

Office of the Child Advocate
Juvenile Justice Policy and Data Board
Community Based Interventions Subcommittee
Monday February 10, 2020
1pm – 3pm

Subcommittee Members or Designees Present:

Maria Mossaides (OCA)
Gretchen Carleton (DCF)
Michael Glennon (Suffolk County DA's Office)
Brian Jenney (DPH)
Kimberly Lawrence (Probation)
Marlies Spanjaard (CPCS)
Leon Smith (CFJJ)

Other Attendees:

Melissa Threadgill (OCA)
Kristi Polizzano (OCA)
Jasmine Jackson (CJI on the phone)
Leila Khelifaoui (CJI on the phone)
Members of the public

Meeting Commenced: 1:08PM

Welcome and Introductions:

Ms. Threadgill welcomed the attendees to the Community Based Interventions (CBI) meeting, and each person introduced themselves.

Ms. Threadgill introduced two individuals on the phone from the Crime and Justice Institute—Jasmine Jackson and Leila Khelifaoui—who will be providing technical assistance support this year to the OCA and, specifically, the Community-Based Interventions subcommittee. Ms. Threadgill explained that the OCA co-applied for an OJJDP grant with the Leadership Forum. Ms. Jackson and Ms. Khelifaoui introduced themselves.

Approval of Minutes from Sept, Oct and Nov Meetings:

Ms. Threadgill held a formal vote on the approval of the previous three Community Based Interventions meeting minutes. The following meeting minutes were voted on:

1. The September 16th, 2019 meeting minutes were approved.

2. The October 16th, 2019 meeting minutes were approved.
3. The November 12th, 2019 meeting minutes were approved.

2020 Work Plan Presentation and Discussion

Ms. Threadgill introduced the agenda for the meeting. Then she introduced the work plan for this subcommittee for the next six months. Meetings will be structured as: pre-meeting prep, group conversation, post-meeting draft product, and group edits, culminating in a program design plan draft.

Ms. Threadgill explained the general work plan moving forward:

- February: Foundation Setting (target audience, diversion home)
- March: Developing the Diversion Agreement
- April: Case Management and Close-Out
- May: Diversion Coordinator Job Description & Information Sharing
- June: Outcome Measurement & CQI
- July: Review of Program Design Plan

Ms. Threadgill explained that the OCA put in a budget request to the Legislature for a three-site Learning Lab for the next Fiscal Year based on the 2019 CBI Report to the Legislature. The goal is to develop a program design plan based on the committee's work the next six months. Ms. Mossaides explained that the OCA is trying to match our budget requests with the legislative cycle to make sure there's consistency and similar timelines.

Ms. Lawrence asked about the status of the 2019 report. Ms. Threadgill responded that the Report was finalized by the full JJPAD board in November without substantial edits and final reports are available online. Ms. Threadgill mentioned that the full JJPAD board will be updated on this subcommittee's new work plan at their next meeting in March.

Ms. Threadgill asked for a formal vote for the CBI subcommittee's 2020 (first 6 months) work plan. This work plan was approved with no objections.

Discussion Questions:

Ms. Threadgill led discussion around three major discussion questions:

Target Population: Who are we designing this for?

Ms. Threadgill reminded the group that they did not make a formal recommendation on *who* to divert in the 2019 Report. She mentioned that the group can leave that up to the referrer, but this group could also

comment on who they think the program should be designed for. She mentioned some examples of possible considerations including offense type, risk/need scores, and previous delinquency history.

A discussion around these three examples brought up the following considerations:

- While using a risk/need assessment to guide eligibility decisions (as opposed to using a risk/need assessment to guide case planning) might make sense, there would be substantial logistical concerns to overcome.
- There is concern about service gaps in certain areas of the state. Services need to exist everywhere for referrers to feel comfortable referring youth to diversion. We want to be cognizant and careful about not re-creating “justice by geography.”
- Using broad charge-based criteria likely does not make sense given the the wide range of actions that fall into certain offense categories, but the eligibility restrictions based on conduct (e.g. use of firearms) could be useful.

Ultimately, the group decided that the target audience should be designed around the following ideas:

1. We want state diversion to be an option for everyone unless there is a reason based on research that it isn't appropriate for certain youth
2. If we decide to have categories of exclusions (Ex. Firearms, serious bodily injury to a person, sex offenses) we need data/research to back up those exclusions and/or operational concerns about bandwidth when starting this statewide diversion

Diversion Coordination: Who should run it/where should it live?

