

Office of the Child Advocate
Juvenile Justice Policy and Data Board - CBI Subcommittee Meeting Minutes
Friday, February 1st, 2019

Subcommittees Members or Designees Present:

Maria Mossaides, The Child Advocate, Chair (OCA)
Kevin Kennedy (MA Chief of Police Association)
Mike Glennon (MDAA)
Sana Fadel (Citizens for Juvenile Justice)
Rebecca Brink (DCF)
Gretchen Carleton (DCF)
Brian Jenney (DPH)
Marc Carregal (MA Probation Services)
Barbara Wilson (Children's League)
Barbara Kaban (CPCS)
Matthew Broderick (DMH)
Thula Sibanda (DYS)

Other Attendees:

Melissa Threadgill (OCA)
Melissa Williams (OCA)
Jacob Agus-Kleinman (CSG)
Joshua Weber (CSG)
Courtney Warren (CSG)
Members of the Public

Meeting Commenced: 2:09pm

Welcome and Introduction from the Office of the Child Advocate:

Ms. Mossaides welcomed the attendees to the first Juvenile Justice Data and Policy Board - Community Based Interventions Subcommittee meeting and each person introduced themselves.

Ms. Mossaides announced that the CBI Subcommittee meetings are subject to the Commonwealth of Massachusetts' Open Meeting Law and stated that any subcommittee member or member of the public with questions regarding the law may either contact OCA or find more information on the Attorney General's website. She also requested the Data Subcommittee members sign the OML certification form.

Ms. Mossaides briefly discussed the goal of the Community-Based Interventions (CBI) Subcommittee, which is to study the current state of affairs regarding community-based services offered to youth involved in the juvenile justice system. She stated that far too often, the juvenile justice system is the default system for youth who are experiencing challenging behaviors. Massachusetts is committed to helping divert youth instead of adding them to the system. Community-based interventions are available to children but unfortunately, not all areas have accessible programs. The lack of uniformity in treatment leads to the possibility of children being a victim of where they live. However, regardless of where the child or youth resides, we want to make sure they have access to services to address their needs. In line with the Office of the Child Advocate's mission, Maria stated that all children in the Commonwealth should receive quality and timely services regardless of where they live.

Ms. Mossaides introduced Ms. Threadgill, the Office of the Child Advocate's new Director of Juvenile Justice Initiatives, who will be providing lead staffing for this subcommittee.

Ms. Threadgill reviewed the agenda.

Purpose of the CBI Subcommittee:

Ms. Threadgill explained that the CBI Subcommittee is part of the overall Juvenile Justice Policy and Data Board (JJPAD) and is one of the three subcommittees. Ms. Threadgill went over the three year-one priorities of the JJPAD.

1. Improving Aggregate Data Collection
2. Expanding and Improving Community Based Interventions
3. Identifying Early Impacts of Statutory Changes

The CBI Subcommittee will be responsible for focusing their work on priority two: Expanding and Improving Community-Based Interventions (CBI)

Ms. Threadgill went over the meeting timelines for both the JJPAD full board as well as the three subcommittee. The timeline is as follows:

1. Full JJPAD Board Meetings Bimonthly (February, April, June, September, November)
2. Subcommittee Meetings Monthly (Data Subcommittee, CBI Subcommittee, Childhood Trauma Task Force)

Ms. Threadgill discussed the key legislative requirements surrounding the expansion and improvement of community-based interventions, which include reporting on the key focus areas

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of youth justice system diversion programs, community-based services, and the overlap between juvenile justice and the mental health care system.

Ms. Threadgill commented that the subcommittee may make recommendations to legislature for statutory and budget changes.

