

# Juvenile Justice Policy and Data Board

Community Based Interventions Subcommittee

February 1<sup>st</sup>, 2019  
2pm – 4pm

# Agenda

- Welcome and Introductions
- Open Meeting Law Notice
- Review of Subcommittee's Purpose and Charge
- Review of Proposed Workplan
- Presentation from Council of State Governments Justice Center: Overview of Diversion Research and National Best Practices
- Discussion and Questions on Diversion Research Presentation

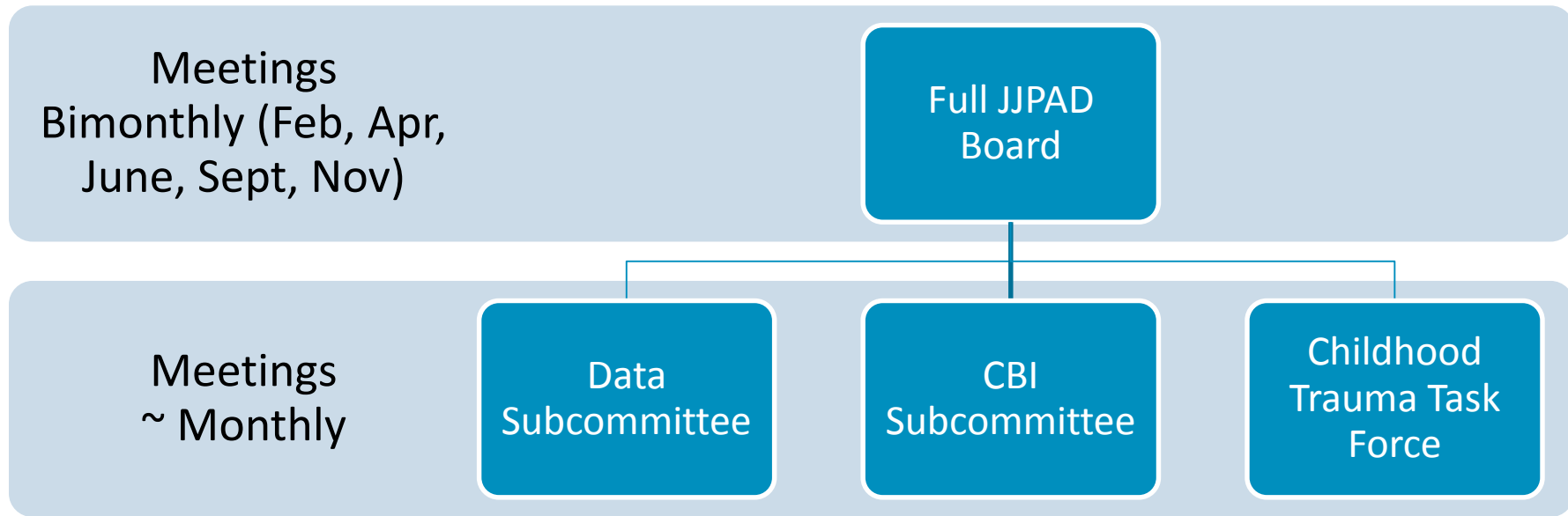
# JJPAD Year 1 Priorities

Improving Aggregate Data Collection

Expanding and Improving Community Based Interventions

Identifying Early Impacts of Statutory Changes

# Committee Structure & Meeting Timelines



## Key Legislative Requirements

- Study and report on key focus areas, including:
  - Quality and accessibility of **youth justice system diversion** programs
  - **Community-based services** provided to youth under supervision of juvenile court or DYS
  - Overlap between the **juvenile justice** system and the **mental health care** system
- Make **recommendations for juvenile justice system statutory changes**

# Expanding & Improving Community-Based Interventions

## What are Community-Based Interventions?

Increasing  
Seriousness of Behavior • Level of State Involvement/Control • Cost

Prevention

### Early Interventions

Schools

Children Requiring Assistance (CRA)

Child Welfare (DCF)

