

Office of the Child Advocate
Juvenile Justice Policy and Data Board - CBI Subcommittee Meeting Minutes

Wednesday July 17th, 2019

Subcommittee Members or Designees Present:

1. Rebecca Brink (DCF)
2. Nancy Connolly (DMH)
3. Michael V Glennon (MDAA)
4. Brian Jenney (DPH)
5. Marlies Spanjaard (Public Counsel)
6. Gretchen Carleton (DCF)
7. Sana Fadel (CfJJ)
8. Chief Kevin Kennedy (Lincoln Police) (Participation via telephone)
9. Melissa Threadgill (OCA)

Other Attendees:

1. Alexis Yohros (OCA)
2. Crissy Goldman (OCA)
3. Tessa Upin (CJI)
4. Elizabeth Mulcahy (Northwestern DA's office)
5. Angela Brooks (AG's Office)
6. Jaclyn Cirinna
7. Other Members of the Public

Meeting Commenced: 2:14 PM

Welcome and Introduction:

Ms. Threadgill called the meeting to order and welcomed the subcommittee and guests. The group went around the table to introduce themselves. Melissa noted that Tessa Upin, from the Crime and Justice Institute at Community Resources for Justice, is present for the meeting to answer questions regarding the diversion practices of other states being covered during the presentation. Ms. Upin has been part of teams providing technical assistance to numerous states – including most of those discussed in the presentation – as they have implemented reforms.

Approval of Minutes from June Meeting

Ms. Threadgill asked if anyone had any questions or feedback regarding the previous minutes. The group did not have any additions or corrections. Ms. Threadgill asked for a motion to approve. Ms. Spanjaard motioned to approve with no objections. The minutes were approved.

Presentation on Example of State Diversion Models:

Ms. Threadgill introduced the presentation for the meeting focused on examining other state diversion models. She explained that this presentation can help in addressing challenges that

have been brought forth in previous meetings. Ms. Threadgill also mentioned that Tessa Upin and her colleagues at the Community Resources for Justice have been involved in implementing many of the reforms that will be discussed and is available to answer questions throughout the meeting. She also reported that the information in the memo and presentation come from reviews by her and summer fellow, Ms. Yohros, of state agency websites, reports, and in some cases phone interviews with those involved in the diversion process or its implementation.

Ms. Threadgill summarized the agenda for the presentation. This included 1) examining policy models and what the basic models look like, as well as nuances that different states have done to implement diversion 2) results and challenges of diversion practices and 3) time reserved for discussion on what could work or couldn't work in Massachusetts. She also noted that the models that will be presented are not mutually exclusive and parts or all of different models have the ability to be adapted at the same time.

Ms. Threadgill explained the process of civil citation/pre-Arrest diversion programs available in Florida, Delaware, and South Dakota. These programs can be mandatory, presumptive, or full discretion where law enforcement issues citation with notice to appear at assessment center, provider, or court. An assessment provider develops and monitors the diversion plan. Ms. Threadgill also explained that while there is statewide tracking/coordination, the youth does not receive a criminal record.

Ms. Threadgill paused for questions.

Mr. Jenney asked if there are any parallels between the civil citation program and the Massachusetts system. Ms. Threadgill responded that law enforcement in Massachusetts can issue a citation or summons as a Notice to Appear in court. However, this would still direct the youth toward the court system, rather than diverting the youth as is done in Florida or Delaware.

Chief Kennedy explained that police can participate in a formal arrest or let the youth know they will file a summons to juvenile court.

Chief Kennedy asked what happens in these states when a juvenile is non-compliant. He also asked for clarification on the mechanisms behind a civil citation and whether this is similar to a summons. Ms. Threadgill responded that a summons is similar, however, in a civil citation the charges are held while the youth goes through the diversion process. She explained that if the youth fails to complete diversion, they are referred back to the court.

