

DISTRICT ATTORNEY YOUTH JUSTICE VOTER GUIDE



MIDDLESEX COUNTY

WELCOME LETTER



Each year, thousands of young people in Massachusetts come in contact with the juvenile justice system. These young people are disproportionately children of color, children from the child welfare system, children coming from areas of concentrated poverty, and LGBTQ children. For the majority of these young people, interactions with the juvenile justice system are overwhelmingly negative, and lead to poor outcomes and even increased delinquency. Yet progress is made every day in reforming our juvenile justice system into one that is fair and works to create positive outcomes for all system-involved youth, creating stronger and safer communities for everyone.

District Attorneys play a major role in ensuring the success of juvenile justice system reform. Candidates for District Attorney have the opportunity to be a force for change and reform in the juvenile justice system. The following questions cover a range of youth justice issues especially relevant to Massachusetts voters. All registered candidates for District Attorney in Massachusetts have been sent the same questions, and all submitted answers are published here unedited.

This report was prepared by Citizens for Juvenile Justice, Greater Boston Legal Services, GLBTQ Legal Advocates & Defenders, The Home for Little Wanderers, I Have a Future, National Association of Social Workers - Massachusetts Chapter, Roca, and Strategies for Youth.



IMPORTANT DATES

Primary Election Voter Registration Deadline

Wednesday, August 15th, 2018

State Primary

Tuesday, September 4th, 2018

General Election Voter Registration Deadline

Wednesday, October 17th, 2018

General Election

Tuesday, November 6th, 2018

REGISTERED CANDIDATES



**DONNA
PATALANO**
Democrat



**MARIAN
RYAN**
Democrat

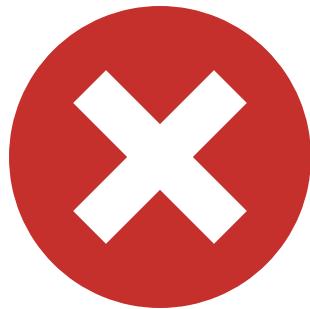
YES/NO QUESTIONS



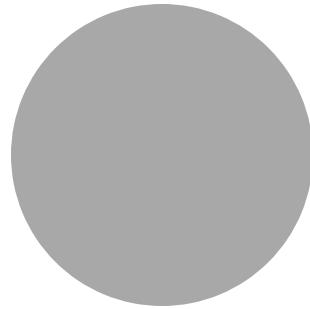
The following eight questions were presented to each of the candidates as yes/no questions. The answer key for the yes/no questions is:



CANDIDATE
ANSWERED
"YES"



CANDIDATE
ANSWERED
"NO"



CANDIDATE
DECLINED
TO ANSWER

RACIAL AND ETHNIC DISPARITIES



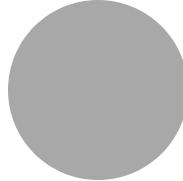
District Attorneys have a major gatekeeping role in who enters and who is excluded from the justice system. Most DA's have diversion programs for young people, but there is no information publicly available to show if these diversionary programs are offered fairly so they don't exacerbate racial and ethnic disparities. Would you commit to publicly releasing non-identifying prosecution and diversion data to address this gap in transparency?



**DONNA
PATALANO**



**MARIAN
RYAN**



DATA COLLECTION AND TRANSPARENCY



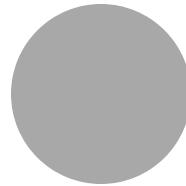
Will you pledge to collect and publish statistical data (without disclosing personal identifying information), including race/ethnicity, gender identity and sexual orientation of defendants in felony and misdemeanor charging decisions, convictions, declinations to charge, and diversion program placements?



**DONNA
PATALANO**



**MARIAN
RYAN**



DIVERSION PROGRAMS



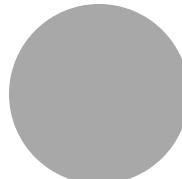
Most District Attorneys divert young people charged with first-time offenses, or with low-level offenses. Research* indicates that diversion is less costly to taxpayers and more effective in reducing youth crime than prosecution in court, even for youth with more serious offenses. Will you commit to expanding formal diversion to community-based rehabilitation programs as an alternative to prosecution for these youths?



