

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Community Based Interventions Subcommittee
Thursday, November 30, 2023
1:00PM-2:30PM
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)
Dawn Christie (Parent)
Leon Smith (CfJJ)

OCA Staff:

Melissa Threadgill
Kristi Polizzano
Morgan Byrnes
Arianna Turner
Ari Fertig

Other Attendees:

Omar Irizarry (DMH)
Kathleen Bitetti (OSA)
Henry Ramos (DYS)
Araya Landry (Family Continuity)
Audrey Herrmann (Rep. Livingstone)

Meeting Commenced: 1:04 PM

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 September Meeting:

Ms. Polizzano held a formal vote on the approval of the previous Community Based Interventions meeting minutes. Susan Gill-Hickey, Kimberly Lawrence, Brian Blakeslee, Thula Sibanda, Lydia Todd, and Amy Ponte all voted to approve the minutes. Rachel Wallack and Stacy Lynch abstained. No one opposed.

The meeting minutes for September 27, 2023, were approved.

Ms. Polizzano then presented the meeting agenda, explaining that the group would hear a presentation on juvenile pretrial supervision and a presentation on juvenile detention case practice. She then introduced the presenters and invited Ms. Lawrence to begin her presentation.

Probation presentation on juvenile pretrial supervision

Ms. Lawrence began presenting on the differences between pretrial probation and pretrial supervision. She explained that pretrial probation is a “disposition” where the District Attorney must agree to conditions set by the court. A conference is held just like when a case is resolved with a plea. The main difference is that when cases are placed on “pretrial probation” as a disposition, the case is still pending, and all violations are reported back to the district attorney’s office (DAO). The DAO decides whether to put the case back on the trial track or to continue with pretrial probation as a disposition.

Ms. Lawrence welcomed questions. None were raised.

Ms. Lawrence continued her presentation by explaining the levels of supervision for Category A and Category B supervising/monitoring. Category A cases are ones in which the youth does not have conditions that require “active supervision.” These conditions includes things like “Obey all laws” or “Attend school daily.” These cases are supervised by a statewide unit. On the other hand, Category B offenses are ones in which “active supervision” by a probation officer is necessary. These include conditions like “drug testing” or other treatment-related offenses.

Ms. Lawrence welcomed questions. Ms. Polizzano asked when the pretrial standards changed or were implemented. Ms. Lawrence stated that the change happened during 2019. Ms. Polizzano explained to the group that the 2018 Criminal Justice Reform Act had a provision to create a pretrial supervision division. Ms. Lawrence added that the court-to-court notification system is now very clear, and that the pretrial supervision unit was designed to support the supervision of pretrial release.

One member asked how electronic records travel with youth between the courts. Ms. Lawrence explained that electronic records store all of a youth’s information and can be viewed by any court. She added that MassCourts is a case management/data system that all probation officers are allowed access.

One member asked how often a youth has restrictive conditions eased during the pretrial phase. Ms. Lawrence responded that restrictive condition reduction is an ideal outcome and can be used as an incentive. She added that monthly check-ins are an opportunity to reevaluate conditions.

Ms. Threadgill asked who youth on pretrial are supervised by and if youth who are moved from pretrial probation to post adjudication probation have the same probation officer. Ms. Lawrence shared that youth have juvenile probation officers. Youth with Category A conditions are monitored by the statewide pretrial unit, while youth with Category B are assigned to a Probation Officer (PO) in that court. Ms. Lawrence added that the same PO is typically used pre- and post-trial unless there is a reason not to. This is not a policy, but rather, practice from courthouse to courthouse.

Ms. Polizzano welcomed additional questions.

One member asked if there is a requirement for youth on pretrial probation to have an attorney present at their check-in. Ms. Lawrence stated that it is not a requirement and varies by attorney practice. Ms. Lawrence explained that this type of supervision doesn't have a probation standard requiring monthly check-ins, but rather check-ins happen at each court date.

Ms. Polizzano asked if there were themes around challenges with the system or around aspects that are going well.

Ms. Lawrence shared that one challenge is the limitation of probation to provide input on how the case is handled, as their only role is to notify the District Attorney's office of issues. She added that she regularly encourages judges to add community supervision conditions for youth at this phase.

Ms. Lawrence then highlighted positives of the system, including the opportunity to get to know youth and their families early in the process. Another positive she highlighted was the uniform practices that set clear expectations for the youth, families, and lawyers. Ms. Polizzano added that she has heard in interviews that youth who do well on pretrial probation sometimes receive less restrictive ultimate sanctions.

Members then discussed judges' decision-making about pretrial conditions, highlighting some of the flaws with the system. Ms. Lawrence shared that conditions may be agreed to by a youth and their family because they are a better alternative to detention but may still not be entirely appropriate. She added that judges often set conditions that they believe are most important and that she tries to educate judges about the community in order to promote appropriate condition setting.