Chief Kennedy asked about cases in which youth are non-compliant with the police. Ms. Threadgill explained that it is at the discretion of law enforcement to decide whether the youth is a good candidate for diversion. Chief Kennedy responded by asking whether law enforcement has the authority to take a youth into custody if they are non-compliant. Both Ms. Threadgill and Ms. Upin responded that law enforcement do have the authority to take them into custody.

Ms. Threadgill also explained that the process is similar to local police diversion programs in Massachusetts, but with statewide coordination. Chief Kennedy responded by saying that in local

programs an assessment to a diversion program can be made and the family is contacted in order to begin the process.

Ms. Threadgill continued the presentation, in which she explained the process of mandatory/presumptive diversion implemented in Utah, Kentucky, Kansas, and South Dakota. She explained that this is based on charge type, criminal history, and/or risk assessment score. Diversion in this case can be mandatory (“shall”) or presumptive (“shall, unless”). It typically happens post-arrest/pre-arraignment and can be combined with pre-arrest diversion. Mandatory/presumptive diversion typically sets the “low bar” where actors retain discretion to offer diversion in additional cases.

Ms. Threadgill paused for questions.

Ms. Brooks asked what Ms. Threadgill thinks about the fact that most of these reforms have been implemented by red states. Ms. Threadgill responded that many of these reforms were implemented through the Justice Reinvestment Initiative, a partnership between the federal government and Pew Charitable Trusts. Ms. Threadgill explained that many of the states that went through the process were many times having budget struggles and these states were republican. She also expressed that when she worked with these states, she was pleasantly surprised at how receptive conservative states have been to diversion reforms.

Ms. Threadgill continued the presentation and explained that the presentation will also cover assessment and case coordination infrastructure. In particular, state assessment/receiving centers are available in Florida, Kentucky, Kansas, and Utah. These centers operate 24/7, receive youth from law enforcement and/or via citation/referral, conduct screenings/assessments, and assess eligibility for diversion. The assessment centers may also perform other functions, including bail/detention functions, ongoing case coordination, and service referrals. Ms. Threadgill also detailed the function of multi-disciplinary review teams, available in Kentucky and Connecticut. These are community-based teams that confer on cases and develop diversion plans. They can serve as local service coordination entity. Ms. Threadgill explained that these are long-standing models that have been in place for many years in most of these states.

Ms. Threadgill paused for questions

Mr. Jenney asked whether assessment centers are county systems. Ms. Threadgill confirmed that they are county-based systems and that in places such as Florida, youth may be processed in the next county if an assessment center is not available.

A member of the public asked if there are other opportunities in the process to divert youth. Ms. Upin responded that diversion can also come through the District Attorney in which they can make a determination to divert at that point of the process as well.

Chief Kennedy asked whether these centers are also available for youth that are runaways. Ms. Threadgill confirmed that they are in most states. She explained that part of the point is that these 24-hour centers are not just for delinquent behavior.

Ms. Threadgill noted that multidisciplinary review teams are analogous to the program for dually involved youth that has been set up in in Hampden County. She noted that both involve a team of people talking about cases, particularly more difficult ones.

Ms. Threadgill outlined the policy and practice considerations that the group may want to discuss regarding diversion in Massachusetts. Specifically, Ms. Threadgill outlined a series of questions:

1. At what point(s) in the process is the diversion decision made?
2. What kind of screening/assessment is done – if any – to inform the decision? (Eligibility and/or diversion plan conditions)
3. Where and when is the screening/assessment conducted, and by whom?
4. Who makes the diversion decision?
5. How much discretion do decision-makers have about who to offer diversion to? Who monitors/coordinates diversion plan?

Ms. Blink asked for clarification on how the group would be weighing in. She asked whether the JJPAD board would add this to recommendations in a larger report and if the group would think of what, from other states, can be included in this report. Ms. Threadgill confirmed that those are, indeed, the stated goals. She further explained that it important that the group talk about the problems in Massachusetts and discussed models from other states that might help address these problems.

Mr. Jenney asked whether there is there a uniform definition of diversion. Ms. Threadgill responded that there is no uniformly-accepted definition of diversion, but that in this presentation the focus is on pre-arraignment diversion models.