**DONNA
PATALANO**



**MARIAN
RYAN**



RAISING THE AGE



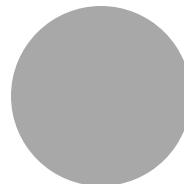
In 2013, Massachusetts raised the age of juvenile court to keep 17-year-olds out of the adult system, excluding murder cases. Since then, juvenile crime has declined by 34%, and has seen faster declines in violent and property crime rates than the national average. Young adults ages 18 - 20 are highly amenable to rehabilitation, and keeping them in the juvenile system, where they must attend school and participate in rehabilitative programming will lower recidivism. Would you commit to support gradually raising the age of juvenile jurisdiction to include 18-, 19-, and 20-year-olds in order to ensure more young people mature as responsible and productive adults in our communities?



**DONNA
PATALANO**



**MARIAN
RYAN**



CHILDREN STANDING TRIAL



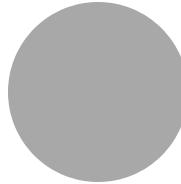
Research on the competency of children has repeatedly found that children 11 to 13 years old “demonstrated significantly poorer understanding of trial matters, as well as poorer reasoning and recognition of the relevance of information for a legal defense, than did 14- and 15-year-olds.” Would you support a rebuttable presumption that children under age 14 are not competent to stand trial?



**DONNA
PATALANO**



**MARIAN
RYAN**



PAROLE FOR JUVENILE OFFENDERS



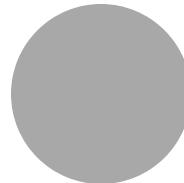
Given the Supreme Court's recognition that juvenile offenders differ from their adult counterparts, would you support a rebuttable presumption of parole suitability for juvenile offenders?



**DONNA
PATALANO**



**MARIAN
RYAN**



ENDING CASH BAIL



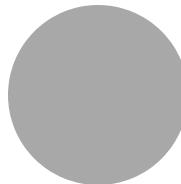
Very few young people charged with criminal offenses have any disposable income. As a result, they are presumed indigent by the courts. Those in the foster care system are rarely released pre-trial, and are disproportionately held in juvenile detention. Would you be in favor of ending cash bail for low-income and young people in foster care?



**DONNA
PATALANO**



**MARIAN
RYAN**



COMMITMENT STATEMENT



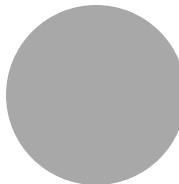
Probation is the most common disposition for young people who are found to be “delinquent” in juvenile court. The Columbia Justice Lab recently released a statement* outlining five commitments aimed at reducing the number of people on probation and parole supervision. Signers of the statement would commit to reducing the reliance of probation/parole to those who truly require supervision; reducing the length of time someone is under supervision; reducing probation/parole fees; and re-investing cost savings to community-based supports for people under supervision. If (re-)elected, will you join leaders from across the country in signing on to this statement?



DONNA
PATALANO



MARIAN
RYAN



NARRATIVE QUESTIONS



The following seven questions were presented to all candidates as narrative, or short answer, questions. Candidates were asked to keep their answers under 200 words, and their answers are published unedited in the format below.



CANDIDATE 1

Candidate's answer



CANDIDATE 2

Candidate's answer



CANDIDATE 3

Candidate's answer



DIVERSION DATA

District Attorneys have a major gatekeeping role in who enters and who is excluded from the justice system. Most DA's have diversion programs for young people, but there is no information available to show if these diversionary programs are offered fairly and whether they contribute to racial and ethnic disparities. How would you address this gap in transparency?



**DONNA
PATALANO**

The Middlesex District Attorney's Office does not release any data about who is charged, diverted, offered pleas, or brought to trial. We have no way now to measure success, and no way to know whether the kid in Lowell gets the same treatment as the kid in Weston. As DA, I will release data at every point of a person's interactions with the DA's Office — from arrest and charging to conviction and appeal — to trace the source of racial and economic disparities that infect our

criminal justice system. Diversionary and rehabilitation programs must be offered equitably to all members of our community. Meaningful and sustainable reform is possible, but only if we have a DA that embraces transparency and welcomes accountability.