### Diversion

Law Enforcement

Clerk

District Attorney

Judicial

### Post-Disposition

Administrative Probation

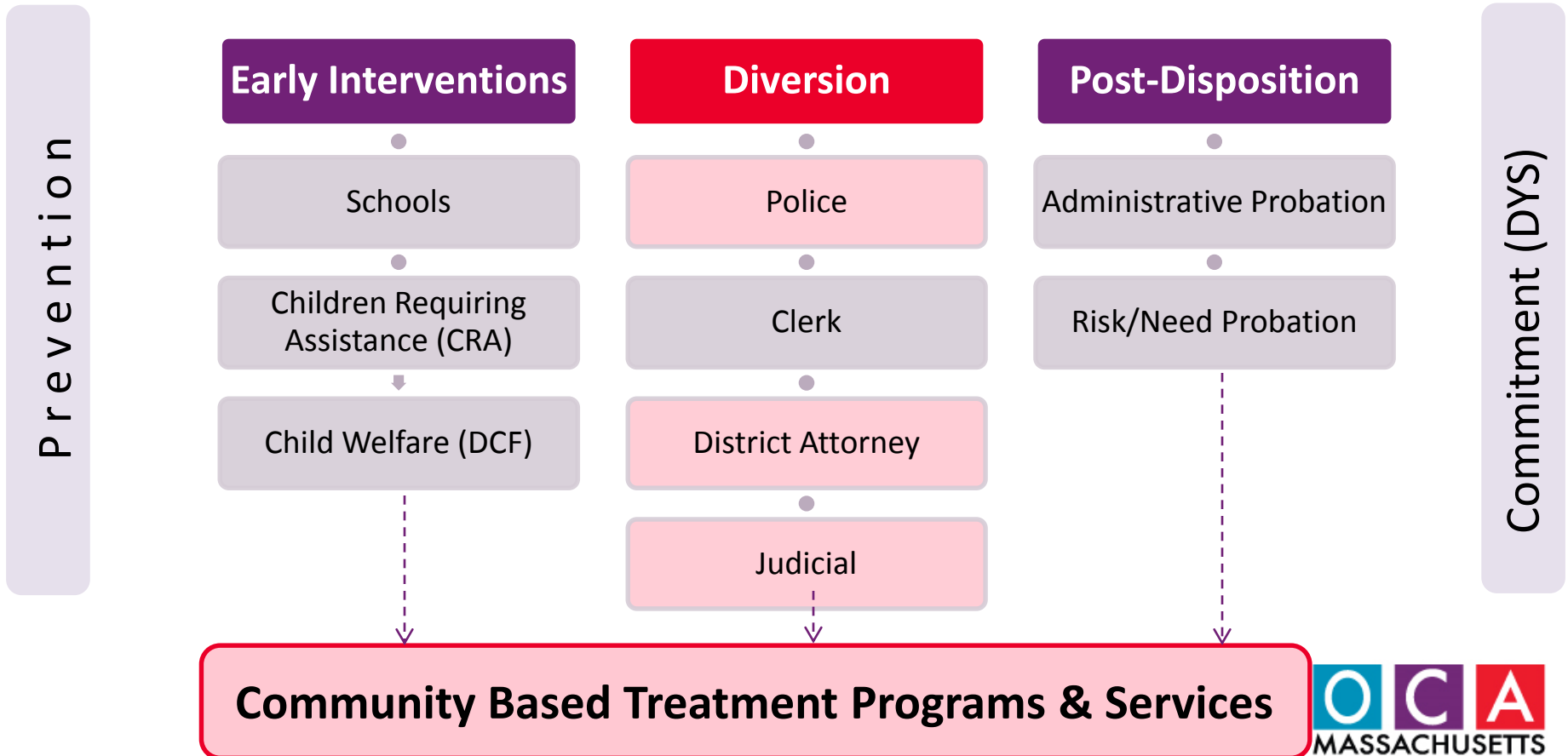
Risk/Need Probation

Commitment (DYS)

Community Based Treatment Programs & Services

# Expanding & Improving Community-Based Interventions

## Year 1 Focus Areas



## Proposed Year 1 Objectives

- Research current diversion policies & procedures in MA:
  - Police Diversion
  - District Attorney Diversion
  - Judicial Diversion
- Conduct statewide assessment of availability of community-based treatment programs & services for justice-involved youth, including gaps in program availability by community, programming type and/or population served
- Develop recommendations for expanding & improving community-based interventions



