepancies existed through no fault of DYS which for years had attempted to alter this situation and to avoid being functionally hampered by making internal adjustments.

7. LEAA/CCJ Funds. One critical source of funds is notably absent from the state budget documents, i.e. LEAA funds provided through the Committee on Criminal Justice. Except for the state matching funds, none of the LEAA funds or their allocation among program areas appear in the state budget materials. For several years, CCJ has been a major source of funds for secure programs. In 1977, DYS had available some \$900,000 in LEAA funds for programs of which \$711,000 were used to supplement state funds for secure programs. Because of its continuation/termination policies, CCJ will fund only one DYS secure program in 1978. Therefore, a substantial percentage of the CCJ funds must be absorbed in the state budget for Fiscal Year 1978 just to enable DYS to maintain its present level of funding for security.

SECURE PROGRAMS

The Task Force reviewed all of the budget accounts in order to segregate, for analytical purposes, the actual expenditures DYS now makes in connection with security and the approximate percentage or ratio of funds now expended for non-secure programs. The findings are summarized below.

For reference purposes, the following table sets forth the DYS secure programs, the funding source, the number of positions, and the average annual cost per youth:

8

Program	State Staff/ Maintenance	Fixed-Cost Contract	CCJ/ LEAA	Total Cost	Positions Staff Youth	Average Cost
<u>Secure Detention</u>						
Danvers I-3	\$229,000	-	\$ 50,000	\$279,000	24 12	\$23,250
Roslindale	760,000	-	-	760,000	58 35	21,715
Taunton CIC	150,000	-	330,000	480,000	46 22	21,818
Westfield	324,000	\$ 91,000	-	415,000	35 21	19,747
Charlestown YMCA (Boys and Girls)	315,000	136,000	-	451,000	32 24	18,792
TOTAL	\$1,778,000	\$227,000	\$380,000	\$2,385,000		

Secure Treatment

Madonna Hall (Girls)	\$215,000	91,000	-	\$306,000	21 12	\$25,500
Worcester	461,000	-	92,000	553,000	41 23	23,033
Boston YMCA	-	-	239,000	239,000	18 12	19,917
DARE Chelmsford	-	261,000	-	261,000	18 14	18,643
TOTAL	\$676,000	\$352,000	\$331,000	\$1,359,000		



A. For secure treatment in Fiscal Year 1977, the relevant budget facts were:

- * DYS had 49 positions for secure treatment for boys in 3 programs.

- * The total cost of these programs was \$1,052,800, of which about one-third was federally-funded.

- * About one-half of the positions are in, and more than one-half of the funds were for, the state-run Worcester program.

- * Worcester was also the most expensive program, averaging \$23,033 per youth, and had the highest staff-to-youth ratio. The privately-run DARE and Greater Boston YMCA programs average \$19,240 per youth.

- * The overall average cost of secure treatment was \$21,056.

B. For secure detention, the relevant budget facts were:

- * DYS had 114 positions for secure detention in five programs.

- * The total cost was \$2,385,000, of which about 17% is federally-funded.

- * About one-third of the positions are in, and one-third of the funds allocated to, the state-run program at Roslindale.

- * The most expensive program was the state-run Danvers program at \$23,250 per youth with a two-to-one staff/youth ratio. The least expen-

sive programs, Westfield and Charlestown (an overnight arrest unit), are administered by private agencies under fixed-cost contracts, although the majority of the staff are state employees.

* The only secure programs for boys providing two-to-one staff/youth ratios were detention programs and they were both recipients of federal funds.

* The overall average cost of secure detention was \$20,918; excluding the Charlestown program, the average was \$21.485.

C. There were only two secure programs for girls. Madonna Hall is a secure detention and treatment program. At \$25,500 per youth, it is the most expensive DYS secure program and is two-thirds state staffed. The costs of the Charlestown YMCA girls' detention program are not detailed separately from the boys' program.

D. DYS expended approximately \$3.7 million, including federal funds, on the nine detention and treatment programs it deemed secure. It expended about \$9.0 million on non-secure programs. In terms of percentages of the total DYS program budget, approximately twenty-nine percent (29%) was allocated to secure programs; and seventy-one percent (71%) was allocated to non-secure programs. Excluding the \$900,000 federal CCJ/LEAA funds, secure programs accounted for 25%, and non-secure programs 75%, of the state funded DYS program budget. Of the total DYS State Budget for 1977, secure programs represented 19%; and non-secure programs

represented 57%.*

E. In 1977, DYS provided some level of program care to about 1400 youths on a daily average basis (exclusive of an additional 600 receiving caseworker services only). Secure placements in detention or treatment were used for 175 of these youths, or about 12.5%. Yet between 25 - 30% of DYS budget resources for programs were allocated for this purpose. Given the limited resources of the agency, this was not an unreasonable allocation nor does it reflect a failure to be cognizant of the need for security. Instead, it reflects an effort to maintain a reasonable balance in the allocation of scarce resources.

It seems clear from the foregoing review that secure programs even now are the most expensive of all DYS programs and that those that are designed to be the most physically secure are among the most expensive, even with larger populations. DYS is also now spending, proportionately, double the

*The totals and percentages in the text vary to some extent from similar calculations done by DYS at various times in the course of their budget presentations for fiscal year 1978, and some of those vary as well depending upon the DYS personnel involved, the time the analysis was made, and for what purpose. In general, the variances are minor and some result simply from differences as to what funds should be included in which category and how much has in fact been spent and where. Yet these variances can be red flags for the critic and DYS must ensure that its own internal calculations are uniform and consistent at all times.

The major variable excluded in the Task Force calculation is the regional office caseworker/supervisory personnel network which is an integral part of the community-based system. Including these funds would increase the percentages and total DYS allocation to the non-secure area. They were not included because (a) it would require a complex analysis of the functions of all DYS personnel, (b) the Task Force analysis was solely confined to program funds, and (c) these personnel should be integrally involved at least proportionately with DYS youths in secure as well as non-secure placements to avoid a segregated and distinct secure system.

amount on the youths it now places in secure setting. Inevitably, in the absence of a substantially increased total budget appropriation, an increase in the number of secure placements must either occur at the direct expense of non-secure program funds or result in actions designed to reduce average costs, actions which could quickly lead once again toward large, institutional custodial settings for youths. Either course of action must be firmly rejected as an acceptable alternative.

THE 1978 APPROPRIATION

In September, 1976, DYS submitted a formal budget request of \$19.2 million for fiscal year 1978. The major emphasis of this request was on increased expenses for security. The Governor, in December, recommended to the Legislature a budget of \$17.6 million, an increase of 11% and equal to the DYS budget for 1974. In June, 1977, the Legislature appropriated \$18.4 million, an increase of 16%.*

The increased appropriation of some \$2.4 million was allocated as follows:

- For the first time, by appropriation, a specific account was established for secure purchase-of-service funds

*The DYS budget request was significantly lower than its estimate of the funds needed to adequately fulfill all of its statutory obligations. That \$26.0 million estimate included over \$11.0 million for flexible purchase-of-service funds and nearly \$1 million in preventive court-referral programs. Once the \$19.2 million figure was set, the subsequent deliberations in the Executive focused on negotiations relating to inflation and salary allowances, phase-in costs, etc. In general, these reductions affected both secure and non-secure program areas, but inevitably the "softer", flexible, non-secure program expansion areas suffered the most as a result of the application of fiscal constraint policies.

and \$1.2 million, or 50%, of the increase was appropriated by the Legislature in this account.

