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.
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

PAUL CACCAVIELLO
Democrat

ANDREA HARRINGTON
Democrat

JUDITH KNIGHT
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
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?
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?

PAUL CACCIAVELLO

ANDREA HARRINGTON

JUDITH KNIGHT
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?

PAUL CACCAVIELLO

ANDREA HARRINGTON

JUDITH KNIGHT

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?

PAUL CACCAVIELLO

ANDREA HARRINGTON

JUDITH KNIGHT
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?

PAUL CACCAVIELLO

ANDREA HARRINGTON

JUDITH KNIGHT
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?

PAUL CACCAVIELLO

ANDREA HARRINGTON

JUDITH KNIGHT
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 disproportionally held in juvenile detention. Would you be in favor of ending cash bail for low-income and young people in foster care?
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?

*http://justicelab.iserp.columbia.edu/statement.html
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?

PAUL CACCIAVELLO
Candidate declined to answer

ANDREA HARRINGTON
As an elected official leading the Berkshire County District Attorney's office, I will be committed to public accountability and transparency. My office will track the race and ethnicity of the parties involved in cases that we are prosecuting and we will make that information publicly available in order to ensure that we are treating people fairly. My office will also provide training in cultural competency to our employees and we will create a Citizen's Advisory Board made up of a diverse group of community members to weigh in on the policies enacted and followed by the Berkshire District Attorney's office.

JUDITH KNIGHT
I would keep a data sheet which includes the name, address, age, race, gender, criminal charges and terms of the pre-trial probation (diversion program) and whether the person completed the program on file. The name and address of each individual would be kept confidential but the remaining information would be public.
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?

PAUL CACCAVELLO
Candidate declined to answer

ANDREA HARRINGTON
The overrepresentation of youth of color in the criminal justice system is unjust and it must end. My office will keep records of the race and ethnicities of all parties involved in matters being prosecuted by my office within the office docketing system from the inception of every matter. The aggregate data will be shared in a way to protect individual’s identities and we will review that data with the Citizen’s Advisory Board that I will create. The goal of reviewing the date will be to identify any disparities in treatment so that we may take corrective action within the office. We will conduct quarterly, public reviews of our data.

JUDITH KNIGHT
I would assign one of my assistant district attorney’s in the district and superior courts to keep a record for all bail requests from the DA’s office and the defense attorney and what the judge ruled on bail for each case along with the name, address, age, race, gender, criminal charges and whether the person was able to make bail and if so, how long the person was incarcerated before making bail. public. I would make this information public except for the person’s name and address.
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. The Berkshire District Attorney’s office does not offer formal juvenile diversion. Would you create a formalized juvenile diversion program? If so, how would you address the gaps mentioned above?

**PAUL CACCAVELLO**
Candidate declined to answer

**ANDREA HARRINGTON**
It is unacceptable that the Berkshire County District Attorney’s office has not implemented a formal juvenile and young adult diversion program. I will immediately rectify this problem by creating a robust diversion program for juveniles and young adults. ADAs will be specially trained to handle cases involving juveniles and young adults based on the science of human development. We will collect comprehensive data including race/ethnicity to measure fairness and outcomes and my office will work with community partners in implementing rich programming for court involved juveniles and young adults. I will work with experts in creating standardized screening and assessment tools to distinguish between the risks and service needs of youth.

**JUDITH KNIGHT**
I would absolutely create a formal juvenile diversion program. I would create guidelines for the eligibility of the program based on the charges and the personal history of the juvenile (age, gender, race, years of education and the circumstances of the case) to help streamline eligible juveniles into the appropriate program. I would assign one or two prosecutors to oversee these cases and their duties would include speaking with the juvenile’s parents or guardian and teachers to best access whether the juvenile needed treatment or education or to be part of a restorative justice program. I would keep track of the success of the diversion programs and meet regularly with those in charge of the specific program to see how we could improve the effectiveness of each program.

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?

PAUL CACCAVIELLO
Candidate declined to answer

ANDREA HARRINGTON
My experience representing young people in juvenile court and also as a parent has shown me that young people are very impressionable and that treating young people like criminals has a devastating impact on a young person’s self-worth and identity. I am committed to working with law enforcement limiting arrests of juveniles to instances where the public safety is at risk. I will work with local schools and community organizations like Multicultural Bridge and the NAACP to provide training for staff and teachers with the goal of building a culture where students of all races and ethnicities are treated fairly and can thrive.

