

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Community Based Interventions Subcommittee
Friday, April 26, 2024
11:00AM-12:30PM
Meeting held virtually

Subcommittee Members or Designees Present:

Amy Ponte (CAFL)
Brian Blakeslee (CPCS)
Kimberly Lawrence (Probation)
Stacey Lynch (DPH)
Lydia Todd (CLM)
Susan Gill-Hickey (Court Clinics)
Thula Sibanda (DYS)
Rachel Wallack (Juvenile Court)
Janelle Ridley (JJAC)
Rebecca Brink (DCF)
Leon Smith (CfJJ)

OCA Staff:

Melissa Threadgill
Kristi Polizzano
Morgan Byrnes
Arianna Turner
Daisy Perez

Other Attendees:

Deborah Bowden (JDAI)
Katie Perry-Lorentz (DYS)
Kathleen Bitetti (OSA)
Sir Perish (DYS)
Michael Kilkelly
Kristan Mazaka
Kris Latour Kennedy
Migdalia Iris Nalls

Meeting Commenced: 11:03AM

Welcome and Introductions:

Ms. Polizzano welcomed the attendees to the Community Based Interventions (CBI) Subcommittee virtual meeting. She welcomed members to introduce themselves.

Review and Approval of Minutes from the November Meeting:

Ms. Polizzano held a formal vote on the approval of the previous Community Based Interventions meeting minutes. Lydia Todd, Susan Gill-Hickey, Amy Ponte, Kimberly

Lawrence, Brian Blakeslee, Thula Sibanda, Rebecca Brink and Stacy Lynch all voted to approve the minutes. Rachel Wallack abstained. No one opposed.

The meeting minutes for November 30, 2023, were approved.

Ms. Polizzano then invited Ms. Threadgill to provide updates on recent work from the OCA.

Ms. Threadgill provided an update on the Massachusetts Youth Diversion Program (MYDP), which is in its second year of implementation. Diversion programming is now available at seven different locations due to expansion efforts. The funding for this program has been a partnership between the OCA and DYS for the past several years. This year, DYS asked to establish the MYDP as a permanent line item in the budget for FY25. This line item was included in Governor Healey's budget as well as the House budget. These budgets also included expanded funding to allow for expansion at some existing sites and to continue expanding to new counties.

Ms. Perry-Lorentz shared that there are already referrals coming in for the new diversion program locations and that DYS is looking forward to expanding to additional sites.

Ms. Threadgill added that the OCA is working on analysis of the MYDP year two data. Early analysis has shown that referrals and program success rates have been increasing. The report on the second year of the MYDP will be shared in the coming months.

Ms. Threadgill then provided an update on the OCA's report on Family Resource Centers, which is closely related to the subcommittee's previous work on the Child Requiring Assistance (CRA) process. The report was released on April 15 at the request of the Legislature.

Ms. Polizzano then presented the meeting agenda, explaining that she would lead a project discussion highlighting the key themes heard in juvenile justice pretrial phase interviews conducted to date and then discuss project next steps.

Project Discussion:

Ms. Polizzano invited Ms. Byrnes to begin presenting background information on the pretrial phase project.

Pretrial project to date

Ms. Byrnes introduced herself and began discussing the pretrial project.

Ms. Byrnes discussed two key data trends: arraignments have declined 25% since CJRA but are on the rise in recent years, and more than half of all cases arraigned each year don't result in a disposition. She highlighted that many arraignments are reaching an outcome in the pretrial

phase. She then explained how that led the board to focus on the pretrial phase, which is post-arraignment and pre-disposition, in hopes of finding opportunities for diversion.

Ms. Byrnes then reviewed pretrial phase project key terminology, including the following terms:

- Cash bail
- Pretrial conditions of release
- Pretrial probation as a disposition
- Failure to appear
- 58A dangerousness hearing

Ms. Byrnes then continued presenting on data trends in the pretrial phase over the past few years, including the following key trends:

- The number of pretrial cases monitored/supervised by probation has increased in recent years
- The percent of youth arraigned who have conditions of release increased in FY23
 - Most of these cases involve youth on conditions of release vs. PTP as a disposition
- A little less than half of all probation cases during the pretrial phase are actively supervised
- Many youth are detained without bail as a result of bail/personal recognizance being revoked
- Recently, there's been an increase in detention admissions for youth held on cash bail under \$100
- Most detention admissions involve youth with high needs and/or were disproportionality Black and Latino youth
- Most detention admissions involve youth on lower-level offenses

Ms. Byrnes then presented the data takeaways and welcomed questions on this portion of the presentation.

One member asked what percent of those held in detention because of a personal recognizance revocation are held for new crimes and what percent are held for a violation of conditions of release.

Ms. Byrnes shared that the board does not currently have data on violations. Ms. Lawrence added that violations of parole are tracked but violations of pretrial conditions are not.

Another member asked if there is any data on what proportion of youth are ending up in detention because of school-based violations or school-based arrests.

Ms. Byrnes shared that the board does not currently have data on school-based violations or arrests for this population. Mr. Smith added that there is significant overlap between youth who have high needs and those being deeply entrenched in the juvenile justice system.

Ms. Threadgill shared that the majority of these cases are assault and battery. She explained that one of the dually involved youth project elements is case file review, as the board is aiming to figure out where exactly arrests are happening.

One attendee asked if there was data on the number of youth in DCF custody who are in detention and if there was data on the number of youth who are detained versus not detained when arrested in DCF custody.