# Study Current Diversion Policies & Procedures

## Workplan Outline

Tasks	Timeline	Notes
Develop shared baseline understanding re: diversion research	February meeting Follow-up meetings if needed	Presentation from CSG Follow-up if needed
Understand current police diversion practices	March 1 Meeting	Presentation from Chief Kennedy & CfJJ
Understand current DA diversion practices	April Meeting	Presentation from Mike Glennon/MDAA (tentative)
Understand current Judicial Diversion Practices	May Meeting	TBD
Presentation(s) on promising practices elsewhere/research requests from members	TBD	TBD

# Statewide CBI Availability Assessment Study

## Workplan Outline

Tasks	Timeline	Notes
Develop survey draft	Finalize in February	Will be circulating draft for feedback soon
Circulate survey and collect responses	March-April	
Conduct follow-up interviews as needed	April	
Analyze survey & interview	May	
Present on results to CBI Subcommittee	June	
Presentations on related efforts (e.g. Probation treatment mapping project)	TBD	

# Develop Recommendations

## Draft Timeline to Produce Legislative Report

Major Task	Timeframe	Notes
Discussion on goals, barriers and potential action steps re: diversion policy recommendations	February - May	Discussion to follow presentations at monthly meetings
Discussion on goals, barriers and potential action step identification re: community-based programs	June (and subsequent meetings as needed)	Discussion to follow June presentations
Discussion re: overall policy recommendations	July/August	
Regional Meetings and/or Focus Group with Youth & Families	TBD	Recommendations to come from Diversity & Inclusion Workgroup
Presentation to Full JPAD Board/Discussion	September	
Review Draft Report as Committee	October	
Full Board Reviews & Approve Draft Report	November	
Submit Report	November	

## Technical Assistance & Related Initiatives

- Harvard Kennedy School PAE (thesis) Team
- Leadership Forum -- CSG Technical Assistance
- JDAI

February 1, 2019



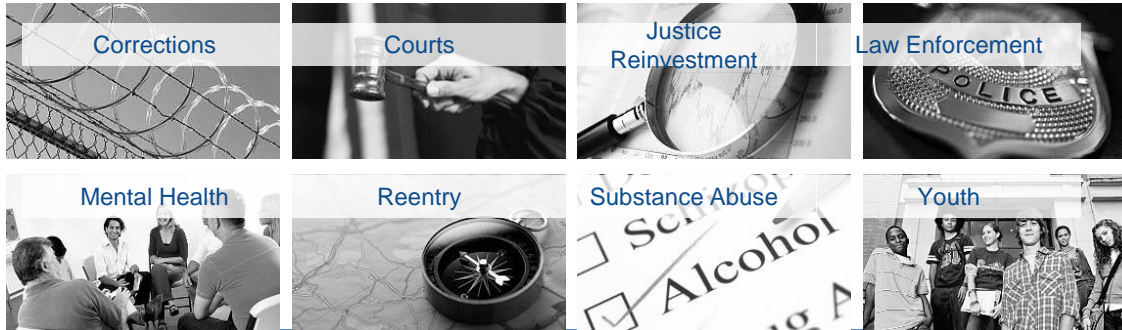
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# Juvenile Diversion: Research and Best Practice

## Community Based Interventions Sub- Committee Meeting

\*Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014)

# The Council of State Governments (CSG) Justice Center



**Corrections**

**Courts**

**Justice Reinvestment**

**Law Enforcement**

**Mental Health**

**Reentry**

**Substance Abuse**

**Youth**

**National nonprofit, nonpartisan** membership association of state government officials

**Represents all three branches** of state government

Provides **practical advice** informed by the best available evidence



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# The Risk, Need, and Responsivity Framework should guide decisions on who warrants supervision and services, for how long, and in what way.