**MARIAN
RYAN**

Candidate declined to answer.

RACIAL AND ETHNIC DISPARITIES



While youth of color make up roughly 33% of the youth population in Massachusetts, they represent 60% of those arraigned. What steps will you take to collect data on and address racial disparities in charging decisions, bail recommendations, diversionary program placements and plea bargains?



**DONNA
PATALANO**

I will work with the legislature and research organizations like the Vera Institute of Justice to implement best practices for recording and analyzing data from every point a young person interacts with the justice system. When I served as Chief of Professional Integrity & Ethics, I was a part of the team that established the Juvenile Alternate Resolution program to divert high-risk young people from criminal records to community programs. We worked with UMass Boston to track outcomes and measure success. Data-driven programs must be a part of the solution because you simply cannot manage what you do not measure. Middlesex currently releases no data about alternatives to prosecution. That must end.



**MARIAN
RYAN**

Candidate declined to answer.

DIVERSION PROGRAMS



In 2015, a federally funded District Attorney Diversion Assessment Study* identified changes needed to improve juvenile DA diversion practices: the collection of comprehensive data, including race/ethnicity, to measure program and youth outcomes; the use of standardized screening and assessment tools to distinguish between the risks and the service needs of youth to expand more opportunities for juvenile diversion; assigning dedicated diversion staff to offer intensive case management. What ages does/would your juvenile diversion program serve? How would you address the gaps mentioned in the diversion assessment study?



**DONNA
PATALANO**

The steps outlined in this study are important for reforming the criminal justice system. Recently, I released a comprehensive plan to improve outcomes for juveniles and emerging adults involved in the criminal justice system. As Middlesex DA, I will create a Juvenile & Emerging Adult Bureau to screen cases and ensure that outcomes serve the wellbeing of the individual, the safety of our community, and the interests of justice. The Juvenile and Emerging Adult Bureau will develop

standardized screening procedures for all cases involving young adult offenders, which will be used to decide whether diversion programs are appropriate and which programs would most benefit the kids and young adults who have become entangled in the criminal justice system. Tracking the data will ensure we are providing every young person the same opportunities for diversion and restorative justice programs. That does not happen now. The Bureau will release data every six months to ensure that programs are offered equitably and are producing successful outcomes.



**MARIAN
RYAN**

Candidate declined to answer.

SCHOOL-TO-PRISON PIPELINE



According to a study of school based arrests in Massachusetts' three largest school districts, most arrests of students are reflective of youthful misbehavior, and predominantly not public safety risks. Additionally, the study found that

Black and Latino children and special needs children are more likely to be arrested for behavior for which their white peers would not be arrested for. How will you prevent your office from serving as an entry point for young people into the school-to-prison pipeline?



**DONNA
PATALANO**

There are two critical ways the DA can prevent young people from becoming involved in the criminal justice system. The first is training. I will work with police departments and schools across Middlesex County to ensure that both officers and school staff understand and work to mitigate the impact of implicit bias on discipline. Further, every staff member of the District Attorney's Office will be trained to review every case with an eye toward justice and equity, rather than a conviction

at any cost.

The second way to prevent young people from being unnecessarily involved in the criminal justice system is to make sure that when a case does get to the DA's office, there is a clear protocol for screening and diversion. When I am the DA, every case involving a person under the age of 25 will go to the Juvenile and Emerging Adult Bureau for review. The Bureau will prioritize diversion and restorative justice over incarceration.



**MARIAN
RYAN**

Candidate declined to answer.



RECORD EXPUNGEMENT

The newly enacted criminal justice law creates some opportunities for the expungement of juvenile and criminal records created before the age of 21 (as long as their sentence is completed and they have not re-offended in 3 to 7 years) to ensure that young people are afforded the opportunity to develop into healthy and successful adults without being held back by a juvenile or criminal record, particularly when their record does not serve a public safety benefit. Research* has shown that individuals with a record who have not reoffended within three to four years are at no greater risk of offending than the general population. Yet these records can bar young people from housing, employment, college, and the military. The new law gives district attorneys the opportunity to object to a petition to expunge an otherwise eligible record. Under what circumstances would you object to expungement of records?