Ms. Threadgill explained the different levels of community-based interventions. Community-based interventions start off with early intervention through school involvement, Children Requiring Assistance (CRA) or through child welfare (DCF). The next level of intervention includes diversion with law enforcement, clerks, district attorneys, and judicial involvement. Lastly, post-disposition through administrative probation and risk/need probation. All of these actors refer youth to community-based treatment programs and services

Ms. Threadgill stated that there has been a lot of focus on diversion, but we want to look at the wide array of programs and not solely diversion. Community-based interventions encompass those interventions between prevention and DYS commitment.

Ms. Threadgill continued to say that many stakeholders have noted concerns that we currently do not have the appropriate interventions needed for high need youth in all areas of Massachusetts.

Proposed Year One Work Plan:

Ms. Threadgill described the proposed objectives for the community-based interventions subcommittee. The year one objectives focus on three key areas:

1. Research current diversion policies and procedures in MA, including police diversion, district attorney diversion, and judicial diversion
2. Conduct a statewide assessment on availability of community-based treatment programs and services for justice-involved youth (focus on identifying gaps in services)
4. Develop statutory and budget recommendations for expanding and improving community-based interventions

Ms. Threadgill went through the monthly meeting work plan outlines and the draft timeline to produce the required statewide assessment report (due by the end of 2019). She also went over the tentative timeline for the statewide assessment survey, with the goal of presenting recommendations to the full JJPAD board by September 2019.

Ms. Threadgill explained her thoughts about potentially having regional meetings and focus groups with families and youth. Dates have not yet been determined. She also announced that the

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Diversity and Inclusion Working Group will now be open to the entire JJPAD board and subcommittees to include voices at the table that are not necessarily there right now.

Ms. Threadgill discussed the presentations that have been planned for the March and April meetings. She stated that the OCA is happy to put together research presentations if anyone is interested in a particular topic. She mentioned also that the Blue Cross Blue Shield Foundation had recently published a report on gaps in mental health treatment, and that possibly the group may want to invite that group to present on their findings.

Ms. Threadgill paused and asked if anyone had questions or comments.

Ms. Fadel asked if the intent of the survey is to reach out to service providers or community members.

Ms. Threadgill responded that there are two draft versions as of right now. The first draft is for practitioners in the field and the second draft is for community providers. She is thinking about a way to include community members. One idea would be to have focus groups and they that could be a more helpful way to include the community.

Ms. Fadel stated that the Citizens for Juvenile Justice used focus groups to hear stories and they found that helpful.

Ms. Brink asked if the point of the survey is to identify the gaps in services. She would like to see who is purchasing what services within state agencies.

Ms. Threadgill responded that the survey is to identify gaps in program availability by program type, community served, and populations served.

Ms. Carleton suggested that the subcommittee cross examines the purchases that DCF, MBHP, CBHI makes in terms of services. She said that DCF is involved in a behavioral health group with MassHealth.

Mr. Broderick mentioned the Sequential Interstate mapping model, which is through the court system. He explained that the project initially started with the adult population, but they are looking to expand and start with the juvenile justice system. The mapping project includes police, mental health services, and substance abuse services. Spin off from the mapping services are focus groups that focus on specific gaps of services.

Ms. Sibanda stated that the mapping of juvenile justice system has started in Bristol.

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Ms. Mossaides said that the OCA could possibly provide financial assistance.

Mr. Kennedy mentioned that the Family Resource Centers should have all this information.

Ms. Threadgill said that all of that information is really held at the community level instead of state level. We need to put together a larger map to view where the gaps still are.

Mr. Broderick raised the idea of cross-checking with agency resource guides. He mentioned the Parent Professional Advocacy League guides as well as the Mental Health Alliance resource guide.

Ms. Mossaides discussed the shared definition challenge. She stated that agencies may use the same terms but are actually referring to something completely different between agencies. One example of this is the term family support and stabilization.

Mr. Jenney asked if we are looking to expand opportunities across the board or focusing on DYS alone.

Ms. Threadgill answered that the focus is on diversion, pre-arraignment. We want to think about how we can expand community programs for diversion, so justice involvement doesn't have to be present in order for youth to receive the services they need.