## Risk Principle

Identify and focus supervision and services on those youth most likely to reoffend

## Need Principle

Identify and address the key needs that are the primary causes of youth's delinquent behaviors

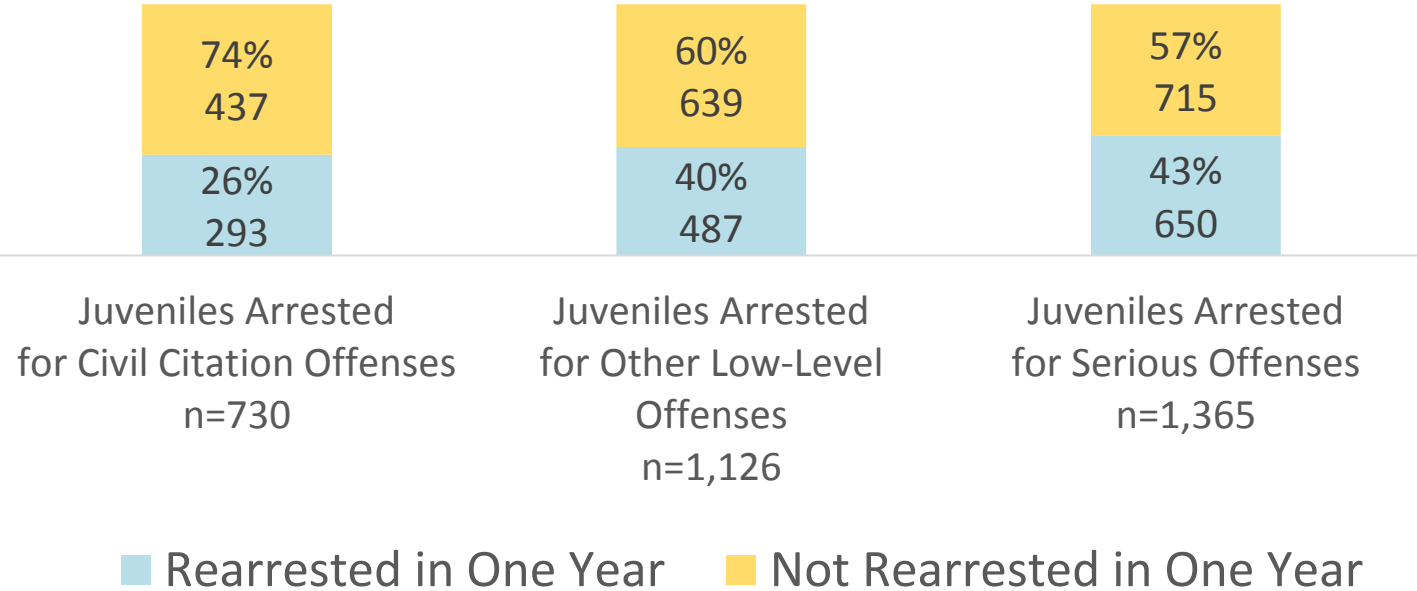
## Responsivity Principle

Match youth to services based on their strengths and how they respond to treatment

A risk assessment is an evaluation of both dynamic and static factors that predict risk of recidivism. A risk assessment is considered validated if it has proven through multiple research studies to demonstrate a high probability of predicting whether youth will reoffend.

Research and CSG Justice Center analysis from multiple states has shown that relying on offense-based criteria alone to guide diversion decisions is insufficient.

**One-Year Rearrest Rate by Offense Type, 2015**



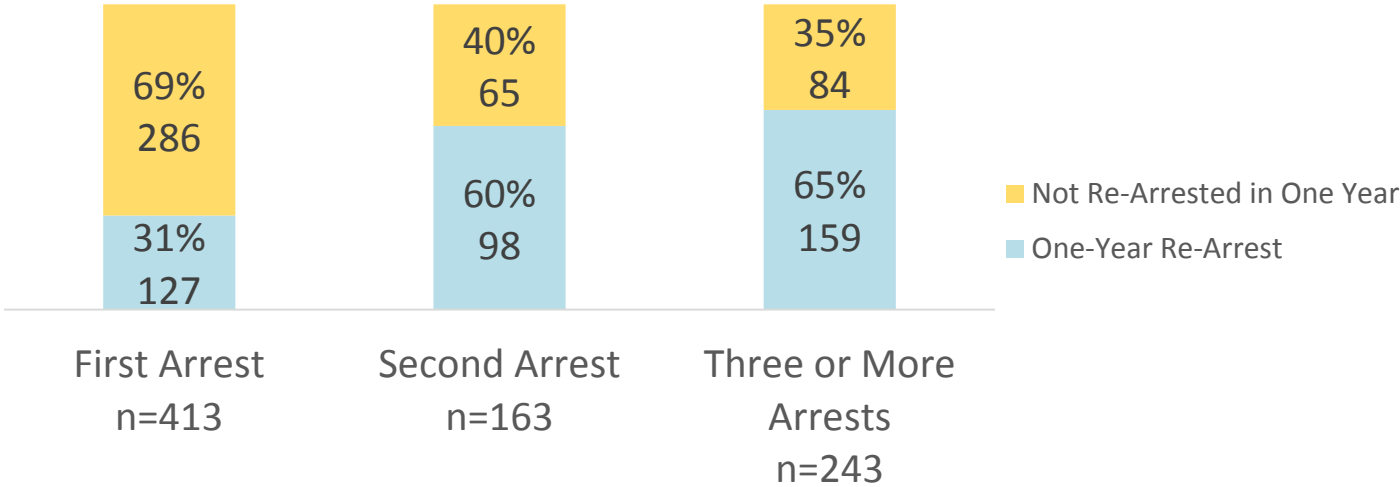
Note: For each of the three cohorts above, rearrest was measured from the first juvenile arrest of the year until one year after arrest.



