

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Community Based Interventions Subcommittee
Wednesday, May 29, 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)
Laura Miller (MDAA)
Thula Sibanda (DYS)
Rebecca Brink (DCF)
Dawn Christie (PPAL)

OCA Staff:

Melissa Threadgill
Kristi Polizzano
Morgan Byrnes
Arianna Turner
Daisy Perez

Other Attendees:

Katie Perry-Lorentz (DYS)
Kathleen Bitetti (OSA)
Cassie Ameen (CfJJ)
Daphne Witherell (CfJJ)
Sophie Jones (CfJJ)
Katie Cohn (DYS)
Omar Irizarry (DMH)

Meeting Commenced: 11:02 AM

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 April Meeting:

Ms. Polizzano held a formal vote on the approval of the previous Community Based Interventions meeting minutes. Amy Ponte, Lydia Todd, Thula Sibanda, Rebecca Brink, Kimberly Lawrence, and Brian Blakeslee all voted to approve the minutes. Laura Miller abstained. No one opposed.

The meeting minutes for April 26, 2024, were approved.

Ms. Polizzano then explained that the meeting would focus on the pretrial research project and began the project discussion.

Project Discussion: Juvenile Pretrial Phase National Research on Conditions of Release and Cash Bail

Ms. Polizzano reviewed the research questions and methodology for the pretrial project, as well as research notes and limitations. She then reviewed key themes from qualitative interviews with stakeholders, which informed the research's guiding questions.

Ms. Polizzano then reviewed pretrial data, including the trend that in recent years, youth are being released on conditions of release (COR) more, and on personal recognizance (PR) less. She also reviewed background information on conditions of release.

Ms. Polizzano then began presenting the research on GPS and CORs usage, including the following:

- While we do not have data on all CORs, we do have data on point-in-time GPS use in Massachusetts.
- Research suggests that GPS may not be developmentally appropriate for youth.
- GPS can contribute to a “labeling effect” and be harmful for youth and families.
- GPS has not proven effective in improving public safety or improving rates of court appearance.
- GPS can be relatively costly, depending on how it is used.
- GPS technology can be unreliable and result in youth violating their COR.
- Research on probation conditions more broadly shows that there are gaps in how youth interpret and understand conditions.

Ms. Polizzano then presented examples and guidance on CORs from other states, noting that the research is very limited in this area.

Ms. Polizzano shared a research summary and welcomed questions.

One member asked if there is a specific age range at which electronic monitoring is deemed either developmentally inappropriate or appropriate. Ms. Polizzano shared that there were not specific age ranges listed in the studies on GPS use. Ms. Threadgill added that much of this research is based on extrapolating conclusions about the requirements of electronic monitoring and the development of the adolescent brain being incompatible.

One member commented that it was interesting that electronic monitoring did reduce the chances that individuals convicted of a sex offense did not return to court.

One member commented that the research on the social costs of electronic monitoring was interesting and added that sometimes separation from peers can be a good thing in terms of gang involvement and avoiding negative influences. They added that the social deficits of electronic monitoring continue after the end of the program. Ms. Polizzano shared that assumptions about a youth's home life are also important to consider when examining electronic programming and home confinement.

One member shared that they had personally met a youth who was on GPS and had to consider how to ensure that biases do not ostracize youth from prosocial groups.

One member asked about how widespread the use of GPS was nationwide. Ms. Turner explained that due to a lack of available research on this subject, no data was identified on which states have opted in or out of GPS use. She also noted that there are some states, namely Illinois and California, that are leaders in this research.

Ms. Lawrence commented on the process of gaining permission to leave zones in Massachusetts and mentioned youth do not need to physically come in to court for motion hearings.

One member asked for additional information about the ability of electronic monitoring program administrators to drop in on youth through their devices. Ms. Turner explained that some studies identified counties in which administrators could call youth on their devices and youth were unable to decline the call, meaning that the administrators could listen in to the youth and anyone around them at any time.

Ms. Polizzano then welcomed Ms. Byrnes to present on the use of cash bail and failure to appear (FTA) rates.

Ms. Byrnes introduced herself and reviewed Massachusetts data, including the following:

- In MA, a quarter of all detention admissions are for youth with bail set, a third of which are held on less than \$100.
- In MA, the use of cash bail is informed by both statute and case law.

Ms. Byrnes then began presenting national research on the use of cash bail and failure to appear, including the following:

- Cash bail has not been found to be effective in improving failure to appear rates.

- Research suggests that the use of cash bail may not result in improved public safety.
- In MA, the Juvenile Probation Arraignment/Appearance Screening Tool (J-PAST) was implemented to predict youth's risk of FTA.
- Factors that correlate with failure to appear.
- Factors that do not correlate with failure to appear.
- FTA has been found to be a system-wide issue.
- Other reasons for holding youth on cash bail.
- Some states statutorily prohibit the use of bail in juvenile court.
- Other jurisdictions have implemented reforms in an effort to reduce FTA rates.

Ms. Byrnes then welcomed questions.

One member commented on the importance of acknowledging that other actors in the court system fail to appear in addition to defendants.

One member asked how many states were included in the national review of juvenile defense attorneys on reasons for holding youth on cash bail. Ms. Byrnes responded that many states were surveyed and only eight reported that juvenile court judges routinely used bail as a means of keeping youth in detention.

One member asked how mental health was considered as a risk factor for failure to appear. Ms. Polizzano shared that more research is needed on this topic, and that OCA staff would reach out to Dr. Gina Vincent to learn more about the tool she developed for Massachusetts.

One member commented that Child Requiring Assistance (CRA) filings are not used or mentioned in bail hearings in Massachusetts. The member noted that this was interesting given the data on factors that correlate with failure to appear included having a prior warrant for a status offense.

Ms. Byrnes welcomed additional questions, and none were raised.

Ms. Polizzano presented national research takeaways and welcomed questions.

One member suggested further research on states that do not have bail for youth so that Massachusetts may consider joining them in this practice.

One member asked if other states are doing risk assessment tests for bail and condition setting, specifically for detaining youth and setting CORs. They also shared that there is a need for robust judicial training in this area. Another member emphasized the need for uniform judicial

training. Ms. Threadgill shared that New Jersey implemented a risk assessment test for adults and youth that looked at the risk of FTA.

Next Steps

Ms. Polizzano reviewed the pretrial timeline and welcomed questions on the next steps for the project. None were raised.

Closing Comments:

Ms. Polizzano shared that the next meeting of the CBI subcommittee will be on June 28 at 11AM and adjourned the meeting.

Meeting adjourned: 12:21 PM