- Of the \$753,000 increase appropriated for the regular purchase-of-service account, DYS has allocated about 77% for secure programs through fixed-cost contracts.

- The remaining \$450,000 of the increase was generally appropriated among the other seven accounts to cover state employee pay raises and other inflation cost adjustments. However, one-third of this increase was specifically appropriated for Roslindale.

- Of the increase appropriated or allocated for security, \$485,000 was to absorb existing CCJ/LEAA funded program aspects which would otherwise terminate and, hence, do not represent additional funds available to DYS for security.

- Only about \$184,000, or less than 8%, of the increase was for non-secure programs. Of that amount about \$100,000 was to absorb an existing CCJ/LEAA-funded project.

In terms of secure treatment, the impact is as follows:

- The new secure account will permit DYS to add one secure program for girls (10 positions), to phase-in three new secure treatment programs for boys (42 positions), and to begin to develop formal after-care programs for youths leaving secure treatment placements.

- From the regular purchase-of-service account increase, DYS will add two additional secure programs for girls (10 positions).

- In terms of increased numbers available, DYS will increase its secure program capacity for boys to 91 and for girls to 20 (not including Madonna Hall).

- Combined with the current and projected capacity of DMH secure programs (about 72 of which 50% will be available for DYS youth), DYS will have a sufficient capacity (147) to meet the recommendations of the Task Force as to the number of secure treatment placements needed.*

In secure detention, DYS will add a new "bind-over" program, a joint Hurricane Island/Roslindale project, for boys funded by the regular purchase-of-service account and the Roslindale appropriation. The addition of this program-type was the only increase in secure detention capacity recommended by the Task Force.

The 1978 appropriation, therefore, dramatically increases the amount and percentage of state DYS program funds allocated to security. More than 92% of the increase is for secure programs. As a result, of the \$14.1 million DYS program budget for 1978, 35% will be related to security, compared to 29% in 1977. Of the total budget, 27% will be allocated to security, compared to 19% in 1977. In actual dollars, the funds available for non-secure programs not only remained constant in spite of inflation and increased caseloads but also decreased significantly as a percentage of the DYS program and total budget.

*The Task Force recommended a total range of 129-168, of which DYS needed to provide 100-130. See Section IV, infra, p. 58-59.

The Task Force is acutely concerned about the nature and amount of this significant increase in funds allocated to security because it has occurred in the absence of a proportionate increase in non-secure program funds. The hope or expectation that the availability of more secure placements will "free-up" existing non-secure funds to be applied in new or expanded services is simply not an adequate rationale. It is demonstrable that a reduction in the quality and quantity of effective non-secure program services significantly increases the need for secure programs. Increases in security at the expense of non-secure program services, and the failure to maintain an appropriate balance between the two, are counterproductive in every respect.

CONCLUSIONS ON THE BUDGET NEEDS OF DYS IN
CONNECTION WITH SECURITY

The Task Force has repeatedly conditioned its conclusions and recommendations for an increased emphasis on security in DYS to three critical factors: (a) DYS administrative reform, (b) quality secure programs and care, and (c) a proportionate emphasis on non-secure programs. These factors are the essential ingredients of an effective system of security for purposes of public protection and for care and treatment of youths. Based on its review, the Task Force has concluded that the 1978 budget appropriation, while representing a significant step forward, does not meet the security needs of DYS in terms of these criteria.

In this section, the Task Force outlines the priority program areas which are not adequately met by this appropriation level and estimates the funds needed. In order to implement the recommendations of the Task Force, DYS should have a funding level of approximately \$22.5 million.

1. Regional Pre-Placement Intake Centers. One of these centers, modeled after the existing CAP and CHD programs, should exist in each region. They are critical to enable DYS to

- efficiently and effectively utilize the secure detention placements now available;
- perform comprehensive, early intake assessments of youths to ensure appropriate and uniform placements geared to individualized needs;
- make effective decisions about appropriate placements in terms of type and level of care from among the wide variety of placement alternatives which exist, or should exist, in community-based programs in each region; and
- more closely coordinate with, and be more accountable to, the juvenile courts.

One of these centers should be located in each region. The two program models cost \$93,000 and \$110,000 per year. The 1978 appropriation permits the funding of two more programs. Three more are needed. At an average cost of \$100,000, the budget should be increased \$300,000 to address this need.

2. Structured Group Residential Programs. Each region should have at least one 12-bed program of this type for care and treatment to serve as an alternative placement prior to security, to provide a "light" secure program modality

as part of a graduated secure system, and/or to meet the need for an intermediate after-care placement for youths leaving more secure programs. There is a critical service gap and demonstrable need for this type of strong, longer-term care program for youths in each of these categories. Prototypes already exist both among programs now deemed "non-secure" by DYS and in the shorter-term shelter-care programs. Several of these programs have demonstrated their capacity to meet the needs of these kinds of youth. In addition, the Task Force has concluded that as many as 38% of the youth who needed some type of secure placement were only in need of "light" security, and the vast majority of these youth could effectively be placed in these settings.

In order to meet the objectives of this kind of program, the existing programs and models should be "shored-up" in terms of staff ratios, program content and a capacity to provide some additional measure of restraint. The present average cost for residential programs ranges from \$11,000 - \$15,000 per youth. Given a youth population of 12 - 14, these programs should be budgeted at about \$225,000 per year, or about \$16,000 to \$18,500 per youth.* The 1978 appropriation does not allow for any of these program types.

*This figure was determined by reviewing budgets of existing residential programs DYS deemed effective and the budgets of fixed-cost contract shelter-care programs. Prototypes were developed which included the following components: administration, household, clerical, medical, clinical, education and youth supervision and counselling. The costs assume adequate salaries for each position but only 1-to-1 staff/youth ratios.

Yet even with substantial upgrading, they are cheaper than existing secure programs, and would be far more economical than any other secure program type, if the latter were adequately funded. The budget should be increased by about \$500,000 to meet this need.*

3. Secure Programs. The 1978 appropriation will permit DYS to provide the number of secure detention and treatment placements the Task Force recommended.** It will also permit the development of a more gradated secure program system. However, the appropriation does not provide enough funds for DYS to develop programs which meet the size, program content, staff ratio and quality standards the Task Force deems essential.***

The average annual per youth cost of a secure detention or treatment placement is approximately \$21,000. The consensus of the Task Force (which included individuals with experience and expertise in care and treatment and security in a variety of fields), and DYS and private program administrators, was that the secure program standards set by the Task Force could be met only in exceptional cases at this average cost level. Compliance with the recommended staff qualifications

*Since these programs would meet some of the needs for secure placements and after-care services, a proportionate amount of this increase should be deducted from the funding need estimates in those areas. If these programs were new, the net increase required would be somewhat greater (the gross total minus the resources freed-up in the next lower level of care).

**Section IV, supra, p. 58-59.

***Section III, supra, p. 30-40.

and the staff/youth ratios alone would require an increase. The average cost per youth should be between \$26,000 and \$28,000.* This average is deemed adequate, not optimum, by the Task Force since it does not permit an average staff/youth ratio of 2-to-1. However, given a range of program levels and types, it serves as a reasonable midpoint average which will permit DYS to provide effective humane care and security.

