

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Tuesday September 22, 2020
1pm – 3:00PM

Meeting held virtually due to COVID 19 emergency response

Subcommittee Members or Designees Present:

Maria Mossaides (OCA)
Joshua Dohan (CPCS)
Maggie Randall (Sen. Boncore’s Office)
Tammy Mello (CLM)
Cristina Tedstone (DCF)
Peter Forbes (DYS)
Lindsey Tucker (DPH)
Fabiola White (Probation)
Nancy Connolly (DMH)
Barbara Kaban (CPCS)
Naoka Carey (CfJJ)

Other Attendees:

Melissa Threadgill (OCA)
Kristi Polizzano (OCA)
Alix Rivière (OCA)
Angela Brooks (AGO)
Kathleen Bitetti (SAO)
Grace Picariello
Meri Veriano (PPAL)
Members of the public

Meeting Commenced: 1:04PM

Welcome and Introductions

Ms. Threadgill welcomed the attendees to the Juvenile Justice Policy & Data (JJPAD) Board meeting. She explained some general guidelines for the virtual meeting and then asked members and guests to introduce themselves.

Approval of Minutes from July Meeting

Ms. Threadgill held a formal vote on the approval of the previous JJPAD Board meeting minutes.

The meeting minutes for July were approved.

Meeting Agenda

Ms. Threadgill presented the agenda for today’s meeting.

School Resource Officer Working Group Updates

Ms. Threadgill provided updates regarding the School Resource Officer (SRO) Working Group that was formed after the July JJPAD Board meeting, when CfJJ and MHLAC presented their data findings on school-arrest data reporting mandated in the 2018 Criminal Justice Reform Bill. The Working Group met in September to discuss the reasons for non-reporting and underreporting of school-arrests, which was attributed to confusion around role responsibilities, reporting mechanisms, and definitions. Ms. Threadgill explained that the group discussed action steps DESE, schools, MPTC and MCOPA could take to address the reporting confusion, and the Office of the Child Advocate's (OCA) potential supporting role. This group will reconvene when/if a policing bill is passed in the Legislature.

Subcommittee Report Outs

Childhood Trauma Task Force: Ms. Threadgill discussed the work of the CTTF to receive feedback on its draft *Framework for Trauma-Informed and Responsive (TIR) Organizations* and finalize the document. She briefly explained the five Guiding Principles and the five Domains of implementation that are laid out in the Framework. Ms. Threadgill went over the results from the survey the OCA administered for people to provide feedback on the Framework document. Overall, the respondents had positive feedback. The survey also asked for implementation concerns or challenges. Ms. Threadgill told the group that next steps for this Subcommittee included finalizing the Framework document and drafting implementation recommendations to be included in a December report to the legislature.

Community Based Subcommittee meeting: Ms. Threadgill updated the Board on the progress of the Model Program Guide for Statewide Diversion that the Community Based Interventions (CBI) subcommittee has been working on since the start of the new year. This group has met seven times over the course of the year, conducted four information sharing working groups, and presented at five JDAI county meetings. Ms. Threadgill announced that the Department of Youth Services (DYS) will administer/host the Diversion Learning Labs starting in 2021, subject to appropriation. DYS Commissioner Peter Forbes briefly spoke about the status of outreach and the beginning stages of a Request for Proposal (RFP) and procurement process. Counties interested in becoming the Learning Lab will be able to submit proposals to DYS. Commissioner Forbes spoke to important work of the CBI Subcommittee and measuring progress from the get-go. Ms. Mossaides expressed her gratitude to the Commissioner and DYS. She mentioned the OCA has been prioritizing funding for these Learning Labs in their FY21 budget discussions with the Legislature.

Next, Ms. Threadgill went through a flowchart outlining the model program guide work of the CBI Subcommittee. This flowchart included steps around target audience, risk assessments, diversion agreements, case management and case closure. The next steps for this Subcommittee is to get the program guide finalized, support DYS in the Learning Lab launch, and continue as an Advisory Board and ongoing CQI support for Diversion.