**DONNA
PATALANO**

I believe that the ability to expunge a record is necessary and important. As a defense attorney, I was able to seal the felony conviction of one of my clients. She had served her time, paid her debt to society, and just wanted to teach her kids' Sunday school class, which she could not do with a criminal record. We shouldn't rob from people the opportunity to become engaged and successful members in our communities.

Expungement provides an opportunity to move on in a meaningful way and make it easier for folks to obtain housing and employment to create

stable and safe life. This is especially true in cases with young adult offenders.

As Middlesex District Attorney, I would certainly encourage the expungement of records created before the age of 21 in most cases. Exceptions to this policy would likely be rare and specific to each case pending careful review. With expungement, we must still appreciate the essential need to protect the safety of victims and the community. At the same time, the Office will allow room for individuals to undergo rehabilitation programs and will review each case thoughtfully and individually.



**MARIAN
RYAN**

Candidate declined to answer.

YOUNG ADULT RECIDIVISM



Young adults (18-25 years old) have the highest recidivism rates of any age group in the justice system. What reforms in the juvenile and the criminal legal systems do you support to improve outcomes for young people so they are better situated to mature into a more positive adulthood and with reduced recidivism?



**DONNA
PATALANO**

Research on brain development demonstrates that young people who are involved with the criminal justice system are able to benefit from targeted interventions. Unfortunately, the recently passed criminal justice reform bill did not raise the age of juvenile court jurisdiction. As DA, I will continue to advocate for meaningful reform that better serves every young person.

The Juvenile and Emerging Adult Bureau will work with researchers and experts in the field to identify programs that work to put young people on course for productive lives, and will collect data to assess impact on a yearly basis to determine the 1, 3, and 5 year rates of recidivism. Prosecutors will be trained to screen all cases involving young adult offenders to determine whether prosecution or diversion is the most appropriate next step. To ensure success of diversion programs, the Bureau will further develop and expand partnerships with community-based organizations. Staff will also work with partners to write for grants and dedicate resources to evidence-based programs.



**MARIAN
RYAN**

Candidate declined to answer.

JUVENILE LIFE SENTENCE PAROLE ELIGIBILITY



The Massachusetts Parole Board has a reputation for granting a relatively low rate of parole. The DA plays an important role in parole hearings, including all juvenile lifer parole release hearings. Given the rulings for the Massachusetts Supreme Judicial Court and the US Supreme Court's ruling that juveniles are less culpable and have greater capacity for change, what factors would you consider when recommending or opposing parole? What steps will you take if the Parole Board continues to grant parole to only a small fraction of eligible juvenile lifers?



**DONNA
PATALANO**

I have appeared before the Parole Board for a number of hearings. For each hearing, I reviewed the experiences and challenges the person requesting parole faced while incarcerated. I thought about the change that young offenders can undergo as they grow older. I will make it the standard operating procedure in my office to do the same. One of the most remarkable moments of my career occurred during a parole hearing. I had prepared to oppose the

request for parole. The person requesting parole spoke so eloquently about how his life had changed, from his 17-year-old self to a man who grew up while incarcerated. Later, the victim's family spoke. They spoke of their loss. And they spoke of their forgiveness. When the parole board asked me, I told them that the Commonwealth had planned on opposing the request, but in the face of the grace shown by the victim's family, and seeing first-hand the true reformation of the man requesting parole, I couldn't hold that position any longer. It's important as a leader to continue to listen, to continue to be informed, and to continue to allow people to change, grow, and mature.



**MARIAN
RYAN**

Candidate declined to answer.

VOTER GUIDE PARTNERS

Citizens for Juvenile Justice
www.cfjj.org



Greater Boston Legal Services
CORI and Re-entry Project
www.gbls.org



GLBTQ Legal Advocates &
Defenders
www.glad.org



The Home for Little Wanderers
www.thehome.org



I Have a Future
www.ihaveafuturema.org



National Association of Social
Workers - MA Chapter
www.naswma.org



Roca
www.roainc.org



Strategies for Youth
www.strategiesforyouth.org