Therefore, the average cost of each secure placement should be increased by a minimum of \$5,000 from the present average of \$21,000. The necessary budget increase to ensure that DYS secure programs can provide quality care is \$935,000.**

4. After-Care Services. The lack of effective after-care planning and follow-up services for youths who have successfully completed secure programs is one of the most obvious and critical gaps in the DYS program system. The

*This range was based on a review of existing programs and models developed to meet Task Force standards. It includes 18 direct staff positions (a staff/youth ratio of 1 1/2 to 1), including a Director, social worker, vocational and educational coordinators, and supervisory and line staff/counselors. It also includes the supportive administrative/maintenance staff necessary to operate a residential program plus medical/psychiatric services on a part-time basis. This average cost excludes renovation/start-up costs (estimated at \$50,000) and provisions for family/community/after-care workers or liaisons.

This average cost is substantially lower than the average cost of a DMH secure program (\$31,000 plus a \$9,000 educational component) and lower than a variety of models from other jurisdictions which utilize larger institutional-type facilities with larger populations.

**This figure assumes the need for 100 "moderate" to "heavy" secure treatment positions even though the Task Force did not recommend that number at these levels. (See, Section IV, supra, p.58-59) "Light" secure programs could meet some of this need and would be less expensive per youth. The Budget findings earlier in this section also indicate that a greater reliance on privately-run secure programs may reduce these costs.

(**continued)

1978 appropriation includes \$147,000 for DYS to provide these services. Since there are now no program services, it was difficult for the Task Force to arrive independently at a reasonable estimate of this cost. Also, the amount needed here is directly related to the other recommended increases and administrative reform. DYS has estimated that \$500,000 would be the minimum required to provide these services effectively. Using their estimate, the budget should be increased by \$350,000.

5. Non-Secure Programs. The gaps that exist in the non-secure program and service network in the community-based system have been consistently noted by a variety of state agencies and studies, and all members of the Task Force; they were a dominant theme of the public meetings conducted by the Task Force following the issuance of the Preliminary Report. A specific identification of the needs in this area should be a major priority not only of DYS but of all concerned with youth services. In terms of care and treatment and public protection, there is an integral and inextricable link between the effectiveness, quality and quantity of secure and non-secure programs. The maintenance of an appropriate resource balance between these two areas is, therefore, critical.

(**footnote on p. 82 continued)

The figure also includes a similar average cost increase for 75 of the existing secure detention and 12 "bind-over" placements. This number was determined by eliminating the secure positions used for short-term pure detainees and assuming that 80% of the remaining positions are filled by youths who may remain in a program for as much as 30 days. (See Section IV, supra, p.56-57). This figure, therefore, would also be reduced in direct proportion to the reduction in lengths of stay and an increase in the use of these placements for pure detainees.

Approximately 92% of the 1978 appropriation increase was for secure programs, resulting in a ratio of secure to non-secure program expenditures in DYS of 35%-to-65%. An increase in secure programming should not occur at the expense of non-secure programs nor should the growth level of the latter continue to remain static, thereby "starving" them into extinction. In purely financial terms, non-secure programs of every level and type are far more economical and are the appropriate placement alternative for the overwhelming majority of DYS youth; only a small percentage of the non-secure placements even approach 50% of the cost of a secure placement at the present time. Using this 35%-to-65% as the baseline, the budget increases recommended by the Task Force for security should at least be proportionately matched by increases in non-secure program services. The DYS budget should, therefore, be further increased by a minimum of 2.0 million for non-secure programs.*

In summary, the budget level of DYS should be approximately \$22.5 million, an increase of \$2.1 million for secure and \$2.0 million for non-secure programs, to enable DYS to adequately meet the needs identified by the Task Force in connection with security.

*This minimum figure was calculated by first reducing the \$2.1 million budget increase for security proposed by the Task Force by those component increases which also enhance non-secure program services, i.e. pre-placement intake centers (\$300,000), one-half of the structured residential programs (\$250,000), and after-care services (\$350,000), to \$1.20 million; then applying the 35-to-65 ratio to that figure.



CONTINUED

1 OF 2

RECOMMENDATIONS:

1. Maximum flexibility in the allocation of resources is critical to the administration of the DYS community-based system and to ensure that these resources are used efficiently and effectively. Therefore, the structure and content of the DYS budget should reflect the organizational and program structure of the agency. The major budget accounts should be consolidated into the primary program/administrative elements of the agency and restrictive account and line item appropriations, particularly for specific institutional facilities, should be eliminated.

2. Consistent with this need for flexibility, DYS must account specifically for its resource allocations. DYS should ensure that at least one set of budget materials is prepared on an annual basis which provides a definitive and comprehensive overview of its budget appropriation, expenditures and needs. The material should address the topics analyzed by the Task Force in this section, including but not limited to the following priority areas:

a. The planning, policies, priorities and cost-benefit analysis applied by DYS to its budget decisions;

b. The amount and percentages of funds applied in each program area, including secure and non-secure programs;

c. The budget source and funding methods for all program types and levels, together with the total and average per youth costs of programs within each level and type of care;

d. The program funds and balances provided on a regional basis; and

e. The amount and application of all non-state budget funds available to DYS.

3. In the allocation of its 1978 Fiscal Year budget appropriation and any budget increases in subsequent years, DYS should adhere to the following guidelines, priorities and conditions in order to comply with the conclusions and recommendations of the Task Force:

a. Existing and new secure programs should be funded at an annual average per youth cost of at least \$26,000 and should comply with the secure program standards recommended by the Task Force.

b. The program budget should be allocated so that a maximum of 35% of the total funds available are expended on secure programs and a minimum of 65% on non-secure programs.

c. Each region should have a viable program balance in terms of a range of levels and types of care in accordance with standards established by the central office.

d. Except to comply with (a) above, no additional program funds should be expended for the existing secure institutional programs or any new programs of a similar institutional type. DYS should also evaluate whether its secure program needs now and in the future could be more effectively and efficiently met if the funds expended on these facilities could be allocated to smaller programs geographically dispersed throughout the state.

e. Each of the priority program areas identified by the Task Force should be addressed and phased-in simultaneously with, and in proportion to, implementation of increases in the number of secure placements.

4. DYS should continue and expand its efforts to ensure that all of its programs - state and privately-administered - are held accountable through (a) detailed reviews prior to funding or re-funding, (b) periodic monitoring, evaluation and contract compliance reviews, (c) the application of uniform standards and cost-effectiveness measures, and (c) the use of "sunset" and "zero-based" budget principles.

5. To enable DYS to meet adequately the priority areas which are critical to effective security, quality programs and administrative reform, the appropriation level should be increased from \$18.4 million to approximately \$22.5 million. Such an increase represents the maximum amount DYS should need for these purposes and it should be conditioned upon (a) substantial progress in implementing the recommendations for administrative reform and (b) compliance with the guidelines in Recommendation #3 and the controls in Recommendation #4 above.