Ms. Threadgill introduced the next discussion question explaining that the group was going to go through each possible agency that could administer the diversion coordination program. She explained that the goal is to develop an objective list of pros and cons. She also explained that depending on which agency administered the diversion coordination program, it could be staffed “in-house” (state employees) or procured through grants to local government or community agencies. The following is a list of Pros and Cons for the group developed agencies administering statewide juvenile diversion:

Department of Youth Services (DYS):

- Pro
 - DHS has regional offices and facilities throughout the state. This makes them a good fit geographically.
 - They have a good level of outreach to community organizations already based on partnerships that they have developed and utilized over the years.
 - Expertise with initiatives and launches such as JDAI

- Have started to work with this population and upstream stakeholders through initiatives like JDAI
- Expertise with data collection, reporting and availability
- Expertise working with population (justice-involved adolescents)
- Con
 - There is a general idea that DYS handles youth who have reached the last phase, and thus, most serious, of the juvenile justice system. This could cause confusion and possibly a labeling effect .
 - If diversion coordination function happened at their facilities, those facilities could cause a potential labeling effect. (If a youth has to go into a detention center for diversion services).
 - DYS (and the JDAI initiative) have spent the last decade trying to reduce the agency's contact with low-risk youth, and this would be bringing those youth back into the agency.

Department of Children and Families (DCF):

- Pro
 - Experiencing working with population (many of the youth who might participate in diversion already have some level of DCF involvement)
 - They are “kid focused” and view their work through a child-protection lens
 - Aligns with their mission to ensure the right services & treatment are provided for each youth
 - Have done some work in the juvenile justice realm already (re: ALP's)
 - Community based structure of 29 area offices already exists and are geographically convenient
 - Connections with Family Resource Centers
- Con
 - Youth & families views of having DCF's involvement in their lives already causes fear, anxiety in many cases.
 - Potential lack of bandwidth & infrastructure to take on new initiatives at this time
 - They don't always have appropriate services & access to those services for this population of youth specifically

Department of Public Health (DPH):

- Pro
 - DPH has and utilizes models of community engagement across the state already
 - While DPH is not a juvenile justice agency (in the traditional sense), they can approach Diversion with an outside public-health focused perspective

- Viewing juvenile justice concerns through a public health lens can change the conversation/stigma
- They are familiar with some of the population as they currently receive juvenile justice referrals to the Bureau of Substance Addiction Services
- This is a good opportunity to change the juvenile justice narrative and involve outside agencies
- DPH has expertise with procurement and grant programs
- Con
 - Since they are outside the traditional JJ system, it might be harder to get JJ stakeholders to refer youth to a DPH-administered Diversion (compared to DYS or Probation-administered)
 - Their service providers may be less familiar with the juvenile justice system
 - Since they do not have the JJ background/infrastructure, it might require more training/technical assistance to get the diversion coordination program off the ground

Department of Mental Health (DMH):

- Pro
 - They have good service delivery system that the diversion coordination program would benefit from
 - They have a good program design with current juvenile justice involvement and services
 - They have expertise with a part of the population we anticipate being diverted (including behavioral/mental health concerns and traumatic experiences)
 - DMH currently operates the Juvenile Court Clinics that handles higher Risk/Needs youth in the courts
- Con
 - The current Juvenile Court Clinic model is set up for deep, end of system/ post-adjudication referrals. This would create a larger population to include prevention and more services upstream that may not be appropriate
 - In general, they may not have the expertise to work with this group of adolescents given the agency's focus on the most serious diagnoses
 - DMH primarily works with adults; juvenile account for ~ 10% of their budget
 - They do not currently have the infrastructure in place
 - DMH does not have as many community providers in place as some other listed agencies

Executive Office of Public Safety and Security (EOPSS):

- Pro

- They have a Grants management division that would be able to administer budget for Learning Labs
- Con
 - This Executive branch has lot under their umbrella already
 - No infrastructure currently in place to connect with community providers/services

There was a consensus that if an Executive branch agency administers Diversion, the agency should be in the Executive Office for Health and Human Services (EOHHS) for several reasons. Namely, it was discussed that this initiative pairs well with the with the behavioral health work at MassHealth and keeping it within EOHHS makes it easier for all of the child-serving agencies to work together. Therefore, EOPSS was taken off the list of possibilities.

Probation:

- Pro:
 - They are currently set up to continuously accept people (i.e. probation does not have a capacity limit)
 - Accessible to every community in the state through their offices/courts and field work
 - The workforce is familiar with using evidence-based assessments
 - Very familiar with the population already, and if the youth were not diverted, this is the agency that would have them on their caseloads anyway (CRA's, Administrative Probation, Low-risk probation, etc.)
 - Have familiarity with tailored case management (different standards of supervision based on Risk/Need and other factors)
 - Most of the referrers are consistently in their workplace anyways (the courts have police, clerks, District Attorneys, and Judges working in their space)
 - While all the decision makers are in the court, there is a process for meeting youth outside court houses and hours
 - Probation is aware and appreciates data informed decision making
- Cons
 - Diversion should actively try to keep kids out of the court house
 - Youth and families might have a negative perception of being put on what may seem to them to be aa form of probation (could cause harm due to labeling effect)
 - There could be difficulty getting community buy in and messaging to the public that by trying to divert youth from the courts, we are going to have a court run program administer Diversion.