Ms. Mossaides explained that each agency has their own specialty and programs. Currently, there is no one monitoring all these efforts across the board. The OCA supports agencies and their needs, but we want to fine tune and see what areas need to be focused on the most. There are so many entry points into the juvenile justice system and it's important to figure out which areas have the most challenges.

Mr. Kennedy agreed with Ms. Mossaides' comment that there are as many entry points into the juvenile justice system as there are around 360 police departments in Massachusetts. He explained that each one operates a little differently which causes inconsistencies.

Ms. Brink asked where the funding for new diversion programs will come from. She had questions about what services the Commonwealth will be purchasing and who will be purchasing those services.

Ms. Mossaides commented that if we decide to leave things within the existing framework, we need to figure out how to maximize the Commonwealth's current services.

Ms. Carleton discussed the challenge of not having programs that are equipped to serve high-risk youth and their needs. She stated that we are currently sending children to services that do not match up to their needs.

Ms. Wilson stated that we need to address workforce issues.

Ms. Threadgill agreed and said that as a whole, there needs to be more systems-level planning and coordination.

Ms. Mossaides continued by saying that the subcommittee needs to make the best-informed recommendations and decisions, so legislation knows what and who to fund.

Ms. Threadgill noted that the OCA is receiving technical assistance on the year-one objectives from some outside groups, including a pair of students from the Harvard Kennedy School, JDAI, and the Council of State Governments in partnership with the Leadership Forum. She mentioned that the Leadership forum is also interested in diversion and they are working with CSG. Ms. Threadgill asked CSG to present an overview of diversion research at today's meeting.

Council of State Governments Justice Center (CSG): Overview of Diversion Research:

Ms. Threadgill welcomed Joshua Weber, Jacob Agus-Kleinman, and Courtney Warren from the Council of State Governments Justice Center (CSG) who will be speaking about the current research on juvenile diversion as well as best practices they've observed in their work across the country. The CSG is a national nonprofit nonpartisan membership association of state government officials that provides practical advice informed by the best available evidence.

Mr. Weber started off by explaining that the Risk, Need and Responsibility Framework should guide decisions on who warrants supervision and services, for how long, and in what way.

He explained the framework.

1. The Risk Principle identifies and focuses supervision and services on those youth most likely to reoffend.
2. The Need Principle identifies and addresses the key needs that are the primary causes of the youth's delinquent behaviors. (dynamic risk factors = key to reducing recidivism)
3. The Responsibility Principle matches youth to services based on their strengths and how they respond to treatment.

Mr. Weber explained that research and analysis has shown that relying on offense-based criteria alone to guide diversion decisions is insufficient. It was also explained that risk-based criteria

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can more accurately differentiate youth's risk of reoffending and the population for whom diversion is most appropriate.

The use of risk and needs screening and assessment tools helps jurisdictions to match youth with the right level and type of supervision and services.

1. Low Risk → Diversion from court → Referrals to other systems and community providers
2. Medium Risk → Diversion/Probation → Focus system supervision and services on identified risk and needs
3. High Risk → Probation OR residential placement → Focus system supervision and services on identified risk and needs

Mr. Weber discussed how diversion can occur at multiple points, with key policies and tools required at each point in order to maximize potential benefits. Jurisdictions can employ different types of risk and need screening tools to guide diversion decisions depending upon staff time, capacity, and expertise. He also described potential diversion programming decisions for youth depending on their risk levels.

Mr. Weber stated that formal, ongoing collaboration across systems is key to ensuring the juvenile justice system doesn't become the default system for addressing all the at-risk youth's needs. Juvenile justice agencies should strive to track and use data at multiple levels to understand and improve diversion decisions and program effectiveness.

Mr. Weber provided examples of how other states have advanced statewide policies/protocols to divert youth who commit status and delinquent offenses from court involvement, including examples from Utah, Delaware and Kentucky

Mr. Weber concluded his presentation by asking if anyone had any questions or comments.