Ms. Polizzano then introduced Mr. Ramos (Director of Residential Services, DYS Central Region) and welcomed him to present.

DYS Presentation on juvenile detention case practice

Mr. Ramos introduced himself and began presenting on juvenile detention case practice. He provided an overview of the DYS regions, stating that Worcester is the busiest court in his region (Central). He then discussed pretrial detention admissions. He noted that there are three placement type options for youth detained pretrial: in the community with foster placements, staff secure placements and “hardware secure” placements.

Mr. Ramos then presented on day-to-day programming and services, including the following:

- Clinical/Mental Health Services
- Medical
 - Routine medical care is provided on site by nursing staff
 - All nursing on premises multiple days a week or more and on call services medical needs assessed
- Psychiatric
 - Medication reviews, continuation, or assessment, if needed
- School: Mr. Ramos noted that rides to and from school are a great opportunity for staff to engage the youth in conversation and provide mentoring.
 - Education services provide current grade level, High School Diploma track and HiSET
 - Post-Secondary / Vocational Training (in person or online)
 - Youth receive 5.5 hours of education (5 days a week) during the school year, and 3 hours of education during the summer
- Recreation: Mr. Ramos noted that he and his staff have multiple recreation programs in place, such as pickleball games, to keep the youth engaged while in the program and get their excess energy out in a positive way.
- Visits

Mr. Ramos then discussed challenges with the process, highlighting the following:

- Youth can stay in detention from 1 day to 3+ years before resolution of their case: Mr. Ramos noted that this wide variation in detention length can pose a challenge in ensuring that each individual client’s needs are met during their time in the program.
- Motions
- Bail status
- Competency evaluations
- Placement availability
- Waiting for lab files
- YO indictments
- Staffing shortages: Mr. Ramos mentioned that, like many health and human service fields, DYS is facing staff shortage which limit the effectiveness of its programs.

Ms. Polizzano thanked both presenters, and Mr. Ramos welcomed questions.

One member asked if youth can begin psychiatric medications while in detention. Mr. Ramos shared that DYS has a psychiatrist on staff who can change or start dosage after conversation with the family.

One member asked if youth are often held because of a lack of GPS bracelets. Mr. Ramos stated that this is a rare occurrence in his region. A member mentioned this happens in their region. Ms. Lawrence added that there is a policy against holding youth for more than a day to await GPS equipment.

Ms. Polizzano asked if there are specific considerations made when DCF is the legal guardian. Mr. Ramos shared that DYS connects with the DCF caseworkers as quickly as possible. He added DYS Detention Diversion Specialists also provide important information to DYS based on the youth's court case.

Ms. Threadgill asked if there is a difference in the successes of youth who come to detention directly from an offense and those coming from the community who were unsuccessful there. Mr. Ramos stated that added levels of support for youth through the foster care program make a big difference in their success. He also shared that positive reinforcement makes a strong impact. He added that some youth require a level of care that the program cannot provide, which leads to less successful outcomes.

Ms. Lawrence and Mr. Ramos discussed the challenges that youth face when reentering their communities, as many are faced with unsafe situations and have difficulty not reoffending. They both highlighted the importance of organizations that work with these youth in their communities and have sufficient resources for reentry.

Members discussed the foster care home program for DYS youth, with Mr. Ramos providing the details of the program. Members pointed out limitations of the program, including finding homes in all regions and a lack of foster parents post-COVID.

Members discussed the challenge of ensuring youth have appropriate psychiatric medications, as psychiatrists are reluctant to start new medications when it is unknown how long a youth will be in detention.

Ms. Polizzano welcomed final questions and thoughts. She then asked what supports could be put in the community to help prevent youth going to detention because of probation violations or bail revocations. Ms. Lawrence discussed the value of after-school programming. She also shared the challenge of a lack of specialized DCF placements. Mr. Ramos shared the importance of identifying caring adults for the youth and involving them in the youths' lives.

One member suggested implementing a mobile psychiatric clinic that could monitor youth who are starting new medications wherever they are located. Another member suggested additional funding for quality after-school programming to engage the youth.

Ms. Polizzano thanked the presenters for their work.

Discussion & next steps

Ms. Polizzano shared that the OCA is continuing interviews on the pretrial phase throughout the state. She asked members to share any contacts in Western Mass, individuals outside of the judicial space, victim voices, and youth-focused groups.

Ms. Polizzano shared that the group would reconvene in early 2024 to discuss key interview themes. She stated that she would also present on national research and, in the Spring, shift focus to thinking about recommendations for improving the pretrial phase.

Ms. Polizzano welcomed questions. None were raised.

Closing Comments:

Ms. Polizzano thanked the members for their participation and welcomed them to reach out with any questions or concerns between now and the next meeting in 2024.

Meeting adjourned: 2:24 PM