

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Community Based Interventions Subcommittee

Monday October 19, 2020

1pm – 2:30PM

Meeting held virtually

Subcommittee Members or Designees Present:

Maria Mossaides (OCA)

Karin Orr (DMH)

Mike Glennon and Nicole Robbins (Suffolk DA's Office)

Josh Dohan and Migdalia Nalls (CPCS)

Leon Smith (CfJJ)

Dawn Christie (Parent Representative)

Barbara Wilson (CLM)

Rebecca Brink (DCF)

Nokuthula Sibanda (DYS)

Other Attendees:

Melissa Threadgill (OCA)

Kristi Polizzano (OCA)

Alix Rivière (OCA)

Leila Khelfaoui (CJI)

Kathleen Bitetti (SAO)

Elizabeth Mulcahy (Northwestern District DA's office)

Matt Pecoraro (Judge Baker Center)

Jessica Lutz (Sen. Eldridge)

Alexis Yohros (NorthEastern)

Grace Picariello (Rep. Cronin's Office)

Other Members of the public

Meeting Commenced: 2:04pm

Welcome and Introductions:

Ms. Threadgill welcomed the attendees to the Community Based Interventions (CBI) subcommittee virtual meeting. She introduced all the individuals in the WebEx video conference and individuals on the phone introduced themselves.

Review and Approval of Minutes from September Meeting:

Ms. Threadgill held a formal vote on the approval of the previous Community Based Interventions meeting minutes. No one was opposed or abstained from voting on the September minutes.

The meeting minutes for September were approved.

Meeting Agenda

Ms. Threadgill informed members of the subcommittee that Commissioner Forbes (Department of Youth Services) will not be able to attend the meeting to discuss updates on State Diversion Learning Lab launch. She will try to reschedule the Commissioner's presentation for a future meeting. As such, the group will focus on reviewing the Diversion Model Program Guide during this meeting.

Continuing Review of Diversion Model Program Guide

Ms. Threadgill described the feedback received from the Trial Court which required edits to the program guide to clarify some of the procedures of judicial diversion as defined in M.G.L. C. 119 §54A. The group then discussed the risk assessment protocol followed by the Probation Department as outlined in this statute. The subcommittee discussed deferring to Department of Youth Services (DYS) for picking an evidence-based risk assessment. This topic is explored in the Model Program Guide as well.

Ms. Threadgill presented some suggested edits based on conversations with the Committee for Public Counsel Services (CPCS) regarding access to counsel and how the program should present that access. CPCS suggested that the Diversion Coordinator would initially contact CPCS and give them the name and contact information of the youth. The Coordinator would then

provide the youth and their family with the name and contact information for public counsel and let them know CPCS might contact them. Additionally, the Coordinator would welcome the youth's private attorney as a partner in the process, though the youth and family would not be required to consult with counsel in order to participate in diversion.

The group discussed the possible unintended consequences of proactively sharing this information. Some argued that this might be taking control away from the youth and their family, who might already have an attorney. Additionally, involving an attorney from the get-go might complicate the program's goals, as counsel would then have to collect evidence and possibly contact victims. Moreover, immediately contacting CPCS might inadvertently give youth the impression this is a necessary step, as well as label them as an "offender" from the beginning of the process. Finally, automatically providing CPCS with information about the youth might make referrers less likely to participate in the program.

Others argued that youth should be getting a real opportunity to have counsel from the beginning of the Diversion process. Indeed, the Coordinator might not be in the capacity to understand the child's full situation, while CPCS attorneys are used to always trying to find mitigating circumstances and identify challenges faced by the youth (e.g. in school). Additionally, a youth would greatly benefit from an attorney to help them understand what can happen with the information and statements they share with authorities. The group discussed the need to know more about the unintended consequences of CPCS attorneys contacting victims and collecting evidence in Diversion cases. It was suggested that a protocol for this could be included in an MOU. Members also discussed the idea that meeting a lawyer during Diversion could be a life-long contact to help the youth navigate future legal matters.

Ms. Threadgill suggested that, given the lack of consensus, the subcommittee vote on this matter at the next meeting in November and explained members could send the OCA position papers to be shared with other Subcommittee members, if they so wished. The group also discussed the need to reconsider this question in six months or a year, once more is known on how this issue impacts the Diversion Program and its intended goals.

Next, the group examined the Model Program Guide and the statement on page 9 that "a juvenile record (whether that youth was found delinquent or not) can lead to challenges accessing

housing, employment and education as the young person enters adulthood.” It was suggested that the end of the sentence include “during youth and into adulthood” to highlight the fact that youth can in fact experience these issues at a young age, before becoming adults.

Closing Comments:

Ms. Threadgill explained that the OCA will incorporate edits discussed today into the version for the next meeting. She asked members of the subcommittee to send their final feedback on the program model guide before the next meeting. She stated that there would be two votes at the next meeting: one on the access to counsel questions and one on the whole program model guide. The next meeting is scheduled to take place on November 13, 2020 from 10am to 11:30am.

Meeting adjourned: 3:03pm