VI. THE RESPONSIBILITIES OF OTHERS

INTRODUCTION

The central focus and concern of the Task Force and this Report is DYS and the actions it should take to address the issue of security in the context of the community-based system of care and treatment of juveniles. DYS has the primary responsibility and most of the major changes that are needed can be effected by it alone through prompt and aggressive administrative action. Yet, obviously, the administrative and financial capacity of DYS to address certain problem areas would be enhanced if appropriate support and assistance were available from other agencies and officials.

In the course of its review, the Task Force repeatedly encountered problem areas which either cannot be remedied by DYS alone or for which it may not have the primary remedial responsibility. DYS is entitled to assistance from others in these areas as a supplement to its own efforts. However, this traditional finding and exhortation does not relieve DYS of its responsibility, nor in any way divert the focus of this Report. It is relevant only as the final piece in the formulation of a comprehensive remedy.

This section is addressed to agencies and officials whose respective responsibilities and jurisdiction relate to DYS. It sets forth, for each one, a series of recommended actions which the Task Force concluded were desirable and feasible. The tasks are broken down; their implementation

can and must be monitored. They constitute a blueprint for coordinated and cooperative action on behalf of DYS.

THE COMMITTEE ON CRIMINAL JUSTICE (CCJ)

COMMENTS: Since 1970, CCJ has been a critical resource for DYS in its efforts to implement a de-institutionalized, community-based system of juvenile corrections. With federal LEAA funds, CCJ has always been on the forefront supporting a variety of essential administrative and program services to meet emergening needs of the reformed system. Many were innovative and experimental such as community-based programs in the early years of the reform. Others have been compensatory but were funded in the absence of adequate state appropriations. In particular, until mid-1977, CCJ funded a major portion of the DYS secure programs.

In 1977, as a result of a reduction in LEAA funds and the adoption of strict continuation/termination policies applicable to all grantees, CCJ is no longer able to fund projects which have demonstrated their utility and effectiveness or new projects which are primarily compensatory but are not funded by the state. In the Preliminary Report, the Task Force recommended that those DYS/CCJ projects which are of proven effectiveness should be funded by the state and CCJ should concentrate the resources available to DYS on the development of prototypes and models in key areas of the community-based system.

Consistent with the policies and objectives of CCJ and the reform efforts DYS has initiated, CCJ should continue

to give priority to the needs of DYS in allocating the funds available for juvenile justice programs in 1978. The Task Force recommendations could serve as the primary guidelines for CCJ planning and funding decisions. In addition, CCJ should require all grantees of juvenile justice funds to show a reasonable and measurable connection between their projects and problem areas in the DYS community-based system. Keying grants to some showing of this kind would facilitate coordination among CCJ projects, result in greater systemic impact, and afford a baseline for evaluating projects in a range from "prevention" through "rehabilitation".

RECOMMENDATIONS:

1. CCJ should continue its support of the DYS community-based system by funding projects in areas where experimentation, prototypes, and/or demonstration efforts are needed. CCJ should not continue to fund projects which address areas where the need is clear and the implementation method has been fully demonstrated. The funding for these projects is a state or local responsibility.

2. CCJ should consider the following kinds of projects, all of which are the subject of recommendations of the Task Force, appropriate for funding through DYS or others agencies: (a) management reforms in key areas (e.g. program development and evaluation, budget and data controls, and standards implementation); (b) administration of a graded system of security; (c) quality "light" secure programs; (d) innovative non-secure programs; (e) pre-placement and after-care program models; (f) programs for girls; and (g) a model region.

3. Funding decisions for DYS each year should be made by a process geared to a definite time schedule beginning no later than June 1 in order to permit a full review of the priorities of CCJ and DYS and CCJ guidelines; early planning and the preparation of detailed proposals; and an early identification by DYS of its state budget needs for each fiscal year.

4. The federal Juvenile Justice Delinquency Prevention Act (JJDPA) funds provide an additional source for the development of community-based programs. CCJ and DYS, with the assistance of the state JJDPA Advisory Committee, should develop a joint plan for the use of these funds for quality demonstration programs for DYS youth.

THE OFFICE FOR CHILDREN (OFC)

COMMENTS: The Office for Children (OFC) was created as a special state agency to perform, in the nature of an ombudsman, several unique functions regarding public and private agencies providing services to children. The regulatory, quality control, advocacy, information and referral functions of OFC include: program licensing; local program needs assessments, priorities and evaluation; analysis of the childrens' services budgets of state agencies; individual advocacy for placements; and coordination of regional inter-agency teams.

In the Preliminary Report, the Task Force recommended that OFC assist DYS to develop standards and methods for monitoring and evaluation; ensure that all state agency programs and services for providing children are also monitored; and seek to identify available services for DYS youth, minimize duplication of services among agencies, and focus responsibility on specific agencies for filling service gaps. In response, OFC has (a) prioritized the approval/licensing of DYS purchase-of-service and direct care programs; (b) included DYS in OFC Regional Directors' meetings to address problems of overlapping and duplicative services; (c) developed plans to assist DYS in creating an internal advocacy system; and (d) coordinated the evaluation of DYS programs with OFC local councils.

RECOMMENDATIONS:

1. OFC should specifically assist DYS in the following ways:

a. Report to DYS by December 1, 1977, on the extent to which DYS secure programs comply with existing OFC licensing and placement standards, rules and regulations;

b. Designate specific personnel to work with DYS and its regional offices to assist in the implementation of program standards and monitoring and evaluation processes;

c. Ensure that the OFC actively participates on the DYS Advisory Committee;

d. Refuse to issue any license of any kind to any new DYS program unless and until it complies with OFC regulations.

2. Given its mandate and role, OFC should independently monitor the implementation of the Task Force recommendations by DYS and other state agencies.

3. Each year, OFC should review the state budget appropriations for childrens' services, identify the major need/deficiency areas, and report to the Governor, the Legislature and the public with recommendations for future action.

DEPARTMENT OF MENTAL HEALTH (DMH)

COMMENTS: The Department of Mental Health has general responsibility for the provision of specialized, professional mental health care and treatment services. A specific percentage of DMH programs and services are devoted to children and young adults. Its mental health and retardation services for children range from professional psychiatric care, community and court mental health clinics, day-care and out-reach programs, to group residences and in-patient facilities. These services are available on a regional basis throughout the state.

The Task Force found that there are many DYS youth in need of DMH-type services. The need may be short or long-term and may require full or part-time attention. These youth are often those diagnosed as being "dangerous to themselves". DYS does not have the resources or expertise to address these needs nor should it seek to become a "mini-DMH". DMH should be responsible for providing these services on a coordinated, cooperative basis. The allocation of a minimal amount of DMH resources and services to DYS on a priority basis for purposes of diagnosis/assessment, short-term residential emergency care, and long-term residential placement would be of major assistance. Their availability on a regular basis would minimize the potential for inappropriate placements and avoid an excessive commitment of DYS resources for services it is not geared to provide.

In general, DMH and DYS should have coordinated, working relationships at every level, focusing particularly on secure program development, access to community/regional clinics, provision of specialized treatment services and coordination and interface with courts. Such a relationship should be feasible and mutually beneficial because of their common policies which stress placement in the least restrictive alternative, a primary emphasis on community-based care, and the limited use of a graded, multi-modality secure program system.

