

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

Wednesday March 25, 2020

1pm – 3pm

**Meeting held virtually due to COVID 19 emergency response**

**Subcommittee Members or Designees Present:**

Maria Mossaides (OCA)

Gretchen Carleton (DCF)

Michael Glennon (Suffolk County DA's Office)

Brian Jenney (DPH)

Karin Orr (DMH)

Nokuthula Sibanda (DYS)

Barbara Wilson (Children's League)

Migdalia Nalls (CPCS)

Leon Smith (CFJJ)

Dawn Christie (Parent Representative)

**Other Attendees:**

Melissa Threadgill (OCA)

Kristi Polizzano (OCA)

Alix Riviere (OCA)

Alexis Yohoros (OCA)

Jasmine Jackson (CJI)

Leila Khelfaoui (CJI)

Members of the public

**Meeting Commenced: 1:00PM**

**Welcome and Introductions:**

Ms. Threadgill welcomed the attendees to the Community Based Interventions (CBI) subcommittee meeting. The nature of this meeting is different due to COVID-19 emergency response shifting the meeting to a virtual WebEx platform. She explained some general guidelines for the virtual meeting and

then introduced all the individuals in the WebEx video conference. Individuals on the phone introduced themselves.

### **Approval of Minutes from February Meeting:**

Ms. Threadgill held a formal vote on the approval of the previous Community Based Interventions meeting minutes. The representative from CPCS abstained since she was not at the last meeting.

The meeting minutes for February were approved.

### **Goals of Diversion Agreement**

Ms. Threadgill explained that the OCA developed the four draft goals for diversion agreements below after careful consideration from previous group discussions and the diversion field nationally. Goals include:

1. Reduce the likelihood of future offending
2. Support positive youth development
3. Equity
4. Promote accountability for actions

Ms. Threadgill opened the floor for discussion surrounding these goals, and asked for feedback. There was consensus that these four values represented the goals of a diversion agreement. Some members asked if family support should be its own goal. Ms. Threadgill explained that the next section discusses taking family goals and considerations into account.

### **Understanding Context for the Diversion Agreement**

Ms. Threadgill presented on six sources of information that Diversion Coordinators needed to incorporate to inform development of the diversion agreement. The OCA established these six areas (in no particular order) after previous group discussion and national examples:

1. Youth needs
2. Youth risk
3. Prior history
4. Victim input
5. Incoming offense
6. Family voice

## 7. Youth voice

The group was in agreement that the six areas presented here were most important to understanding the context. It was suggested that “family voice” include a broad definition of what family is to the youth. For example, some youth view strong family ties beyond/ instead of biological parents, and those should be included here. Some of the group suggested using language around “caregivers and other individuals who support the youth.” These supports are important to identify in the diversion agreement. There was support in the idea that family looks different from youth to youth.

There was concern about school records and support as a part of understanding the context. Ms. Threadgill responded that she would follow up with Suffolk County District Attorney’s Diversion Program coordinators to get a sense of what they do in that area.

### **Use of Risk/Need Assessments**

Using risk/need assessments can also contribute to the Diversion Coordinator’s understanding of context. Ms. Threadgill discussed the pros and cons of using risk/need assessments in juvenile justice agencies more generally:

- Pro’s include: reducing implicit bias, helping determine interventions likely to be most effective, improving resource allocation, and improveing practice consistency
- Con’s include: potential for misclassification of youth of color, interpretation of results can vary, stigmatization of the youth, and time/resource intensive to conduct

Ms. Threadgill also noted that assessment utilization can exist on a continuum from no assessments, to short screen triaging, to full assessments for all youth. Ms. Threadgill provided the group with examples of jurisdictions in each category. South Dakota does not have a set diversion assessment for all youth; Suffolk county, MA, and Fairfax, VA, each provide a “short screen” to all youth and further risk/needs assessments for youth who score higher; Delaware does a full assessment on all youth eligible for diversion.

Some members of the group expressed concern over how to ensure the results of risk/needs assessments were not shared with individuals who might be biased by those results, or to agencies that might use the results against a youth in the future. Ms. Threadgill echoed the

concern and recommended it be included when the group discusses information sharing during the May meeting. Some members also expressed concerns over assessments contributing to racial/ethnic and socio-economic disparities and disparate treatment of youth in the system.

The group expressed that no matter what assessment or level of assessing is established, the agency responsible for diversion should base those decisions on data and research. There was agreement that the assessments should be used to reduce bias and not contribute to it.

Ms. Threadgill asked the representatives from Suffolk County's Diversion Program to speak about how they use assessments. Mike Glennon explained that the initial OYAS-DIV screen is to make sure youth who score "Low" are not placed in their formal diversion program, and thus, are not overly intervening in youth who do not need it. Mr. Glennon explained that the Risk/Needs assessment they use for Formal Diversion is not used to classify youth into categories, but rather to match appropriate services to youth. This gives the diversion coordinators guidance on what services might best help any given youth.

