

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Tuesday, October 1, 2024
1:00-3:00pm
Meeting held virtually

Board Members or Designees Present:

Cecely Reardon (DYS)
Cristina Tedstone (DCF)
Rachel Gwaltney (CLM)
Nancy Connolly (DMH)
Duci Goncalves (YAD)
Representative Nguyen
Rachel Wallack (Juvenile Court)
Laura Miller (MDAA)
Rebecca Brink (DCF)
Dawn Christie (PPAL)
Leon Smith (CfJJ)

OCA Staff:

Kristi Polizzano
Melissa Threadgill
Arianna Turner
Morgan Byrnes
Kerin Miller
Alix Riviere
Jess Seabrook

Other Attendees:

Kathleen Bitetti (OSA)
Bella Yee (Rep Nguyen)
Katherine Perry-Lorentz (DYS)
Laura Lempicki (Probation)

Meeting Commenced: 1:02 PM

Welcome and Introductions

Ms. Threadgill welcomed the attendees to the Juvenile Justice Policy & Data (JJPAD) Board meeting. Members of the Board and guests introduced themselves.

Approval of Minutes from the December Meeting

Ms. Threadgill held a formal vote on the approval of the previous JJPAD Board meeting minutes. Rachel Wallack, Nancy Connolly, Laura Miller, Cecely Reardon, Cristina Tedstone, Rebecca Brink, Rachel Gwaltney, Duci Goncalves, and Representative Nguyen all voted in the affirmative. No one abstained or opposed.

The meeting minutes from March were approved.

Meeting Agenda

Ms. Threadgill presented the agenda for today's meeting which included:

- OCA Updates
- Pretrial Project Updates and Discussion
- Board Member Updates

Updates from the OCA

End of Legislative Session Updates

Ms. Threadgill shared that through the FY25 state budget, the Massachusetts Youth Diversion Program (MYDP) has officially been moved under the Department of Youth Services' (DYS) line item and had its funding increased. She also shared that the budget included an outside section which eliminates bail fees.

Massachusetts Youth Diversion Program

Ms. Threadgill then shared an update on the Massachusetts Youth Diversion Program (MYDP), including data on referrals, participants, and program success. She also discussed program expansion and an independent evaluation of the program conducted by ForHealth Consulting at UMass. Commissioner Reardon added that DHS has seen strong interest in the program expansion through the request for responses (RFR) process.

Ms. Threadgill welcomed questions, and none were raised.

Center for Child Wellbeing and Trauma's Tree Academy

Ms. Threadgill shared information on a collaboration between the OCA's center on Child Wellbeing and Trauma (CCWT) and DHS to create the Trauma and Racial Equity Empowerment Academy (TREE). Commissioner Reardon thanked those who attended the *Seeing Red* premier and shared her excitement about the interest that stakeholders have expressed in this topic.

Ms. Threadgill welcomed questions, and none were raised.

Project Update: Juvenile Pretrial Phase

Ms. Threadgill introduced the pretrial phase project, provided a status update, and reviewed the agenda for the project update, including:

- Methodology/process
- Key data takeaways
- Themes from interviews
- Literature review/best practices
- Next steps & opportunities for improvement

Ms. Threadgill then shared the research questions, methodology, and project goals of the pretrial project, as well as the pretrial subcommittee timeline.

Ms. Threadgill welcomed questions. None were raised. She then welcomed Ms. Polizzano to introduce the next section of the project update.

Ms. Polizzano introduced herself and presenting the data that was reviewed for the project from FY21 through FY23. She then began presenting on the key data takeaways, including:

- There has been a large increase in cases supervised by probation pretrial
- The increase is due, in part, to an increase in the number of arraignments
- Some of the increase stems from a decrease in releasing youth on personal recognizance (PR)
- Over the same period, pretrial detention admissions increased 39%
- Of detention admissions for youth held without bail, almost half were for youth whose bail/PR was revoked
- There has been an increase in youth detained on low bail amounts
- There are disparities in who gets released on PR, is supervised/monitored, or gets detained pretrial
- There are geographical differences in the way the pretrial phase operates

Ms. Polizzano shared a data summary on the information shared and welcomed questions.

One member asked if there is data available from 2018 or 2019 that are more typical, non-pandemic years. Ms. Polizzano shared that there is data for those years for some process points, but not for all of them. She also noted that the report will explain this data caveat.