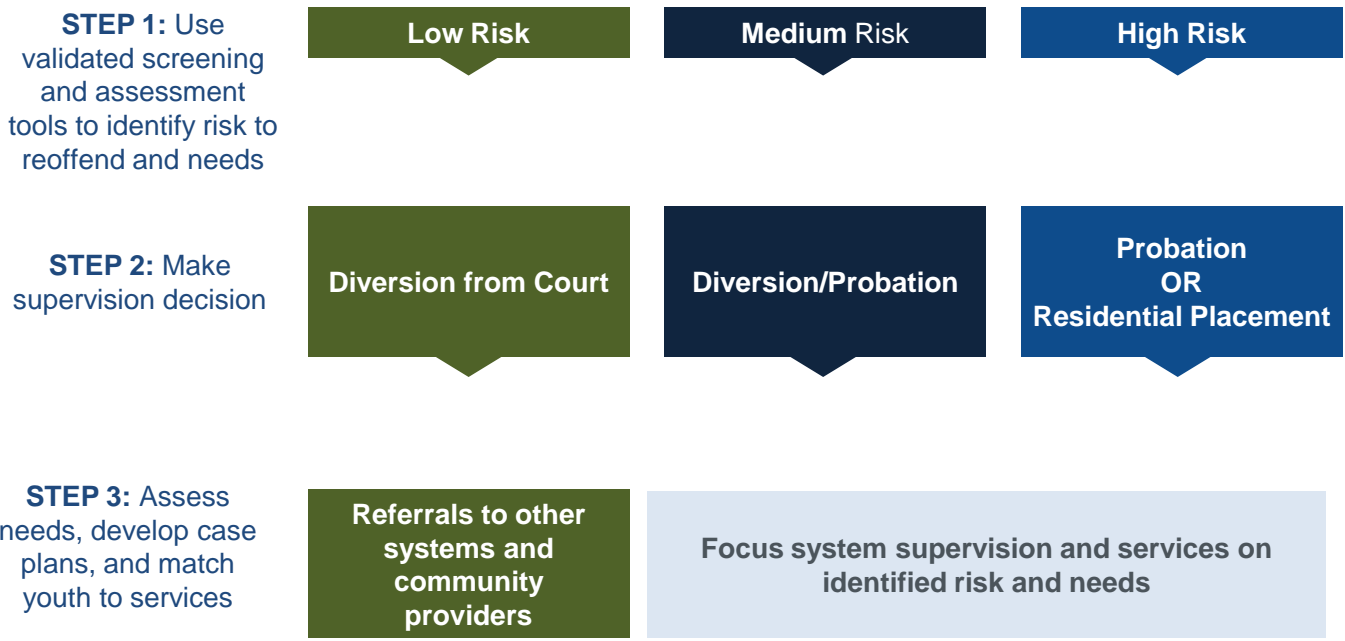


Risk-based criteria can more accurately differentiate youth's risk of reoffending and the population for whom diversion is most appropriate.