Ms. Kaban asked if he had any data on adjudication as most of the data presented was about youth arrests.

Mr. Weber stated that they do have adjudication data, however the data trend is the same. He also explained how low risk youth that have no diversion can sometimes have a better outcome than youth who are diverted into programs since they are around other youth who have a criminal mentality.

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Ms. Carleton asked about the percentage of kids who went back into the child welfare system instead of going back to their families? She said this data would differentiate the youth that do have a support system versus those that go back into the system.

Mr. Weber stated that he understood her question but did not know the percentage. He stated that sometimes the youth or their family may need other services after being released from the juvenile justice system. Yet if they are not a risk to the community, then they no longer need to be a part of the juvenile justice system. This is where agency collaboration comes into play. Research shows that if the juvenile justice system is the default system, youth may end up worse.

Ms. Carleton stated that this research is very helpful for DCF. She said there are youth that go into the juvenile justice system but then go back into foster care and have new learned behaviors from other youth who were in the juvenile justice system. As a result, they are back reoffending due to the environment they are in.

Mr. Weber asked how do we make sure the two agencies (juvenile justice and child welfare) are working together so youth who are exhibiting questionable behaviors in the child welfare system don't get automatically pushed into the juvenile justice system. Same for situations vice versa. It's important to look at the child's overall needs in order to form a collaborative response.

Ms. Threadgill said that in order to address problematic behavior without sending youth to the juvenile justice requires a conversation about community-based interventions and not just diversion. She stated that was the reasoning behind the creation of the CBI subcommittee.

Ms. Brink recommended putting mental health into the early interventions category instead of services/programs.

Mr. Kennedy asked what happens if a youth fails to participate or refuses to participate.

Mr. Weber commented by saying this is a conversation about accountability which can turn into a more formal diversion program. This can be a reason that someone gets pulled further into the system. If the families are not supportive or not participating, we need to make sure the professionals are trained in youth and family engagement protocols to encourage and motivate youth and families to participate. He stated that Lucas County Ohio Probation is a great example of staff trained in motivational interviewing. He also explained that Delaware and Pennsylvania have worked together across counties to create a state driven approach. It's important to look at foundational policies and then measure the impact.

Ms. Kaban asked about the role and importance of defense attorneys.

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Mr. Weber stated that it's a tricky question and there is no right answer. Some people think that juvenile defense should be present at every juvenile interaction, while others think that if they are not present, it's more of a focus on diversion instead of due process.

Mr. Weber thanked the subcommittee for their participation and was glad to be a part of the process.

Meeting Wrap-Up:

Ms. Threadgill concluded the meeting by discussing a few examples of diversion policy topics for the subcommittee to consider. The topics included:

1. Eligibility for diversion;
2. Coordination between different types of diversion (police, DA, judicial);
3. Diversion program conditions and monitoring;
4. Identification of youth mental health, substance use and trauma needs;
5. Diversion services - what, who, how youth are matched, how funded;
6. Use of restorative justice;
7. Communication and collaboration across services and systems;
8. Assessing and improving program quality;
9. Use of data to track diversion and how data is used to guide future decisions, programming and funding.

Ms. Threadgill will send an email to the subcommittee with a full list of questions we should be thinking about as a group. She asked the group to please let her know if there is anything else they would like to add to the list.

Ms. Fadel commented that racial equity should be added to the list.

Mr. Jenney stated that educating the workforce about the opportunities out there should be added to the list. It's great if the programs are available but the workforce needs to be aware.

Ms. Brink would like to have the topic of program funding and procurement to the list.

As a last comment, Ms. Threadgill said that everyone will receive a Doodle Poll for monthly meeting dates. Everyone will also receive an invitation to the Diversity and Inclusion Working Group. She will also send out a list of readings for people to look at before next meeting as well as a drafted agenda.

Adjournment: 3:46pm