

Can police share non-arrest information about incidents involving youth with schools during CBJ meetings?

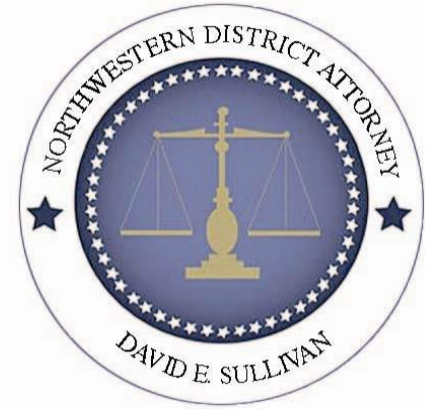
Yes, police can share non-arrest information concerning specific events during CBJ meetings. Where no privacy interest attaches to the information, it is perfectly reasonable to discuss such conduct at these meetings. You must consider the source of the information and determine that no privilege or confidentiality requirement exists. If not, the conduct-driven discussion is permissible at a CBJ meeting. In an instance where the conduct rises to the level of being a threat to schools, neighborhoods, or communities, the CBJ act expressly authorizes such discussion.

Can the school share information contained in a “student record” at a CBJ meeting?

Yes, a CBJ participant may discuss a student even if that information also exists in a student record. Please note that although information from a student record may be shared, it is not suggested to accept the actual document or copies thereof from the school during a CBJ meeting

M.G.L. c. 12 § 32. Community based juvenile justice programs; district attorneys

(a) The district attorneys in the Suffolk, Middlesex, Essex, Worcester, Hampden, Hampshire/Franklin, Norfolk, Plymouth, Bristol, Cape and Islands and Berkshire counties shall operate community based juvenile justice programs in order to coordinate efforts of the criminal justice system in addressing juvenile justice through cooperation with the schools and local law enforcement representatives, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health. (b) A district attorney's community based juvenile justice program shall identify cases in which juvenile offenders are among those most likely to pose a threat to their community. The program shall treat the identified cases as priority prosecution cases and impose individualized sanctions designed to deter the offender from further criminal or delinquent conduct. The office of the district attorney shall work with the schools and community representatives on development of violence prevention and intervention programs, identification, protocol and curricula. (c) The offices of the district attorneys shall conduct weekly working sessions focusing on specific events and particular individuals whose conduct poses a threat to schools, neighborhoods and communities. The district attorneys shall be responsible for creating, managing and updating a priority prosecution list of individuals identified as the community's most serious violent youths and repeat offenders and shall update the list as events may happen and the individual is moved through the criminal justice system. (d) The district attorneys shall assign prosecutors to the community based juvenile justice program who shall treat the identified cases as their priority cases and shall work with the school, courts and other agencies to deter violent, criminal or delinquent conduct. The offices of the district attorneys shall be responsible for managing the lists, compiling and publishing statistics, coordinating meetings with the assistant district attorneys assigned to the program and local law enforcement agencies, schools, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health. (e) The district attorneys operating such programs shall participate in a community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular programs and such task force shall submit an annual report on each program, including statistics and findings, to the house and senate committees on ways and means on or before February 1 each year.



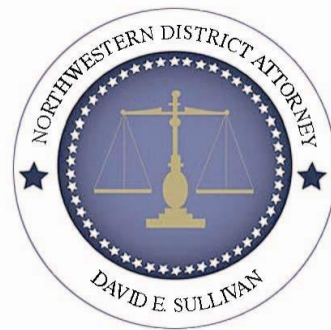
Office of Northwestern District Attorney David E. Sullivan

Community Based Justice (CBJ) FAQ

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Community Based Justice

The school-based CBJ programs bring together school personnel, public safety professionals, and social service providers in each community. CBJ meetings are convened by a member of the District Attorney's Office and provide a forum to share information about court-involved students, or those who might become court involved. The purpose of the meetings is to devise proactive ways to intervene in the lives of those youth and help steer them away from crime and violence. CBJ meetings have become a national model for violence prevention in our schools.



Who is authorized to attend and participate in CBJ meetings?

The CBJ statute, M.G.L. c.12 section 32,* mandates cooperation with the following parties:

- District Attorney's Office
- Schools
- Local Law Enforcement Representatives
- Probation and Court Representatives
- When appropriate, the Department of Children and Families, Department of Youth Services, and the Department of Mental Health

In addition, fire investigators qualify as a local law enforcement representatives and are treated as law enforcement for many purposes, including Miranda warnings. Therefore, they are permitted to attend CBJ meetings.

Who qualifies as a 'school representative' for purposes of attending a CBJ meeting?

The school category must be narrowly construed to be sure that information disclosed during the CBJ meeting cannot be considered 'publicly disseminated.'

School administrators, teachers, counselors, and other professionals who are employed by the school committee may attend.

A person not listed in the CBJ statute may be permitted to attend the first 5 or 10 minutes of the meeting so they can convey their non-confidential juvenile-specific information to the CBJ participants.

Does information sharing at CBJ meetings violate student confidentiality rights?

No, the sharing of information concerning juveniles involved in criminal activity is virtually mandated by the CBJ Act. Information sharing is also implicitly authorized by the 1996 Education Reform Act.

The CBJ meetings do comply with MGL c. 119 section 60A, in which the records of the Court in delinquency proceedings are to be withheld from public inspection.

* See back of brochure