Ms. Polizzano shared that that information will be discussed in the next part of the presentation and that the board is doing a deeper dive of this population through the dually involved youth project.

A member asked how often a school condition is set as a condition of release and how often a school-related violation triggers a revocation of personal recognizance. She shared that she believes this happens frequently and that schools are very invested in relaying that information to the court to manage the youth's behavior.

Ms. Polizzano shared that the board does not currently have data on the occurrence of that specific situation but that the board has heard in interviews issues about school-related conditions of release.

Key themes heard in juvenile justice pretrial phase interviews to date

Ms. Polizzano then began presenting on key interview themes.

Ms. Polizzano first presented the project's research questions and goals and explained that the board has been interviewing stakeholders across sectors and across the state to better understand the pretrial phase.

Ms. Polizzano then reviewed the project methodology, provided an update on the stakeholder interviews to date, reviewed the five key themes, and reviewed the possible conditions of release that can be ordered by a judge.

Ms. Polizzano then reviewed the first key theme: There is a mismatch between policy and practice for holding youth on cash bail. She welcomed questions on this theme, and none were raised.

Ms. Polizzano then reviewed the second key theme: There is a mismatch between policy and practice for setting conditions of release. She welcomed questions on this theme. None were raised.

Ms. Polizzano then reviewed the third key theme: There is concern about condition setting, specifically the use of GPS, during this phase. She welcomed questions and thoughts on this theme.

A member asked if the board has heard about the courts being unresponsive when youth violate their conditions of release on GPS, as she had heard about judges keeping youth on GPS even after violations occurred.

Ms. Polizzano shared that she has heard of youth cutting off the GPS without consequences.

Another member shared that when a youth wears an electronic monitoring bracelet, there are assumptions made about them; for example, the youth are not given the benefit of the doubt, they are targeted for exclusion at school, and it can be difficult for kids to participate in activities. Ms. Polizzano shared that the board has heard about that, especially as summer approaches.

Ms. Polizzano then explained how conditions of release are set. Judges set the conditions, but defense counsel advocates for or against certain conditions which the youth is supposed to sign onto. She explained that there is a lack of input from probation in this phase, and that the Juvenile Probation Arraignment/Appearance Screening Tool (J-PAST) is not being used. She added that probation is asked to supervise conditions that may not align with what is feasible.

A member added that the conditions of release are tactically agreed upon, but in practice, attorneys may be agreeing to GPS because they are afraid of their client being sent to detention.

Ms. Smith added that some conditions of release are overly broad and that part of the responsibility for ensuring clear and fair conditions falls on the defense bar.

One attendee asked if there is data available on the county level, as they have been trying to understand how these issues can be addressed in Suffolk County. They shared that for GPS, Assistant District Attorneys (ADAs) have great discretion on setting and addressing conditions, and that they have been trying to implement better training for ADAs. They added that even when ADAs don't ask for home confinement, judges are still ordering it, and sometimes there is no victim. They added that this could be due to cultural trends about imposing certain conditions because judges are simply used to setting them. They suggested check-ins on youth who are on

GPS every 30 days, and stated that ADAs need to proactively consider time standards. They also shared that judges have been imposing \$1 cash bail when it is not requested.

Ms. Polizzano shared that some judges may be trying to avoid the dangers of detention, but in interviews and in the data it seems net widening may be happening as well.

One attendee shared that they have seen issues with youth coming in and out of school to attend court hearings for motions to do very basic tasks. Ms. Polizzano added that the board has seen medical issues arise because of the strict rules of GPS. A member added that youth miss school to come to court to take care of all of these technical issues, which is counterproductive for them.

Ms. Polizzano offered to bring back county-level data to the group and continued presenting on key themes from the interviews.

Ms. Polizzano then presented on the fourth key theme: People are concerned about certain regional practices. She welcomed questions or additional comments on the theme.

One attendee asked if there was data available on the number of youth deemed incompetent to stand in court. Another attendee shared that those numbers are not available.

Ms. Polizzano then presented on the fifth key theme: The length of time this phase can take can have negative consequences on a youth. She welcomed questions on the theme.

A member asked if there was data available on the length of time youth are on home confinement and GPS. Ms. Polizzano shared that the board does not currently have that data but that they will continue to think about it in this phase of research.

One attendee shared that while youth have a right to a two-week court date, it seems like there is no sense of urgency from those in the courtroom to make sure this happens.

Ms. Polizzano then welcomed members to highlight additional research ideas and to share thoughts, questions or concerns about themes presented. None were raised.

Ms. Polizzano added that the board is working to hear from young adults who are or have been involved in the juvenile justice system and asked members to share any connections to that population.

Next Steps

Pretrial Updated Project Plan

Ms. Polizzano reviewed the plan and what is to come for the project, sharing that the board will dive into other states' data and national best practices at the next meeting.

Ms. Polizzano then asked members what kind of information they needed to inform their findings.

A member suggested reaching out to groups that already work with young people who are system-involved.

One member shared that they are concerned about unmet IEPs or undetected IEP needs causing behavior issues, sharing that a Collaborative for Educational Services (CES) audit showed that many youth are not having their needs fully met.

JJPAD Board 2024 Work Plan

Ms. Polizzano reviewed the CBI Subcommittee work plan for the coming year.

Closing Comments:

Ms. Polizzano shared that the OCA is hosting a public JJPAD webinar on May 10 and that the next meeting of the CBI subcommittee will be on May 29. Ms. Polizzano thanked the members for their participation.

Meeting adjourned: 12:26 PM