In the past year, DMH has taken steps to respond to the needs of DYS youth and to coordinate its efforts with DYS. These include:

- implementation of a statewide Regional Adolescent Program (RAP) for "severely disturbed, highly assaultive adolescents", with one 12-bed unit in each of the 7 DMH regions. Four of these "secure" programs are now operational and three more are scheduled for early 1978 opening dates. These programs are being developed on a cooperative regional inter-agency basis. DMH will allocate at least 50% of these positions for DYS youth.*

- a commitment to assume an active secondary role in DYS secure programs in the provision of diagnostic and evaluation services, training, and some direct clinical services.

- the development of residential community-based group homes for adolescents leaving secure programs, beginning in 1978.

- plans exist for a variety of non-secure treatment programs ranging from pre-screening to emergency shelter-care which will include counselling, training and family services. These programs will be available to DYS youth in need of mental health services, the vast majority of whom do not require secure placements.

- greater use of court clinical personnel for diagnostic evaluations and increased use of community mental health care facilities for in and out patient services.

One additional area where DMH could assist DYS is in the definition and regulation of "treatment" to avoid the potential for abuse which may occur under that rubric. This potential problem exists in those limited number of DYS cases where placements in specialized therapeutic contexts and modalities may be appropriate to address specialized needs.**

*This DMH secure program capacity will meet the recommendations of the Task Force on the number of such placements needed for DYS youth in need of security. See, Section IV, supra, p.58.

**In the vast majority of DYS cases and programs, this problem does not exist. DYS and the Task Force consider effective and adequate "treatment" for most youth to consist of humane care and maintenance, a range of program services planned and geared to individualized needs and goals, and administered by qualified staff. The main problem is ensuring that these are provided.

RECOMMENDATIONS:

1. Based on the Task Force recommendations on the Secure Placement Needs of DYS, at least 23% of the DYS youth in need of secure placements should be in DMH secure programs. In terms of numbers, therefore, DMH should provide secure program placements for 29-to-38 DYS youth at any one time.

2. Among these DYS youth, placement priority in existing DMH secure programs should go to those who are now in (a) DYS secure programs, (b) highly specialized and/or expensive DYS non-secure placements, and (c) alternative placements because of the lack of appropriate programs, provided that such re-placements can be made without detriment to the youth's treatment progress and does not unduly interfere with the RAP intake criteria and process. A progress/status report on the placement of DYS youth in need of DMH secure care should be filed jointly by the two agencies with the Secretary of Human Services by January 1, 1978.

3. Implementation plans should exist by that date for coordination between DYS and DMH programs and personnel at every level (in terms of (a) the range of services to be available to DYS programs and youth from DMH community mental health and court clinics, and (b) the type and nature of the diagnostic/assessment, short-term residential emergency care and long-term treatment services and resources that will be available.

4. DMH, through the DYS Assistant Commissioner for Clinical Services, should assist and participate with DYS in (a) the development and evaluation of "treatment" plans, modes and standards, (b) the training of personnel, and (c) evaluating the placement decisions and review efforts of the secure placement team.

THE DEPARTMENT OF PUBLIC WELFARE (DPW)

COMMENTS: The Department of Public Welfare administers a comprehensive family and child welfare program involving approximately 30,000 children. The DPW Office of Social Services (OSS), in addition to providing direct support services, day care and counselling for families in crisis, and monitoring the DPW purchase-of-service program, has specific statutory responsibility for care and services to abused, neglected or abandoned children. Approximately

8,000 children are in the care of OSS, including foster care, adoption services, protection and care, and Children in Need of Services (CHINS).

The primary recommendation to DPW in the Preliminary Report was that the responsibility and jurisdiction for the placement and care of CHINS on detention status be transferred from DYS to DPW/OSS. In the summer of 1976, at the urging of the Commissioner of DYS, the Secretary of Human Services took administrative action to begin the transition, with the agreement of DPW, and transferred \$600,000 from the DYS 1978 budget request to DPW. Nevertheless, the planning and transition process was agonizingly slow and marked by bureaucratic obstacles, delays and warnings of dire consequences to the children involved. However, in early 1977, the new leadership at OSS committed itself to the transition which, in coordination with DYS, occurred on July 1, 1977.

The transfer of responsibility will not solve the administrative and placement problems and issues posed by CHINS cases. These cases are often, by their nature, tricky and complicated and there is a continuing problem of adequate funding. However, the transfer is consistent with the statutory purpose of de-criminalizing the status offenses underlying a CHINS petition and will assist DYS administratively by limiting its placement responsibilities to youths charged with delinquency offenses.

The CHINS issue is just one example of a range of common concerns which exist between these two agencies

which should be approached in a uniform way whenever possible. Other examples include: assessment and placement practices; monitoring/evaluation procedures and standards for private, community-based programs; the appropriate use of foster-home placements; approaches and policies in addressing families; developing effective relationships/liaisons with courts; and evaluating the possible stigma of a placement mix involving youths with different legal statuses.

The duplication, conflicts and gaps that may exist because DYS and DPW often act separately in the same arena can be remedied effectively and expeditiously without a major structural re-organization. The primary need is for a strong and firm insistence on inter-agency coordination in appropriate areas and the exercise of administrative authority by the respective Commissioners and the Secretary of Human Services. Such action would positively impact most of the problems that exist, while preserving the discrete and unique mandate and role of each agency in relation to the children/youth committed to its care.

RECOMMENDATIONS:

1. DYS and DPW should continue to coordinate their efforts in implementing the transfer of CHINS detention to DPW. Both agencies should periodically evaluate and report on the progress and problems of the transition, including whether the transfer of CHINS results in an increased number of delinquency proceedings in this area.
2. The DYS and DPW placement policies and procedures, program standards and the methods used to hold private programs accountable, should be uniform and coordinated, consistent with the independent mandate of each agency, in order to minimize duplication, conflicts and gaps in each of these areas.
3. The Social Services Policy Planning Committee established by the Secretary of Human Services affords a useful vehicle for addressing these and other matters which require coordinated, system-wide, inter-agency approaches.

However, to be effective, it must have the capacity to act expeditiously on a wide range of issues.

THE DEPARTMENT OF EDUCATION (DED)

COMMENTS: The Task Force has repeatedly stressed the need for DYS to upgrade the quality and expand the quantity and variety of the educational and vocational services and programs available for youth at every program level. The state Department of Education has the regulatory authority to ensure that state and local agencies providing educational services comply with the applicable laws. It also provides technical resources, assistance and expertise and, in some cases, funds to these agencies.

The delivery of educational and vocational services by DYS programs is not a simple matter. It requires a capacity to make competent professional judgments about the range and type of services that should be available and the staff and funding resources which are needed for effective implementation. Further, DYS programs must be able to utilize local educational agency (LEA) programs and resources in appropriate cases and effect the necessary linkages. The diversity of the DYS programs and youth population compounds these problems.

In the Preliminary Report, the Task Force identified a variety of areas where action by DED could be of most immediate assistance. These included implementing Chapter 766 programs, monitoring and evaluating educational programs, technical assistance in program development and standards, the provision of a variety of resources to programs, and staff training. To date, DED has taken the following action:

- to ensure the stability of a fixed educational budget, DED will establish special education programs in seven DYS secure programs for one year with federal funds, in the course of fiscal year 1978.

- in monitoring the special education programs of LEAs, DED will attempt to monitor specifically the services provided by LEAs to appropriate DYS youths compared with the actual number of referrals made by DYS to the respective LEA. DED will attempt to ensure that there is a DYS liaison in each of its regional offices to assist DYS in obtaining LEA cooperation.