Ms. Upin noted that in some states there is still a possibility for diversion even after arraignment. She used the example that a court judge can also chose to divert a youth. Ms. Threadgill added that there are multiple “off-ramps” in Massachusetts as well, where different key players can make diversion decisions at different points in the process.

Dr. Connolly asked how CRA’s fit into the picture. Ms. Threadgill responded by saying that at the moment, the discussion is mostly focused on delinquency charges, but in some states the reforms included CRA/CHINS violations. Many states do not keep CRA/CHINS cases as separate from the delinquency system as we do in Massachusetts.

Ms. Threadgill expanded on the civil citation process. She explained that these processes differ by states. In Florida, misdemeanors only are eligible by statute and there is county discretion on eligible misdemeanor offenses and other criteria. Additionally, youth are referred to Juvenile Assessment Centers. In Delaware, misdemeanors with no previous referral in last 18 months or for same offense are eligible. This is based on voluntary participation from law enforcement. There are also state-run hotlines for eligibility checks. Eligible youth are then referred to community providers who develop and monitor the diversion plan.

Ms. Upin explained that she just started working in Delaware and that data is less sophisticated in that particular state. She said that the provider is the one keeping the data and the state system

looks different. She also said that automatic expungement is making it difficult to figure out how often youth have been offered diversion before the 18-month eligibility criteria.

Ms. Fadel asked what the criteria is for automatic expungement. Ms. Upin responded that she does not remember at the moment.

Ms. Threadgill explained the civil citation process in South Dakota. She explained that this is available for specific misdemeanors (petty theft, property damage, underage drinking, truancy) and there in these cases there is mandatory use of citation. Ms. Threadgill explained that these offenses are treated like a traffic ticket.

Ms. Upin explained that youth are asked to pay a one hundred dollar fine and/or complete community service hours. She explained that these offenses were chosen because so many kids were on probation or in residential locations for those types of offenses and the state needed to figure out a different way.

Ms. Blink asked whether assessments are still needed. Ms. Upin mentioned that youth still show up in court, but it is only a matter of paying the fine or community service.

Ms. Fadel asked how many hours of community service must be completed? Ms. Upin responded that there is no cut off for community service but that the fine is one hundred dollars. Ms. Threadgill noted that youth cannot be committed for these offenses.

Chief Kennedy asked if a youth that fails to complete diversion goes back to court. Ms. Upin responded that, yes, a DA can also further decide to divert youth but if that does not work, they can formally go through the process.

Ms. Threadgill expanded on the qualifications for mandatory/presumptive diversion. In South Dakota, this involves non-violent misdemeanors and CHINS violations for those without any prior adjudications and no diversion in the last twelve months. The DA can seek to override based on "good cause," and, this would trigger a judicial hearing. In Utah, this involves youth with low to moderate scores on risk assessments, no more than three prior adjudications or unsuccessful attempts. In addition, in terms of charge, this includes misdemeanors, infractions, or status offenses. Certain sexual offenses are exempt and certain Class A misdemeanors are also exempt if the youth is a moderate risk.

Ms. Threadgill paused for questions

Ms. Fadel asked to clarify whether this means exempt from diversion. Ms. Threadgill confirmed that yes, diversion for higher level charges is optional, but not mandatory.

Ms. Fadel asked what happens when youth claim that they did not commit the offense and would like to argue they are not guilty. Ms. Upin responded that in Utah youth are able to reject the non-judicial adjustment. Ms. Threadgill noted that a youth can contest the diversion in all states.

Ms. Threadgill introduced her summer Rappaport fellow, Alexis Yohros, who would continue the presentation on assessment and case coordination infrastructure in different states.

Ms. Yohros explained that she will be going over assessment centers, particularly in Kentucky, Kansas, Florida, as well as receiving centers in Utah. She also mentioned that she will go over multidisciplinary teams that consist of local professionals that provide oversight to the diversion process.