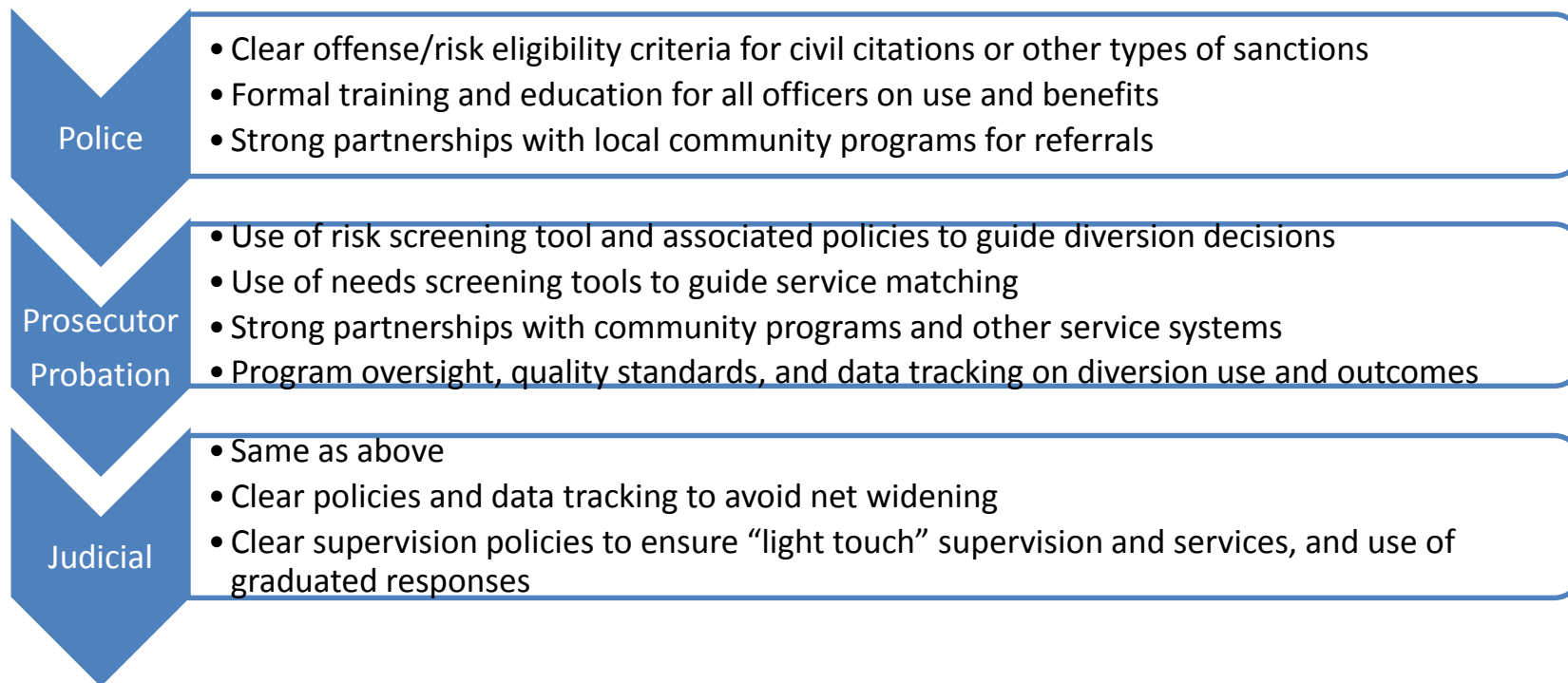
One-Year Rearrest Rate for Low-Level Offenses, 2015