- DED will assist DYS in having LEAs assume their appropriate responsibilities for the funding and implementation of educational programs under Chapter 766 for eligible DYS youth in foster, group home or residential secure or non-secure programs.

- DED, through Project CORE, has assisted DYS in the design and implementation of a pilot project for educational services for DYS secure programs. An operational prototype is in place at Roslindale which may prove to be a model for all DYS residential programs.

- To ensure more comprehensive and better quality programs, the Division of Occupational Education will fund certain vocational educational programs for DYS youth.

While DYS clearly has the primary responsibility for providing educational services, DED has the necessary expertise. The complexity of the problem, combined with the critical need for improved educational services, requires the involvement and assistance of DED.

RECOMMENDATIONS:

1. DED should assist DYS by (a) providing in-service orientation and training on Chapter 766, the CORE process, and the criteria and methods for establishing linkages with LEAs; (b) identifying the funding and other services/resources available from the LEAs or DED; and (c) ensuring that liaisons exist to provide assistance in problem resolution.

2. DED should advise DYS of all programs certified for LEA 766 placements. DED should ensure that certified programs comply with DED regulations and are periodically monitored.

3. The DED funding for special educational services in DYS secure programs should be available to all program types, not just the state-run programs in institutional facilities.

4. DED should continue to provide technical assistance, and funding where appropriate, to DYS for:

a. monitoring and evaluating the educational/occupational components of existing DYS programs;

b. developing standards, performance measures and cost guidelines for viable program components;

c. assessing the kinds of programs and services that reasonably can and should be provided by each level and type of DYS program; and

d. developing and implementing prototype educational and occupational components.

5. DED should provide technical assistance for a joint project to develop and implement within one year a "unified plan for educational and vocational services" for DYS youth.

THE JUVENILE COURTS AND PROBATION

COMMENTS: The juvenile courts, probation and DYS have a special and inter-dependent relationship with roles and responsibilities that are central in the administration of the juvenile justice system. It is critical that these actors work out methods for productively coordinating their relationships and addressing the problems, issues and concerns that exist, many of which are common to each.

The Task Force recommendations focus in large part on substantive and procedural changes in DYS which will, if implemented, remedy many of the problems identified by the courts and probation, and result in greater accountability, better communication and closer coordination. A similar kind of comprehensive review of the administration of the

juvenile court and probation system would also be desirable but it is clearly beyond the bounds or capacity of this Task Force.* However, the Task Force has noted some of the general problems and issues DYS encounters in interfacing with the court system and over which DYS has no control.

1. In the Commonwealth's two-tiered, de-centralized court system, there are four specially-created Juvenile Courts (Boston, Worcester, Springfield and Bristol County), some 70 juvenile sessions in the district courts, an Appellate Division of the Boston Juvenile Court, and juvenile sessions in each of fourteen County Superior Courts. Each of these courts has a juvenile probation office. These geographically dispersed courts and probation offices are the initial intake point for DYS and they determine the number and type of youths to be committed to DYS for detention or treatment purposes.**

2. As a practical matter, on an operational basis, the supervisory powers of the Chief Justices, the Committee on

*The excellent report of the Governor's Select Committee on Judicial Needs in 1976 (The Cox Committee) identifies a number of the general problems of the Massachusetts court system and proposes a structural reorganization of the Judiciary. However, it does not review the juvenile court and probation system in detail nor suggest changes that can be effected administratively.

**In the Preliminary Report, the Task Force urged juvenile courts to recognize the reality that there are limits to the capacity of DYS to address the problems and needs of every youth eligible for DYS detention or treatment who is in need of assistance, even though no other resource is available. Just as DYS must rationalize its secure program intake process, so the courts and probation must attempt to ensure that their commitment practices are as uniform as possible, both at the time of a first commitment and at the point where adult criminal proceedings are required. Far too often, DYS is held responsible by courts for the failure of other agencies, including probation, to act or to act appropriately.

Probation, and the Commissioner of Probation, appear to be more theoretical than real. Inevitably, each court differs, often dramatically, in terms of demands and expectations of DYS, and in commitment and detention practices. This "system" lacks uniform, coordinated, commonly understood and accepted policies, guidelines and standards. It is a fact, even if entirely appropriate, that each court, judge and probation department has different approaches to most, if not all, phases of delinquency and commitment proceedings. Any concerns, complaints, or problems DYS may have, no matter how general or widespread, can be addressed or resolved, in most cases, only by each individual court and probation office rather than on a system-wide basis.

3. While there is a general support for the present statutory framework and approach to juvenile corrections, there are strong, dissenting voices. The absence of "judicial consensus" is often fostered and enhanced by a surprising lack of understanding by judges and probation officers of the DYS system, how it is administered, the range and type of programs available on a statewide basis, and the limited amount of DYS' fiscal resources.

4. Many of these problems could be remedied by an effective probation system. Yet, this system seems to suffer from almost exactly the same kinds of administrative deficiencies the Task Force has identified in DYS. The impact on the effectiveness of the juvenile justice system, while less visible and dramatic, is of a greater magnitude since the number of youths for which probation is responsible is almost four times that of DYS. While there are several

"model" juvenile probation offices and officers, the absence of a statewide system subject to centralized controls precludes a general implementation of the competency and quality standards set by these departments.

5. The quality and competence of the prosecution and defense in juvenile cases varies markedly. The need for able, knowledgeable counsel on both sides with special expertise in the juvenile area is particularly important. A lack of competent representation of the Commonwealth and the youth affects not only public protection and due process, but also the roles courts, probation and DYS perform, many of which are the responsibility of counsel.

RECOMMENDATIONS:

1. DYS should ensure that juvenile courts and probation officers are regularly and routinely advised as to placement decisions both in detention and treatment, and that probation officers and the information and knowledge they have about individual youths are included in the assessment/placement process. The probation departments and courts must actively participate in review processes of this type.

2. The Chief Justice of the District Courts and the Commissioner of Probation should meet with the Commissioner of DYS to develop methods for ensuring a review of common problems and issues and the particular problems of each on a regular and expedited basis. It should be the responsibility of the Chief Justice and Commissioner of Probation to ensure that appropriate representatives of the Juvenile Courts are involved in this process as well.

3. The Chief Justice and the Commissioner of Probation should endeavor to ensure that procedures and practices of juvenile courts and probation offices are as uniform and consistent as possible.

4. The District Attorneys of the Commonwealth should provide full-time prosecutors for all juvenile courts and sessions. Several model projects have been funded by CCJ with LEAA funds. These models should be generally applied, and funded by the state.

5. While part of an overall problem of providing quality defense services to the poor in the Commonwealth, the resources needed to ensure competent representation by defense counsel in all juvenile proceedings must be provided by the state. The methods and models have already been developed by the Massachusetts Defenders Committee, Greater Boston Legal Services and others.

6. Efforts must be made to limit court delays, particularly in cases involving youths held in secure placements pending trial, disposition or bind-over proceedings.