Ms. Yohros detailed a chart examining the process of diversion with the use of assessment centers. She said that these centers serve as the second point of contact after law enforcement and that youth can enter an assessment center through arrest or a Notice to Appear. The assessment centers are unique, as they are open 24/7 and in some states such as Florida and Kentucky, they have been in place for 20 plus years. An assessment center can determine eligibility for diversion and if found eligible, can further screen/assess youth. These assessments can help guide diversion plans and assessment centers oversee these plans/agreements. The assessment centers also provide additional functions. Ms. Yohros explained that she would go over each center individually, in order to examine the different functions of each one.

Ms. Yohros went into detail about the Kentucky Designated Worker Program. This program was implemented 1986 and is available in all 120 counties. All youth delinquency and status complaints are processed by Case Designated Workers who determine diversion eligibility and screen and assess diversion-eligible youth. They use the GAIN SS/GAIN-Q to develop diversion plan. The Case Designated Workers also develop and supervise diversion agreements and assist with referrals to services. They also perform other functions related to CHINS/Custody Cases; this is similar to functions performed by probation in Massachusetts.

Ms. Threadgill noted that Court Designated Workers perform some of the functions of a juvenile probation officer in Massachusetts.

Ms. Yohros explained the role of the Kansas Juvenile Intake and Assessment Center. The centers provide intake evaluations/assessments, including the Detention Risk Assessment, MAYSI, and supplemental screeners. moving toward YLS/SV). In addition, they make recommendations regarding eligibility for their Intermediate Intervention Program (diversion), however, the DA/Clerk make final determination. Once determined eligible, the assessment center helps to develop an IIP plan (which may be supervised or unsupervised) with the community team and make service referrals. The Juvenile Intake and Assessment Centers can also make recommendations regarding immediate placement of youth, such as detention. They can also coordinate court appearances for youth placed outside home.

Ms. Yohros also explained the role of the Florida Juvenile Assessment Centers. She said these are available statewide and were implemented over 20 years ago. All youth who are arrested are processed at the assessment centers. At intake, they are assessed using the Prevention Assessment Tool, the GAIN-Q, and the Biopsychosocial assessment. Those at the assessment centers also develop and supervise diversion interventions as part of civil citation program. The centers are unique, as some have on-site services, such as substance use, mental health, family counseling. Additional functions include making decisions regarding release/detention.

Ms. Yohros then explained that Utah has receiving centers that have not yet been implemented statewide. Law enforcement may drop off arrested, delinquent, ungovernable, or runaway youths who do not meet admission guidelines for secure detention. Ms. Yohros said that their stated goal is to have law enforcement back on duty within twenty minutes of dropping off youth. There are certain exclusions for active MH/SU issues or aggression. The centers can then assess youth for immediate needs and make referrals for services.

Ms. Upin noted that receiving centers will notify the courts when a kid comes to their attention and alert the court of whether the youth is being moved onto a diversion path.

Ms. Yohros paused for general questions about assessment centers.

Ms. Brink asked whether these are holding areas where youth are kept overnight to have an assessment the next day, or if they are moved to DCF/DYS, and what happens when parents are unavailable. Ms. Upin responded that these are triage centers, not holding areas, so intent is not to hold the youth for any long period of time. Ms. Threadgill said that it is not clear how this is done in practice.

Mr. Glennon asked whether these models are keeping success metrics. Ms. Threadgill responded that models have mostly been around a long time, so it is hard to keep track of what it was like before the models were implemented. Ms. Upin said that a lot of jurisdictions don't have the resources to collect data and that diversion is not a well-studied area in terms of long-term effectiveness.

Chief Kennedy asked how the assessments are being made and whether this is through probation expertise. Ms. Upin responded that in Utah, their equivalent of Juvenile Probation makes the determination but in other states the courts make the determination. Ms. Threadgill said that in some states the question is only whether to detain or release – there isn't a bail provision for juveniles.

