

WBRU May 26, 2010

# Ex-Probation Commissioner Scrutinized For His Secrecy

By [Monica Brady-Myerov](#)

Published May 26, 2010 UPDATED JUNE 18

BOSTON — [Suspended](#) Probation Commissioner John O'Brien is on the hot seat [for employing some 250](#) friends, relatives and financial backers of politicians, according to The Boston Globe.

But criminal justice activists also say O'Brien's leadership of the department has undermined the whole system by taking a hard-line approach to minor offenders and refusing to share data.



John O'Brien (NECN Screenshot)

“The O'Brien administration is really a major shift where you have a probation department that operates much more under a typical law enforcement model,” says Lael Chester, executive director of Citizens for Juvenile Justice. Instead of having the child-focused approach the department had before O'Brien's tenure, she says now it usually enforces unbending rules.

“Two-thirds of all the violations of probation are for technical violations, not for new offenses,” Chester says. “That's enormous.”

Technical violations are not crimes. They happen when someone on probation — in lieu of a prison sentence — doesn't adhere to one of the conditions of probation, such as avoiding drugs or going to school. Probation officers enforce those conditions, but they also act as social workers, connecting offenders to services. Some go the extra mile to help, but other probation officers rush juveniles back to court. Chester says that's an expensive and ineffective solution.

“What the research shows is that using incarceration for technical violations is actually going to increase the risk to public safety,” Chester says.

Critics say the Probation Department under O'Brien does not work with other public safety agencies to reduce crime and lower recidivism.

“There’s not a sense of openness and true collaboration and transparency so you don’t know enough about what’s going on,” says Elyse Clawson, executive director of the Crime and Justice Institute.

Clawson says there is research showing successful probation techniques but Massachusetts has fallen behind other states in implementing these programs because the Probation Department is so secretive.

“Nobody’s been willing to tell us what they do,” she says. “How do they assess risk? How do they supervise people? How do they manage the case load? Do they meet what the evidence says makes sense?”

The Legislature doesn’t fully know what the department does, either, says Chester. Despite this, Probation’s budget grew 160 percent from 1998 to 2008. Chester says she’s frustrated O’Brien doesn’t release basic data about how his department spends that money — such as how many people it serves, their age, race and crime.

“I don’t know how, as a commissioner, you can run an agency the size of his agency and not know some of the basic information,” Chester says. “It’s possible he has some of the data but just hasn’t shared it.”

The department says it was unable to answer questions about the data in time for this report.

On Wednesday [the Senate steps in and votes on amendments](#) that would take away the commissioner’s lifetime appointment and the exclusive authority to hire and fire. It would also establish a task force to consider whether oversight of the Probation Department should be move either to the Judiciary or the Executive Office of Public Safety and Security.