THE GOVERNOR AND THE LEGISLATURE

COMMENTS: There are two areas the Task Force has addressed which are the exclusive responsibility of the Governor and the Legislature: The DYS budget appropriation and proposed legislative amendments affecting the statutory jurisdiction of DYS. The comments and recommendations of the Task Force on the budgetary needs of DYS are detailed in Section V of this Report.*

In terms of legislation, there are now pending in the legislature two generic types of proposals which would, if enacted, significantly alter the statutory jurisdiction, structure and framework of DYS:**

The Judicial Sentencing proposals would eliminate the exclusive placement jurisdiction of DYS over youths committed by courts for detention or care and treatment. They would permit or mandate juvenile courts in appropriate cases to order DYS to place youths in specific facilities or programs for prescribed periods of time. These proposals address con-

*Supra, p. 61.

**The summaries of the two proposals which follow are intended to be broadly descriptive only, not judgmental or definitive. The summaries are provided primarily as a frame of reference for the subsequent comments.

cerns about the accountability of DYS to the courts and the adequacy of the DYS placement process, particularly in terms of security and public protection.

The Reorganization proposals would include DYS in a merger with some or all of the parts of other state agencies providing services to children and/or families. They would eliminate DYS as an independent state agency dealing solely with youths involved in delinquency proceedings in the juvenile justice system. These proposals seek to remedy the duplication, gaps and jurisdictional conflicts which exist in the state service delivery system and to achieve a system which is more coordinated, efficient, comprehensive and accountable.

In evaluating both types of legislation, the following considerations are relevant:

1. They would radically alter the concept and role of DYS. The present statutory scheme is the product of a major reform effort. It represents a pioneering approach to juvenile corrections, not simply an alternative form of service delivery or sentencing. The concept is a viable one which affords a unique and realistic opportunity to balance and accommodate competing concerns and interests. In addition, in spite of administrative weaknesses, the DYS system appears to compare favorably with youth correctional systems in every other state. For example, in terms of public protection, the statistics on juvenile crime, violence and recidivism indicate no significant differences in Massachusetts; in fiscal terms, the DYS system is more efficient and economical; and in terms of fundamental rights, it is more equitable, fair and humane.

2. Legislation alone is not a panacea for the problems and issues that must be addressed now. It neither ensures, nor is it a substitute for, increased resources and expeditious administrative reform. In fact, legislation may postpone actions that can and must be taken, regardless of the nature of the DYS system, and it could compound the problems that exist. The priority and effort required for administrative reform will be subsumed by the demands and details involved in implementing either a merger of agencies or judicial sentencing orders. Further, the agencies which may be involved in a merger dwarf DYS in size and have similar, if not greater, administrative problems; and DYS clearly lacks the capacity to respond effectively to specific placement orders emanating from more than 70 autonomous courts utilizing different sentencing criteria and standards.

3. The concerns and objectives of the re-organization and judicial sentencing legislation can be addressed and achieved without statutory changes. There is no question that there are problems in the present system and that the legislative proposals raise legitimate issues and concerns. Yet all of them have been identified by the Task Force; each one has been addressed directly in the recommendations in this Report; and these recommendations can be substantially implemented by prompt administrative action by DYS and others. DYS is fully cognizant of the concerns and has begun to respond to the Task Force recommendations. Its performance can be readily monitored and evaluated. In this context, the legislative proposals seem premature.

RECOMMENDATIONS:

1. The budget appropriation for DYS should be increased to \$22.5 million for the reasons and purposes detailed in the Budgetary Needs of DYS, Section V of this Report.

2. Legislation modifying the exclusive placement jurisdiction/authority of DYS, or merging DYS with other agencies, should not be enacted unless substantial progress, by prompt administrative action in implementing the recommendations of this Report, is not made within one year.

3. The Secretary of Human Services and the Commissioner of DYS should submit a report to the Governor and Legislature on or before January 1, 1978, detailing the actions and progress of DYS and others.

VII. IMPLEMENTATION

The primary objective of the Task Force has been to offer the collective wisdom and best judgment of its members to the Commissioner in an advisory capacity. With the submission of this Report, the Task Force concludes its work. As has been noted repeatedly, this Report constitutes a feasible action agenda for DYS and others. Therefore, this final section is addressed solely to the responsibility for implementation. It is short but it is probably the most important section of all.

There are three critical implementation roles and levels of responsibility:

First, the primary responsibility for implementation of all the recommendations in this Report rests squarely on DYS and specifically on the Commissioner. DYS has the critical interest and stake in the results. The Commissioner should prepare and implement a one-year plan to address every recommendation, including those addressed to other agencies and officials.

Second, the performance of DYS and the Commissioner in fulfilling their primary responsibilities will be influenced by regular review and oversight by credible officials with direct line responsibility. The Secretary of Human Services alone has the interest, competence and authority to fulfill this responsibility. The Secretary is also in a position to insist upon and effect the kind of inter-agency administrative assistance required to make "coordination" an action word instead of a bureaucratic explanation for an inability to act.

Third, there is a legitimate need for an independent, advisory perspective in the implementation process. The statutory DYS Advisory Committee should fill this role. It has not done so in the past; and it will be an unnecessary appendage in the future unless it is radically re-organized. It must have the capacity to serve DYS as an ally and advisor, an independent but credible and informed monitor, and a constructive critic with clout. The key to its effectiveness will be (a) the quality of the public members appointed by the Governor and the individuals designated to represent the agencies, (b) the commitment of time and energy each member makes to the task at hand, and (c) the competence of the staff the Commissioner assigns to the Committee.

The performance of this triad, jointly and severally, will be the single most important factor in determining whether the hopes of the Task Force will be realized or whether this Report will be relegated to a library shelf as one more "study" relic. The future of DYS will be affected either way.

APPENDIXThe Task Force Process

The Preliminary and Final Reports are the products of a process which was designed to provide practical advice and credible assistance to the Commissioner of DYS on the issue of security. The process required the active participation of every member. It drew upon the collective experience and expertise of a group of individuals representing a cross-section of perspectives on DYS and the issue of security. The result is a comprehensive set of recommendations which build within and upon the existing community-based approach and framework, a system which can be implemented, supported, monitored and held accountable.

This Appendix summarizes the elements of the process as background for this Report. It may serve as a useful guide for others undertaking similar efforts. However, neither the Report nor this Appendix can adequately describe the spirit and dynamic which permeated the Task Force process, the educational and sensitizing value of the experience, and the mutual respect and credibility that emerged from the interaction of the members.

Issues and Objectives

In furtherance of its general mandate, the Task Force identified a set of specific objectives and issues, based on interviews with the individual members and discussions in plenary sessions in April, 1976. They included the following:

- *Definition of the terms related to security and a determination of the types of youths who are appropriate for secure placements;

- *The number and type of secure detention and treatment programs DYS needs;

- *The appropriate criteria, procedures and standards for determining entry into, and exit from, a secure setting of any kind;

- *The appropriate size, location and physical attributes of any secure program;

- *The program care and treatment content and staffing support which should be required in any secure program;

*A substantive and procedural statement of the rights of youths placed in secure settings and of the obligations of DYS toward them;

*The fiscal implications and impact of any secure program system or policies.

*The appropriate roles and responsibilities of other agencies and officials.

The Task Force was determined to arrive at its conclusions and offer its advice - whatever that might be and in whatever form - as quickly as possible. It set a target date of July 1, 1976.