- The workforce might not respond to Diversion as a completely different program than probation supervision levels.
- There is concern about whether Probation's current data systems could produce needed data for tracking and evaluation
- The Trial Courts (and subsequently, Probation) is not subject to the public records law or required to report data publicly. This could pose challenges long-term given the desire for continuous reporting on and evaluation of this program.

Trial Courts:

- Taken off list as the group could not think of how this entity would administer Diversion outside of Probation (already listed)

Office of the Child Advocate (OCA):

- **Pro**
 - Is a neutral site already
 - Knows the mission and views their role as doing what is best for children
- **Cons**
 - The OCA is not set up to be an operational agency, nor do they have a procurement department
 - There is no local/community presence
 - Their oversight role limits operations, since overseeing their own programs would cause a conflict

Massachusetts District Attorney Association (MDAA):

- **Pro**
 - District Attorney's (and their offices) are in communities across the state
 - DA's are already familiar with this population
 - All offices already have some variation of juvenile diversion already, and this could build on that experience
 - Some use/are familiar with evidence-based tools and RNR tools
 - Many offices already refer to outside services
 - The DA's would be main referrers to diversion anyway, and if administering diversion is within their own agency, they might be more bought in
- **Cons**
 - It would be challenging to get uniformity across the state due to the differences in offices (some of which is driven by DAs being an elected office)
 - Transparency (particularly with regards to data) would be a concern given that most DA offices do not currently report data on diversion

- The DA's office currently do not have uniform data reporting currently, and it seems unlikely their current data system would be able to support diversion data tracking
- This would allow the District Attorney's to already know/keep track of youth who we want to keep away from the justice system entirely. This might cause net widening.

Department of Elementary and Secondary Education (DESE):

- **Pros**
 - Access to public schools, where almost all youth are
- **Cons**
 - No infrastructure currently in place to allow for this
 - DESE operates more as an oversight agency, not operational
 - There are uniformity concerns with 403 schools that would have to be on board

Proposed new state agency:

- **Pros**
 - Creating a new agency would allow for a robust enough system that youth would get what they need, the first time, would be significantly less likely to come back or return to other state services
 - Creating a devoted entity entirely to the “front end of the system” could account for Diversion, CRA's and help with high caseloads in other agencies.
 - A new agency development plan could build oversight in directly
- **Cons**
 - There would need to be many resources dedicated to developing a new agency compared to placing Diversion of an already-functioning agency
 - It would take longer to get off the ground, and not necessarily fit in a “Learning Lab” context
 - Could contribute to further silo-ing of agencies
 - Would not benefit from some agencies already having the collaboration infrastructure in place

The discussion moved to other requirements the group began to talk about that would be important for Diversion:

- **Intra-agency branch coordination**
 - The agency that administers Diversion would need to use models like CRA case conferencing, or the Suffolk County Diversion Program to create intentional and productive case collaboration across agencies for higher risk/need youth
- **Sub-contracting a requirement**

- The group discussed the possibility of making sub-contracting out of a state agency a requirement for the Diversion program
 - **Pro**
 - Diversion would not be “the state coming in” to provide services which would be received better among many youth, families and communities
 - Sub-contracting to local program/governments allows for organizations who are already working in family engagement to provide additional support
 - The level of community trust/engagement would be higher
 - There could be flexibility of allowing a variation of community partners, nonprofits, educational settings, or local municipalities to provide services
 - While uniformity could be a concern, the administering agency could create the model and criteria, and refer out to specific services. For example, the agency could perform the RNR assessment and create the diversion agreement, but the local sub-contracts would serve as the service providers and case management.
 - **Con**
 - There are wide gaps in service availability based on geography across the state
 - There could be a cost differential outsourcing services compared to keeping them in a state agency
 - There are geographical limitations that could contribute to “justice by geography”

Ms. Threadgill discussed the next step of putting the entire pro/con lists together and presenting them to the full JJPAD Board at the March meeting.

Unintended Consequences: What are we worried about?

Ms. Threadgill explained our last discussion question was a brainstorm about initial concerns the group has, at this point, regarding Diversion. The group mentioned the following topics:

- Lack of services equitably distributed across the state
- Workforce/capacity/infrastructure concerns at every agency discussed
- Transportation concerns
- Net widening
- Racial and Ethnic disparities & Socio-Economic disparities
- Ensuring the fidelity of the program and on the ground case management

- Obtaining stakeholder and community support and buy-in
- Duplicity of processes/services that already exist

Closing Comments:

Ms. Threadgill mentioned that the CBI subcommittee would receive the pro/con list of agencies before the next JJPAD Full Board meeting. She reminded the group that we were moving forward with the work plan presented at the beginning of the meeting and thanked everyone for their participation today.

Ms. Threadgill noted the next meeting will be held on March 25,2020 from 1-3:00pm at 600 Washington St. 2nd Floor Room 2092. The meeting adjourned.

Meeting adjourned: 2:54PM