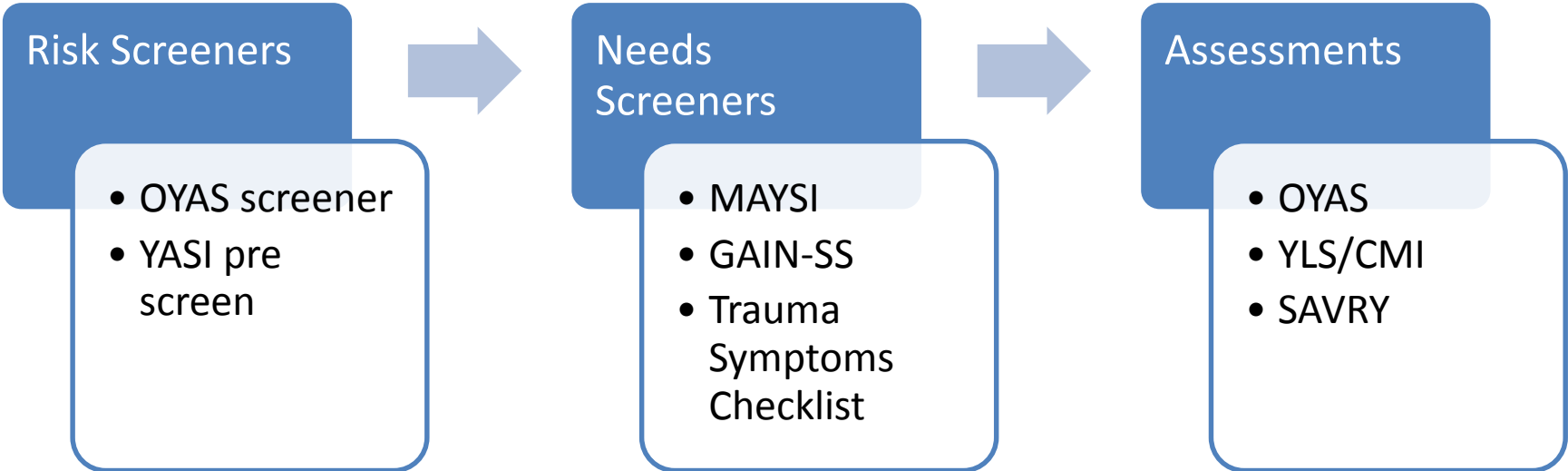
# The use of risk and needs screening and assessment tools helps jurisdictions to match youth with the right level and type of supervision and services.



Diversion can occur at multiple decision 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.



# Potential diversion programming decisions for youth of different risk levels:

## Low risk (no supervision):

- No diversion programs or referrals to other service systems
- Community service
- Letter of apology
- Peer court
- Victim-offender mediation

## Moderate risk (light/moderate supervision + potential diversion agreement/contract):

- Restorative justice
- Needs based treatment programs such as substance use, mental health, family counseling or cognitive behavioral programs
- Mentoring/credible messengers

## High risk (regular diversion supervision):

- Same as above



Formal, ongoing collaboration across systems is key to ensuring the juvenile justice system doesn't become the default system for addressing all at-risk youth's needs.