Ms. Polizzano then began presenting information on stakeholder interviews, beginning with information on the number and types of professionals interviewed, followed by general interview themes and the key themes of:

- Setting conditions of release
- Setting conditions of release for GPS
- Violations and revocations
- Cash bail

Ms. Polizzano welcomed questions on the stakeholder interviews.

One member asked how cases without a victim were identified. Ms. Polizzano shared that certain offense types do not have a named victim. Ms. Polizzano added that the OCA heard in interviews with victim advocates that victims rarely request GPS and that having the chance to implement an individualized response to their case is important.

Members discussed the use of SJC decisions in *Commonwealth v. Norman* and *Jake J. v. Commonwealth* by judges when setting conditions of release for youth.

One member asked what supports are needed to help create a step-down system for conditions of release. Ms. Polizzano shared that there were a variety of suggestions from stakeholders in interviews, including access to substance abuse supports, warm handoffs to services, and increased case management. Ms. Threadgill added that Youth Villages was cited as an example of a program that provides great wrap around services for youth in the juvenile justice system.

Members discussed the use, and limitation of, paper forms for conditions of release.

Ms. Polizzano then began presenting the literature review and best practices, including information about:

- Adolescent brain development
- Setting conditions of release
- Using GPS
- Cash Bail

Ms. Polizzano welcomed questions on the information presented.

One member asked if the time limitations in California for youth on GPS were established in statute. Ms. Polizzano confirmed that they were.

Ms. Polizzano then began presenting draft findings for the pretrial phase project, including:

1. Pretrial practice (setting conditions of release and cash bail) does not align with policy
2. There is no shared understanding and conflicting legal guidance on when/if GPS should be used
3. Youth are not set up for success at this phase
4. There are vastly different regional practices at this stage leading to concerns about “justice by geography”
5. There are statewide disparities regarding who is detained pretrial, who gets placed on pretrial monitoring/supervision, and who is released on personal recognizance
6. There are youth placed on pretrial monitoring/supervision or detained that could be better served (e.g., reducing recidivism, improving public safety, addressing unmet needs) in the community/without system involvement

Ms. Polizzano welcomed questions and comments on the draft findings. None were raised.

Ms. Polizzano then shared opportunities for change, including:

- Change how conditions of release (CORs) are set and what warrants a revocation
- Limit the use of GPS
- Divert more youth
- Limit the use of cash bail
- Increase data availability

Ms. Polizzano also shared mechanisms for change to achieve those goals, including:

- Change statute
- Change agency policy
- Modify practice
- Add trainings

Ms. Polizzano reviewed pretrial project next steps, including:

- October/November: CBI reviews and finalizes draft report, and members can raise questions and thoughts on recommendations
- December: Full board discusses and, pending discussion, votes on report
- December/January: Submit report to the Legislature

Ms. Polizzano welcomed questions about next steps. Ms. Threadgill added that members of the subcommittees will be given draft versions and that members of the Board may request to see earlier drafts if desired.

Project Update: Dually-Involved Youth (DIY)

Ms. Threadgill shared the research questions and project goals of the DIY project, as well as the DIY project timeline.

Ms. Threadgill welcomed questions on the DIY project. None were raised.

Subcommittee Work Plans

Ms. Threadgill reviewed the work plans for each JJPAD subcommittee, which are as follows:

- CBI Subcommittee:
 - November: Discuss pretrial recommendations and finalize report for the Board
 - January 2025: Return to dually-involved youth project
- Data Subcommittee:
 - November: FY24 data analysis
 - January 2025: 2024 Annual Report data review
 - Spring 2025: DIY data deep dive and case review
- Childhood Trauma Task Force:
 - December: Vote on annual report
 - 2025: Analyze training data and discuss recommendations
- Full Board:
 - December: Review and discuss pretrial report
 - December: Subcommittee report outs
 - Winter 2025: Review and discuss 2024 Annual Report

Ms. Threadgill also shared subcommittee fall meeting dates.

Board Member Updates

Ms. Threadgill welcomed board members to share updates from their respective organizations. None were raised.

Closing Comments

Ms. Threadgill announced that the next board meeting will be held on Thursday, December 19th at 10am. Ms. Threadgill thanked attendees for their work and adjourned the meeting.

Meeting adjourned: 2:22 PM