Ms. Yohros restated the role of community-specific multidisciplinary teams. They are a group of local professionals, such as police, social work, legal, mental health professionals, education professionals, and state agency representatives. They oversee the diversion process and case coordination as well as help coordinate local services. She explained that each review team has similarities but also different functions.

Ms. Yohros further explained the role of the Connecticut Juvenile Review Board. The board is in charge of both pre- and post-arrest diversion. It is available to police, schools, Juvenile Court & parents. Once one of those entities finds the youth eligible, they can refer them to the JRB. The JRB Case Manager interviews youth and identifies risk and needs. This can be done through validated, evidence-based tool and/or guided interview process The JRB also develops and monitors the diversion plan. Ms. Yohros said that each program is unique; there is local discretion regarding eligibility, operations and services. While there are core components, these are suggested but not mandated.

Ms. Yohros presented on the Kentucky FAIR Teams. This stands for Family, Accountability, Intervention, Response Teams. These are multi-disciplinary local teams that provide oversight of and assistance to all diversion cases. The team reviews Court Designated Worker decisions on assessments and service referrals. The team also provides more intensive oversight of “high risk” youth and also responds to failure to comply with services by youth or family. They make executive decisions on whether to terminate the diversion for lack of compliance.

Ms. Yohros paused for questions.

Ms. Brink asked where these Teams sit operationally and whether there is funding for these positions. Ms. Upin responded that FAIR teams are under Kentucky courts. The FAIR team case managers are considered court staff, although other FAIR team members (e.g. public defense or mental health staff) perform the function as part of their overall job, without special funding for this particular function.

Ms. Brink asked where these programs would fit operationally and how to pay for them. She noted that this point should be added to list of 6 over-arching questions.

Mr. Glennon asked who handles the highest risk youth and what model they are using. Ms. Threadgill responded by saying that part of the goal of the program is to filter out lower risk youth toward diversion opportunities, so that only higher risk youth are moving further into the court system. However, most states have set their eligibility criteria by charge type and history, and so “risk” is not necessarily determined by a validated risk assessment instrument in those states.

Ms. Threadgill presented on the results of some of the diversion reforms in other states. She went over results regarding increases in the use of diversion. In Utah, the percent of Juvenile Court referrals diverted went from 22% to 55%. In Kentucky, the percent of delinquency cases diverted went from 35% to 46%. In South Dakota, there was no baseline, but 4800 plus youth have participated in diversion since law change. Kansas also has no baseline, but 3,200+ youth received diversion in first year. In diverting low risk youth in Utah, most youths who are low risk to reoffend and are referred for a Misdemeanor or Status Offense received an NJA in 2018. However, other states are not tracking/reporting by risk level. Ms. Threadgill presented statistics showing that diversion is by and large successful. In South Dakota, 77% successfully completed diversion in 2018. In Kansas, 87-90% successfully completed diversion in 2018. In Kentucky, 92% successfully completed diversion in 2017. Utah has yet to report on diversion success.

Ms. Threadgill explained that there have been no discernable impacts on crime. Specifically, no state has reported a spike in juvenile arrests following diversion reform. However, most states either do not measure recidivism for diversion cases, or insufficient time has passed to measure impact of reforms on recidivism. Kentucky has seen reductions in recidivism, however.

Dr. Connolly noted that it is important to go back and think about what the purpose of diversion is and whether it is to divert from future delinquent activities. In that case, you have to look at recidivism numbers to get those results and see if its working. Ms. Upin responded by asking how recidivism is defined. If it never moves beyond low-level behavior, it might be youth just

being adolescents. However, if it rises to more serious delinquent activity in the future, that's a different story. Ms. Upin also noted that most youth will desist at a certain point. Dr. Connolly said that also depends on risk of youth. Ms. Upin responded that it does necessarily not mean they will continue on to offend into adulthood.

Ms. Brink asked whether we know the results in our current system. She mentioned that ideally, we should know what the outcomes are for those youth; however, it is not measured. It is difficult to know if the change will make it better if the evidence is mostly anecdotal. Ms. Threadgill responded that while there is no baseline data, it shouldn't keep reforms from moving forward. We should work to obtain the data, but we can't let the lack of it stand in the way of trying to improve our system.