Ms. Mello asked for success benchmarks, and how those are defined. Ms. Threadgill mentioned that success for youth meant avoiding unlawful behavior and making meaningful progress on their requirements. (Although success will be determined based on each youth's case plan.) Commissioner Forbes mentioned casting a narrow net is easier to measure, but this program wants to cast a broader net. He mentioned the ongoing work DYS does to balance measures like recidivism with other positive youth outcomes like educational attainment and employment in

DYS’s “rubric of success.” Ms. Carey expressed concerns around standardization around risk screening, length of time, and how the program intends to prevent net-widening. Ms. Threadgill mentioned that youth who are screened as low-risk for reoffending should be placed in diversion for no longer than 3 months. This was discussed in the CBI subcommittee and in the model program guide. Commissioner Forbes weighed in on the appropriate dosage amounts as well. Ms. Carey brought up the importance of data collection throughout the Learning Labs. Ms. Mello asked who is determining the risk level of the youth. The Diversion Coordinator would be conducting the risk/need assessments. The group suggested creating a “referral” roll-out process including training, suggestion cards, and charts. Mr. Dohan suggested “perfection” should not be the measure of success; there should not be a rigid rule. He also added the importance of the right to counsel.

Data Subcommittee: Ms. Threadgill explained that the Juvenile Justice Data website launch is scheduled to take place in the coming months. Ms. Threadgill presented on the website “soft” launch this fall and bigger launch once pages are approved and FY20 data is uploaded. This group has been working on data reporting standard recommendations for variables such as race and ethnicity, sexual orientation, gender identity, offense types, and geography. The reporting standards are important to do an “apples-to-apples” comparison from process-point-to-point, understand trends, as well as system-wide disparities. The group is working on standards for Race/Ethnicity and Sexual Orientation and Gender/Gender Identity (SOGI) and developing a guide to better understand how agencies report by “Geography” and “Offense Type and Severity.” The group agreed on the following criteria to prioritize how to report:

1. Adherence to State and Federal Laws Regarding Confidentiality of Private Information
2. Feasibility of Implementation
3. Level of Detail
4. Recognition of Complexity of Identity
5. Alignment with Other Systems

Race and Ethnicity Reporting

Ms. Threadgill explained the four levels of reporting for race and ethnicity that the Data Subcommittee has defined. She presented on the recommended level of race/ethnicity reporting categories and suggested race should be self-reported. The racial and ethnic categories which the Data subcommittee have suggested should be reported by state agencies are the following:

- Hispanic/Latinx
- Black or African-American
- American Indian or Alaska Native
- Asian
- Native Hawaiian or Other Pacific Islander
- White
- Other
- Unknown (to be used as minimally as possible)
- Recommend to start to incorporate Middle Eastern/North African (MENA) as a race category per Census research in 2015.

The recommendations go on to explain for youth who report more than one race, a prioritization method for aggregation when necessary.

Sexual Orientation and Gender/Gender Identity (SOGI)

Ms. Threadgill mentioned the assistance the Data subcommittee received from GLAD and MA Commission for LGBTQ+ Youth to develop reporting standards for sexual orientation and gender/gender identity across the Commonwealth's juvenile justice agencies. The group determined there are two levels of reporting for these variables:

- Level 1 categories should be asked and reported during any process points when staff cannot develop rapport with the youth or cannot guarantee confidentiality in their answers. For this level there are four reporting categories:
 1. Male/Boy
 2. Female/Girl
 3. Another Gender (to include Gender X markers)
 4. Prefer not to answer
- Level 2 categories should be asked and reported when there is more opportunity for rapport building and ability to keep the information confidentiality. This list of categories and answers include:
 1. Gender Identity: Male/Boy, Female/Girl, Another Gender, Prefer Not to Answer
 2. Transgender Status: Transgender, Not Transgender, Prefer not to answer/not sure
 3. Sexual Orientation: Heterosexual, LGB+ (Aggregate multiple options), Prefer not to Answer
 4. Intersex Status: Yes, No, Prefer not to answer/not sure

Ms. Threadgill mentioned that the OCA would support trainings around these data collection points and reporting if requested by agencies. Ms. Mello expressed concerns around just leaving this up to training and spoke to the negative unintended consequences of not being able to keep information confidential or ask in a safe way.