The Preliminary Phase

The Task Force held its first plenary session on April 15, 1976. It held its final plenary session on the findings and recommendations of its subcommittees on July 8. On that date, it approved the preparation of the Preliminary Report by the Chairman. Between April 15 and July 8, the Task Force met in plenary session three times and each of the subcommittees met at least once a week for six weeks.*

The first three plenary sessions were devoted to general topics which included:

- an overview of the structure and procedures of DYS with specific reference to its present secure system and programs and DYS' analysis of problem areas;

- a presentation by each Task Force member of his/her perspective on the key issues facing DYS and the Task Force; and

- a review of DYS' information on the profiles of youth presently in secure programs, together with an assessment of the present policies relating to them.

The remaining plenary sessions involved discussion and review of subcommittee reports.

The Task Force divided itself into three primary subcommittees: Secure Detention, Secure Treatment, and Data

*These sessions averaged at least three hours each and the average attendance was between 80-90%. Summaries of each meeting were distributed to all members of the Task Force.

and Definitional Overview.* Each Subcommittee included a reporter and DYS staff participants with specific responsibility in the subject area. The subcommittees on Secure Detention and Secure Treatment had a two-part agenda:

First, educate themselves about, and analyze, the present procedures, policies, programs and structure of DYS in each of the areas. Each subcommittee held meetings on the sites of at least two of the DYS programs; heard presentations from program and DYS staff; reviewed material generated by DYS at the request of the subcommittee; and discussed their observations.

Second, based on their review and evaluation of the current situation, they were to provide the Task Force with operational recommendations for action by DYS.

The substantial overlap and commonality of the findings and recommendations in each area was indicative of the consensus that emerged based on this review and deliberation.**

The primary objective of the subcommittee on Data and Definitional Overview was to provide a framework for the empirical review and recommendations of the other subcommittees by

- defining the key terms and analyzing the data available on youth presently viewed as needing secure settings by DYS and by others, including the courts;

- developing criteria and profiles which could be used to determine the number of secure placements needed; and

*There was also a subcommittee on Young Women whose members also served on one of the other subcommittees. They met twice. Their conclusions were (a) that the separate existence of a subcommittee on this subject sanctioned the continued separate, second-class treatment of the needs of girls in DYS; (b) the issues and problems were intimately tied to the general ones being examined by other Task Force subcommittees and should be addressed as part of this systemic reform; and (c) the general needs of young women in DYS should be the subject of a review independent of this Task Force.

**The subcommittee reports were products of the Task Force members based on the summaries of their meetings and discussions. The Task Force had no paid or full-time staff. The staffing/reporting function was performed by members of the staffs of the Commissioner and the Attorney General, both of whom accorded priority to the Task Force effort and encouraged individuals with other primary responsibilities to devote as much time as possible to this work. The absence of a formal staff required full participation by members. It worked, however, only because the members were committed enough to involve themselves this way.

- analyzing the budgetary impact of a viable secure program system.

This subcommittee was most directly affected by (a) the absence of any reasonable or useful form of commonly accepted definitional principles, standards or policies and (b) the paucity of reliable and adequate data, information and/or profiles on youth in or out of DYS who may need secure settings. They recommended the definitional principles and framework. However, in the time available, and given the need for administrative reform articulated by the other subcommittees, any reasonable numbers projections or budgetary analyses were impossible.

The Task Force determined that a report should be prepared and issued based on this three-month effort. The 35-page Preliminary Report reviewed and analyzed in detail the status and problems of the DYS administration of its secure program system and made more than 70 specific recommendations for change.* By collective agreement, the Task Force continued in existence to address matters which were not fully resolved or covered given time constraints, insufficient information, or the need to await DYS' response to recommendations.

The Final Phase

The Task Force reconvened in September, 1976, and set the following agenda for the second phase of its work:

- Monitor the response of DYS to the Preliminary Report;
- Conduct a series of public hearings on that Report;
- Determine, based on its own study, the number of secure placements DYS needed, using the Preliminary Report as the framework;
- Analyze the budgetary impact of the Task Force recommendations;
- Review what other agencies and officials could reasonably do to assist DYS.

*The Report was drafted by the Chairman. It took about three weeks on a full-time basis, with the full-time assistance of Susan Stone, then a volunteer attorney in the Department of the Attorney General.

The Task Force hoped to conclude its work within six months. During this phase, the Task Force and the subcommittees each met only once a month. The plenary sessions were devoted to (a) the implementation performance of DYS, (b) the response of other agencies to the preliminary recommendations made to them, (c) interim subcommittee reports, and (d) reviews of drafts of each section of the final report.*

The Secure Detention and Treatment subcommittees had a three-part agenda in this phase:

- review the implementation efforts of DYS in each area and provide advice on specific problem areas;
- further refine the priority areas which should be addressed; and
- develop recommendations on the budget needs of DYS in each area based on program prototypes developed to meet Task Force standards.

The subcommittee reviews were the basis for the approach taken by the Task Force in each area.

- ⑥ The Data and Definitional subcommittee, with a revised membership, undertook the development and implementation of the study on the secure placement needs of DYS. They met at least once a week. In addition, small, three-person special subcommittees were formed to develop specific recommendations for action by each of the agencies and officials identified in the Preliminary Report. Each such subcommittee included a Task Force member who represented the agency addressed.

The public meeting results were the only aspect of the final phase not directly covered in the Final Report. They did, however, influence the outcome of the Task Force review on the issue of security. Public meetings were held in three areas of the state during the Fall of 1976. Representatives of all segments of the juvenile justice system and childrens' services network at the regional and local levels were invited to discuss the Preliminary Report and to provide their views on the issues being addressed by the Task Force.

*Finalizing the substantive conclusions and recommendations of the Task Force took a significant amount of time from March through early June, 1977. The budget section was difficult because of the problems in obtaining firm figures and analyzing present expenditures. The section on the responsibilities of others consumed an inordinate amount of time because it was obviously far easier for the Task Force to agree on critiques of DYS than to agree on comments and recommendations that were impliedly critical of agencies and officials represented on the Task Force, or which would require

(continued)

These meetings conformed that (a) the Task Force consensus on the issue of security is uniformly shared at the regional and local level, (b) the Task Force had considered, reviewed and addressed almost every issue and problem identified, and (c) its membership fairly represented the perspectives and interests of the system. In addition, the Task Force concluded that this public meeting format should be used on a regular basis by the Commissioner of DYS and the heads of other agencies as a method of communication.

Conclusion

The process used may not have been perfect but it does have several positive aspects which appear to be unique. The Report is clear to those to whom it is directed and it is the product of the members themselves. They have invested heavily in it and, since they are all a part of the system in which DYS must function, they are in a position to evaluate the response to it. It does represent a consensus - one forged out of a process of debate, discussion, disagreement and a common concern. No one member agrees with the Report in all respects. Honest disagreements remain. However, the members respected each other and the process enough to agree on the major substantive aspects. Finally, at bottom, the success of any process depends on the quality and dedication of the participants. This Task Force had no peers. They were, and continue to be, an invaluable resource to DYS.

(*continued from page A-5)
action by them, instead of just DYS. However, the longest delay was the responsibility of the Chairman. The drafting of a final product which adequately presented the comprehensive work of the Task Force, on a part-time basis amidst other pressing time demands and without a full-time assistant, simply took much longer than anyone reasonably anticipated.

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END