**60 to 70 percent** of confined youth have a **mental illness**.



**25 to 50 percent** of confined youth have a **substance use disorder**.



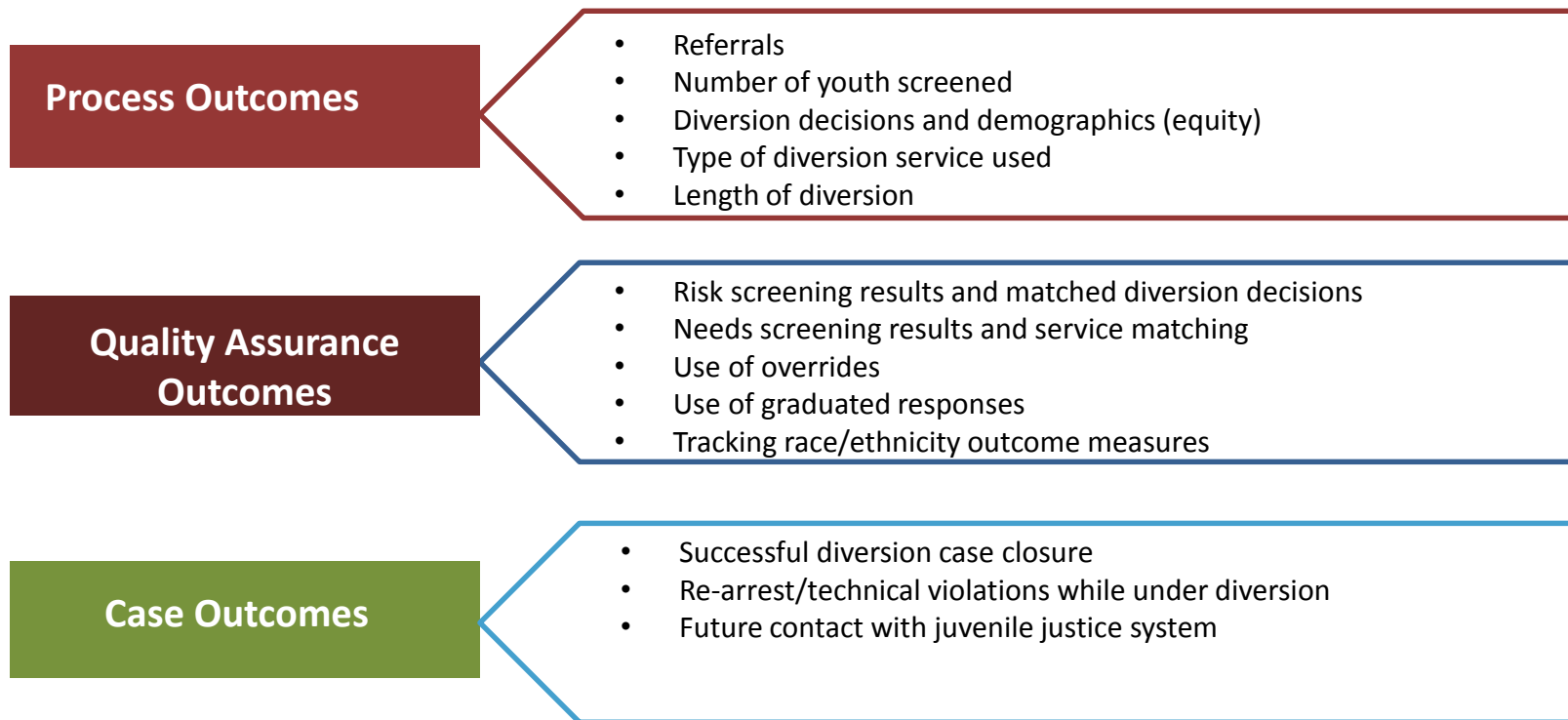
**65 percent** of youth under supervision have past/current involvement in the **child welfare system**.



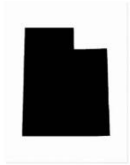
More than **50 percent** of confined youth have reading and math skills significantly below their grade level, have repeated a grade, and have been suspended or expelled.



Juvenile justice agencies should strive to track and use data at multiple levels to understand and improve diversion decisions and program effectiveness.



## Other states have advanced statewide policies/protocols to divert youth who commit status and delinquent offenses from court involvement:



Utah House Bill 239 established a requirement for a pre-diversion and pre-adjudication screening to be used to inform diversion decisions statewide.



Delaware instituted a civil citation program designed to divert youth who commit first-time misdemeanors from arrest and connect them with needed services. Delaware is also instituting the use of a risk and a mental health screening tool to guide diversion recommendations to prosecutors and establishing statewide diversion performance measures.



Kentucky requires the use of multi-systems diversion teams to review cases and make recommendations around diversion eligibility and services.





# Summary of best practices in juvenile diversion:

- ❖ Divert youth who commit status offenses and low risk youth from system involvement pre and post arrest; provide minimal or no supervision for these youth; and focus limited resources on supervision/services for youth with a high risk of reoffending.
- ❖ Use risk screening tools to help objectively identify low risk youth that are appropriate for informal adjustment.
- ❖ Establish clear criteria, policies, and protocols to identify youth that should be eligible for and/or automatically be diverted based on risk level and offense.
- ❖ Use needs screening tools and service guides/matrices to identify youth with potential mental health, substance use and trauma needs and to match youth with appropriate services in or out of the juvenile justice system.
- ❖ Establish formal partnerships, communication, policies, and joint training with law enforcement, other service systems, and community based providers
- ❖ Collect data on diversion program participation and quality to evaluate and improve performance.





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For more information, contact Jacob Agus-Kleinman at [jagus-kleinman@csg.org](mailto:jagus-kleinman@csg.org).

*The presentation was developed by members of The Council of State Governments Justice Center staff. The statements made reflect the views of the authors, and should not be considered the official position of The Council of State Governments Justice Center, the members of The Council of State Governments, or the funding agency supporting the work.*

# Diversion Policy Topics to Consider

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

# Contact

Melissa Threadgill

Director of Juvenile Justice Initiatives

[melissa.threadgill@mass.gov](mailto:melissa.threadgill@mass.gov)

617-979-8368