Ms. Threadgill reiterated the three main concerns she heard during this portion of discussion:

1. As the Diversion Coordinator and home agency think of criteria to choose assessment tools, racial/ethnic and socio-economic disparities need to be taken into consideration; as well as the impact asking certain questions might have on kids (e.g. asking a youth if they have a family member who is incarcerated).
2. The group encourages the Diversion Coordinator to use these tools as a means to understand context and build an appropriate case plan, and caution against categorizing youth in ways that replicates biases seen in the system.
3. The agency will need to establish how much weight assessments should have in the overall development of diversion agreements.

### **Interventions for the Diversion Agreement**

Ms. Threadgill continued the presentation by giving five examples of intervention types that the group could consider:

1. Kentucky—uses a case planning, goals-oriented approach to their interventions.

2. Louisiana— uses the results from their risk/need tool to inform interventions in four domains for the youth: Anger/Aggression, Mental Health, Family Issues, and School/Education. This intervention plan indicates that coordinators should not over-intervene in the lives of youth who are “low risk/need,” and instead, build on strengths and protective factors.
3. Fairfax, Virginia—uses a dispositional matrix that indicates the level of screening and interventions for low, moderate and high risk youth. The matrix shows that diversion coordinators should find services within the “need” assessed for youth who are considered low and moderate risk. Youth who classify as “high risk” should have services provided in their higher needs area, and an increased level of monitoring in their diversion case plan.
4. Cambridge, Massachusetts – uses a matrix for intervention planning. This matrix uses the risk score, and matches interventions with the “needs” area from the assessment. This tool indicates that “low” in any of the domains is considered a strength and should be considered building upon when case planning.
5. Milwaukee, Wisconsin—uses a matrix for intervention services that uses risk level and needs domains to match services with youth on diversion.

Ms. Threadgill again asked the representatives from Suffolk county diversion to speak a little about their interventions. Mr. Glennon stated that in the initial start-up phase of their diversion, they used an intervention matrix and the programs self-selected what population of youth (on the matrix) they served best. He explained that in his experience, the intervention matrix was helpful at the set up, but not necessary to sustain the practice once it was established. He added the caveat that the Diversion Coordinators had to become familiar with appropriate programming for youth. This led to agreement from the group that any intervention matrix needs to be geographically-based. Ms. Threadgill agreed and suggested anything this group develops would be high-level recommendations of intervention types. Some of the members expressed concern about the perceived legitimacy of any given tool and any given agency and how that can help or hurt buy in for diversion. The group will need to take that into consideration and how effective communication and buy in will help the early stages of diversion.

### **The Diversion Agreement**

The last part of the meeting was dedicated to discussing the Diversion Agreement document. Ms. Threadgill reminded the group of the goals of diversion agreements that were established earlier on in the meeting: reduce the likelihood of future offending, supporting positive youth development, equity and promote accountability for actions.

Ms. Threadgill went over a list of common conditions seen across diversion programs. Some programs have mandatory/universal conditions for all youth along with tailored conditions, while others tailor each agreement for each youth. Some programs have conditions that mimic probation cases. Some conditions used in other diversion programs included: participating in community based programs, community service, restorative justice programs, restitution, counseling/therapy, curfews, follow school rules and check-in calls with the Diversion Coordinator.

Ms. Threadgill also mentioned general information that Diversion Agreements include such as: basic information about the allegation, information sharing/confidentiality agreements, expectations for family involvement, waiving of rights, and any expungement/record keeping process information that exists.

The group suggested that there should be no restitution condition placed upon a youth. The group also suggested that there needs to be a graduated response protocol in place to incentivize youth to do well and allow for mistakes to be made without terminating diversion. Ultimately there was agreement among the group that the Diversion Coordinator needs to tailor all conditions to be specific to the individual and situation. Some in the group suggested that any graduated response policy should allow for individual responses as well. It was also discussed that having stakeholders and referrers in the system collaborate on Diversion Agreements, especially early on in program development. This will aid buy in and exemplify the legitimacy of the program. Finally, the discussion wrapped up with a reminder that the Diversion Coordinator and the Diversion Agreement will have to take family engagement into consideration and planning.

**Closing Comments:**

Ms. Threadgill mentioned that the OCA would take these recommendations and develop draft Agreement and Intervention recommendations. She reminded the group that the goal of all this is to create a program guide for whatever agency hosts the Diversion Program. Ms. Threadgill

reminded the group of the next meetings' topics and thanked everyone for their participation today.

Ms. Threadgill noted the next meeting will be held on April 29, 2020 from 1-3:00pm. The location is to be determined based on the COVID-19 emergency response status. The meeting adjourned.

**Meeting adjourned: 2:12PM**