Mr. Glennon asked whether smaller scale county wide diversion systems have been examined. Ms. Threadgill responded that given that this is a state policy making body, the focus was on other statewide efforts. Some county programs have seen success, but she has not seen any study that compared the county vs state approach.

Mr. Glennon asked whether these statewide reforms could have a negative impact at the county level because those at that level know the community better. Ms. Threadgill responded that most statewide reforms were implemented because of wide disparities in the use diversion. Ms. Upin agreed with that opinion. She mentioned that it ensures that there's equity in resources available to counties and that a move towards uniform policy helps ensure all kids under similar circumstances have similar opportunities. Ms. Threadgill said that this could be a minimum bar and that the individual counties could do more. She also noted the tension between state and local control.

Mr. Glennon asked if there is there research on who makes these decisions. Ms. Threadgill said that research on diversion is not robust. Ms. Upin expressed agreement.

Ms. Threadgill presented on the current challenges with respect to diversion. She mentioned that racial and ethnic disparities in use of diversion continues to be a challenge in many states. For example, in Utah the percent of youths who received an NJA referral increased for all racial and ethnic groups in 2018 and increased more significantly for youth of color. However, white youth continue to receive NJAs at higher rates than youth of color.

Ms. Upin pointed out that Utah has not yet done anything to address these challenges, but they are being public about the issue of disparities.

Dr. Connolly asked whether there is a breakdown of the disparities by sample size. Ms. Upin responded that these can be found on the Utah website.

Ms. Threadgill further explained challenges in Kentucky through a graph. Kentucky also reports that the state continues to see racial/ethnic disproportionality with regards to who is offered diversion. The courts have worked across the state to create local action plans focused on reducing disproportionality and increasing diversion opportunities for youth of color.

Ms. Threadgill asked Ms. Upin to further explain the graph. Ms. Upin explained that as the Kentucky law changed, youth of color were moving deeper into system with not as many diversion opportunities. Kentucky needed to understand why, so they worked with Court Designated Workers and talked to stakeholders to understand what is happening in particular counties. She said that as a result, they have developed local action plans, but legislation has not yet passed.

Ms. Threadgill summarized the points of the presentation. She reiterated the four different potential model components. She expressed that model components are not mutually exclusive, and a state could adopt one, several, or all components. She also explained that statewide infrastructure and standards allows for 1) better tracking of how/when diversion is being used, 2) increased coordination among system actors, 3) specialized staffing (assessment, case coordination), 4) economies of scale to allow for 24/7 coverage, and 5) better data for evaluation and tracking of system progress

Ms. Threadgill then opened up the room for questions and discussion.

Ms. Upin mentioned that she found the answer to a previous question by Mr. Glennon. She said that “high risk” determination in Kentucky is primarily determined by staff gut feeling or if school has made a consultation to the FAIR team. She also said assessment is used post-adjudication. This may be an explanation for some of the disparities, if stakeholder perceive youth of color to be “high risk” more often than white youth.

A member of the public asked that if law enforcement drop off youth at the receiving center, if they have any more say in the diversion process. Ms. Threadgill responded that it depends on the program. In Kentucky, if they meet the requirement they automatically are diverted. In Florida, the law enforcement weighs in on if they think diversion is appropriate.

Mr. Glennon asked what information the centers have access to – such a child services and criminal records. Ms. Threadgill responded that they will have to have access if it requires that information to determine eligibility, such as with criminal records. . Ms. Upin said that it depends on who operates the center. She also said that Utah already has access to this information because they’re under the Department of Human Services.

Mr. Jenney asked whether they all have an assessment attached to it. Ms. Threadgill responded that how robust assessments are varies from state to state. Ms. Upin asked for clarification on if he means whether the assessment is used to divert or what to know what to do after diversion. Mr. Jenney clarified that he means assessments dealing with substance use, trauma, and appropriate services. Ms. Upin responded that none are using tool for eligibility, but assessments are used for diverted youth to identify specific needs.