Annual Report Outline and Timeframe

Ms. Threadgill showed the updated Full Board work plan for the remaining portion of 2020. The 2020 Legislative Report will include FY20 data trends, COVID-19 contextual information, summaries of the subcommittees' work, and any other additional recommendations/status updates. Of note:

Childhood Trauma Task Force (CTTF): The CTTF will issue recommendations to support implementation of the *Framework for Trauma-Informed and Responsive Organizations* in a separate December 2020 report.

Data Subcommittee: The data reporting standards and FY20 data trends will be included in this report. FY20 Data Requests have been requested and will hopefully be collected by the end of September.

Community Based Interventions (CBI): Given the ongoing work on the Model Program Guide, the 2020 report will simply include a progress update on the work.

COVID-19: The OCA will summarize the process changes and policy responses to COVID-19 as it impacted the juvenile justice system and justice-involved youth and their families. The Board can expect the first summary draft for their agency by October 15th.

By November 2, the group will receive the Draft 2020 Legislative Report to review before the November 19th JJPAD Board Meeting.

Board Member Updates & Reflection

The rest of the Board meeting was dedicated to hearing agency updates.

Ms. Tucker (DPH) announced that DPH is conducting a community impact survey regarding COVID-19. The goal of the survey is to hear from youth (14 years old and over) and adults across the Commonwealth, specifically those disproportionately impacted by COVID-19. DPH will use these survey results to see how they can continue to help impacted communities in case of a resurgence of the virus and throughout the recovery phase. The OCA will email this information out to Board members as well as on the JJPAD listserv. The link to the survey is www.mass.gov/COVIDsurvey

Ms. Tedstone (DCF) updated the group on parent/child visits that are happening outside across the state. The Department is working on what they will do once winter comes, and the weather will affect measures that have been taken for warmer weather. DCF is prioritizing what immediately needs to happen. Fair Hearings (“72 hour hearings”) are happening via WebEx and attendance is up.

Mr. Dohan (CPCS) indicated that CPCS and YAD are facing challenges as the pandemic continues on, since they have noticed that virtual meetings are becoming less effective. Indeed, lawyers are struggling to contact colleagues and clients/client families. CPCS is trying to prioritize cases that need to be heard inside a courtroom with a judge. He acknowledged the courts are trying to do the best they can to keep people safe. He expressed worries about the amount of cases building up awaiting trial or a trial date.

Ms. Connolly (DMH) echoed what other Board members were saying about their future worries. She updated the group that clinicians are back in courts for in-person interviews, but they are trying to minimize the amount of time in the buildings and lock-up areas. She mentioned that video conferences were a relief in the beginning, but due to unreliable technology, many interviews were conducted on the phone. She explained certain meetings needed to happen in person, like competency evaluations. Unfortunately, social distancing and masks have made it hard to gain rapport and conduct good evaluations in person. She said if they had access to really good video, WiFi and equipment, they would rely on that technology more. Last, she mentioned that a lot of services have been closed down and, on the adult side, DMH has had to deal with homelessness issues due to decarceration from prisons/jails.

Ms. Mossaides (OCA) updated the group around the Office’s work and concerns around ongoing education issues and access. The OCA is particularly concerned about children who live in poorer communities with no broadband. For the OCA, the goal is to minimize negative impact for a year lost in school. The Office continues its work around transition-age youth and homelessness even in the context of COVID-19.

Ms. Mello (CLM) told the group that the Children’s League has concentrated a lot of its efforts around education as well. They have been working with intensive foster care and congregate care

to get additional supports for hybrid and remote learning. She also mentioned technology issues and internet speed. She added that managing multiple school plans for foster parents has been a challenge. Ms. Mello brought up that EOHHS provider rates were originally developed when kids were in school and that must be updated to reflect current costs. CLM has partnered with the Child Welfare League to brainstorm how to advocate for additional supports in the EOHSS space and not just schools regarding COVID-19 resource support. She added that the Children's League is working on supporting caregivers to make sure they are able to effectively take care of the youth in their care. She mentioned support and stabilization resources might help parents be able to navigate this time, specifically around school.

Closing Comments:

Ms. Threadgill thanked the group for their updates and time. She reminded the group of next steps. The next meeting is November 19th.

Meeting adjourned: 2:37pm