JUDITH KNIGHT
The scientific data informs us that a person’s brain is not fully formed until they are approximately 25 years old and this applies to all people, regardless of race or gender. I would ensure that all non-violent persons regardless of age, race, gender or years of education had an opportunity to complete a diversion program appropriate to their charges and life circumstances which would offer, in part, treatment and education. I would create a mentoring program. The mentors would be fully vetted by the DA’s office. They would be diverse in race and gender. The mentors would be assigned to those juveniles who did not have a reliable parent or guardian taking care of them at home. The mentor would work with the juvenile at least once a week for 6 months to a year after the conclusion of the diversion program to assist that juvenile in continued treatment, education and/or finding opportunities for employment. If both mentor and juvenile wanted to continue the mentoring relationship longer than the 6 months or 1 year, the DA’s office would be supportive of that.
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?

**PAUL CACCAlELLO**
Candidate declined to answer

**ANDREA HARRINGTON**
Having represented juveniles in Juvenile Court matters and also employees in employment law matters, I understand that it is vital that opportunities be available to people who have been court involved. I have always made it a priority to protect my clients from acquiring a record that would hurt them later in life. In the vast majority of cases, juvenile court matters should not follow children throughout their lives. My office policy will be to review expungement requests with the goal of allowing people to move forward in their lives while also protecting public safety. Objections will be on a case by case basis with approval to object from the district court supervisor required.

**JUDITH KNIGHT**
The only (rare) instances in which I would object to the expungement of a juvenile or criminal record is if the person at issue had been extremely violent in their previous case or had committed a felony sexual assault and my office had reason to believe that the person still had predatory tendencies.

*https://www.ilr.cornell.edu/sites/ilr.cornell.edu/files/kurlychekcrimeanddelinquencyracine.pdf
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?

PAUL CACCAVIELLO
Candidate declined to answer

ANDREA HARRINGTON
The brains of 18-25 year olds are still maturing which can lead people in this age group to act impulsively, by the same token, 18-25 year olds are also very receptive to rehabilitation. This is a critical period in a young adult’s life when they should be learning important life skills. It will be the goal of my office to provide pathways for young people who have committed nonviolent offenses to receive meaningful treatment instead of jail. I will implement a juvenile and adult diversion program with a special emphasis on rehabilitation over incarceration for young adult offenders. All of the ADAs in my office will receive training in brain development and I will create a specific unit trained to handle matters involving juveniles and young adults.

JUDITH KNIGHT
I would divert almost all juvenile cases with the exception of cases where the juvenile was violent or predatory. Of those cases, diverted, I would ensure that the juvenile’s diversion program was best suited to address the core needs of the juvenile, i.e., treatment for drugs or alcohol abuse, mental illness, or lack of stability at home or education. For those juveniles who did not have a reliable parent or guardian at home, I would assign a mentor to work with the juvenile for a minimum of 6 months to 1 year after the conclusion of the diversion program. I would build in some flexibility into the diversion programs, i.e., if the juvenile made one mistake along the way, this would not result in the termination of the program but mistake would be addressed as a teachable moment. I would take into account the scientific data that informs us that the part of a person’s brain that manages impulses and decision-making is not fully formed until approximately age 25. The bottom line is the best way to keep young people from reoffending is to teach them a better way. Finally, I would dedicate a portion of the drug forfeiture funds seized in drug cases to fund the juvenile programs and co-create a community center (in Pittsfield where it is needed) for young people.
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?

PAUL CACCAVIELLO
Candidate declined to answer

ANDREA HARRINGTON
I agree that it is essential to consider the age at the time of the offense for parole applicants in light of the science around brain development. In making parole recommendations, I will consider the wishes of the victims and the success of the applicant during incarceration. I will work with the Parole Board to ensure that all applications for parole are fairly considered and will advocate for policies and legislation that fairly takes all of these factors into account.

JUDITH KNIGHT
I would make certain that the Parole Board was aware of the scientific data which shows that a person’s brain is not fully formed until the approximate age of 25. I would show the Parole Board the success rate of the juvenile diversion programs in my community. If that didn’t work, I would talk to my representatives in the legislature to change the law so that if a juvenile had met certain criteria, the Parole Board would have to release them.
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.rocainc.org

Strategies for Youth
www.strategiesforyouth.org