

DISTRICT ATTORNEY YOUTH JUSTICE VOTER GUIDE



PLYMOUTH COUNTY GENERAL ELECTION 2018

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



General Election Voter Registration Deadline

Wednesday, October 17th, 2018

General Election

Tuesday, November 6th, 2018

REGISTERED CANDIDATES FOR PLYMOUTH COUNTY DISTRICT ATTORNEY



**TIMOTHY
CRUZ**
Republican



**JOHN
BRADLEY**
Democrat

*Both registered candidates will appear on the General Election ballot

YES/NO QUESTIONS



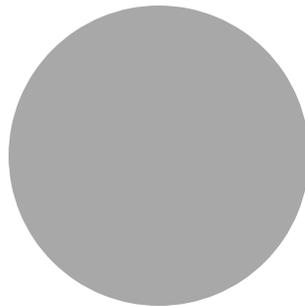
The following eight questions were presented to each of the candidates as yes/no questions. The answer key for the yes/no questions is:



**CANDIDATE
ANSWERED
"YES"**



**CANDIDATE
ANSWERED
"NO"**



**CANDIDATE
DECLINED
TO ANSWER**

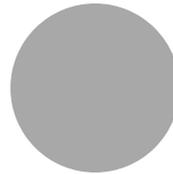
RACIAL AND ETHNIC DISPARITIES



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



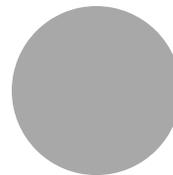
DATA COLLECTION AND TRANSPARENCY



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



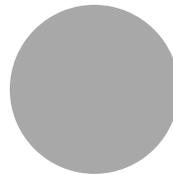
DIVERSION PROGRAMS



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



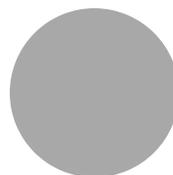
RAISING THE AGE



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



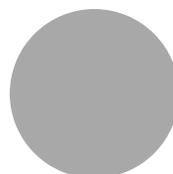
CHILDREN STANDING TRIAL



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



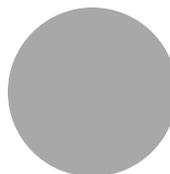
PAROLE FOR JUVENILE OFFENDERS



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



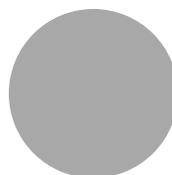
ENDING CASH BAIL



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



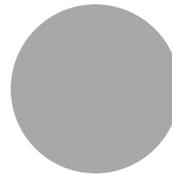
COMMITMENT STATEMENT



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?



**TIMOTHY
CRUZ**



**JOHN
BRADLEY**



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. Answers to each question are spread across two to three pages.



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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

I intend to create a data analyst position if elected. The purpose in doing so will be to collect all types of data on people entering the criminal system , including juveniles. Once the data is collected , it will of course be analyzed. And once it is analyzed and disparities are identified -- such as disparities in juvenile diversion -- we can make efforts to rectify them.

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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

See "Diversion Data" answer. We will analyze all types of data , for adults and juveniles. The overarching goal will be to eliminate , so far as possible , inequality in charging decisions , bail recommendations, sentencing recommendations and other areas of concern.

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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

The juvenile diversion program would serve all juveniles in the system. I will make sure we have at least two full time diversion officers on staff so that those in the program receive hands on treatment. The goal will be to offer encouragement in every way to produce successful completion of the diversion program.

*https://www.cfjj.org/s/MADiversion_FinalReport_2015-01-14-FINAL.PDF

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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

I will make sure that there is better communication between school officials , the police ,the community ,and the district attorney's office. I will impart the message as DA that we want to make every effort to keep kids from entering the system in the first instance ; that is , as far as possible discipline and punishment should be meted out within the schools. Only public safety issues , for the most part, should be sent to the DA's office. The current mentality seems to favor charging offenses first , and letting the juvenile courts sort things out . I intend to change this.

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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

I can't think of any such circumstances offhand where I would object. It would have to be a very unusual situation.

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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

I support more use of adult diversion for those charged with nonviolent offenses. I believe diversion provides a powerful incentive for change, as it can result in pre-arraignment dismissal. I also believe pretrial probation is an effective tool, because it also can result in a dismissal without an admission or finding of guilt. The upshot is we, as prosecutors, have been far too quick to send young people to jail for non-violent offenses. This needs to change.

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?



**TIMOTHY
CRUZ**

Candidate declined to answer.



**JOHN
BRADLEY**

I would weigh the nature and circumstances of the offense(s) ; I would place significant weight on efforts made while incarcerated at rehabilitation and betterment ; I would consider the degree of remorse ; and of course , I would value input from the victim or the victim's family. As to the second question, I would recommend parole myself , if I believed it was warranted.

VOTER GUIDE PARTNERS

Citizens for Juvenile Justice
www.cfjj.org



I Have a Future
www.ihaveafuturema.org



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



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



GLBTQ Legal Advocates & Defenders
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