Mr. Glennon mentioned that Kansas is trying to move to YLS. Ms. Upin responded that they want to use the YLS to also inform services once a decision is made.

Ms. Threadgill asked to open up the discussion to discuss initial takeaways for the fall report.

Mr. Glennon mentioned the concern of over-servicing low-risk youth. He said that every study shows if you leave them alone, they are not coming back anyway. He also said the goal should be to focus on those that are higher risk that need services. Ms. Threadgill mentioned that in a lot of these states, diversion for low-risk youth may only be a letter of apology and that many aim toward reserving more intensive services for higher risk youth. Ms. Upin said some services that centers, such as receiving centers, are connecting youth to are not tied to a diversion agreement. (Aka there is no consequence if the youth doesn't not follow through with the referral).

Ms. Mulcahy mentioned that Northwestern region is doing something similar.

Mr. Glennon asked if any of the programs are using graduated sanctions. Ms. Upin responded that Utah is supposed to be using it but has not implemented it yet. She also said that they use it for kids on probation but not necessarily diversion cases.

Ms. Threadgill said that assessment centers have staff trained in adolescent development. She said there can be a lot of flexibility with regards to dealing with noncompliance and working with the youth, depending on the staff and training.

Mr. Jenney asked at what level they are trying to see diversion being used. Ms. Threadgill responded that this is one of the main goals of the group, to figure out when and how diversion should be used.

Mr. Jenney asked who reimburses the centers and whether it is a reimbursable service. Ms. Threadgill was not sure of the answer to that.

Dr. Connolly said she represents court clinics and feels that youth should be kept out of the system. She also said the highest needs should be diverted to services. Dr. Connolly then noted that in the risk assessment world, risk is fluid and depends on scenarios in which a person is more or less likely to be at risk. She emphasized the need for holistic assessment.

Ms. Threadgill noted the positive of having court clinics to evaluate youth, but asked whether it would be valuable to have at least some of those services available earlier in the process.

Ms. Mulcahy said that kids are concrete in their thinking. She noted it is important for them to understand how the court process works and to work collaboratively with other people who are about them. She felt there was a value to having youth come into court.

Dr. Connolly said that sometimes one needs the leverage that the court can provide, but if not then they should be kept in the social service world. Ms. Mulcahy replied that the social service world is overburdened. For example, wait lists are a problem. She noted that the court is, therefore, an important partner. She also said parts of the court have worked repeatedly with families to know what works or what doesn't. She noted that low risk offenders should be kept out of the criminal justice system.

Ms. Cirinna asked what Dr. Connolly means by leverage. Dr. Connolly explained that the court has the ability to sanction if the youth does not comply with treatment. She said that in some

cases, particularly for high risk youth, this can be helpful in getting the youth to engage with services.

Ms. Mulcahy said that there is an urgency, in which the more youth are moved along in court, and the more at risk they are, the more important it is to wrap them in services. Dr. Connolly said that once the court sees the escalation, they want to be able to intervene in some way. Ms. Cirinna responded by saying that the spiral can be seen with low risk youth as well. She asked how many services would be given to the youth until they realize it wasn't working.

Mr. Glennon expressed a concern over the assessment center model. He said he believed that it is moving the court system stigma into a new building by creating an entirely new institution. He said that this institution, however, still has a stigma and may in turn be institutionalizing low level crimes. Ms. Threadgill responded that there are different models for the assessment centers that can range from community service providers to full scale detention centers. She said that in Delaware, for example, community service providers focus on citations. She noted it could be more like a Family Resource Center. Mr. Glennon said that he thinks the community service provider has a better feel.

Mr. Glennon stated that the personalized approach may be lost if the process becomes statewide. He expressed concern over a statewide approach for low-level kids. Ms. Mulcahy responded that this should also be a consideration for high risk youth as well because the program has to be meaningful for the youth.

Mr. Jenney asked how connected OCA is to MassHealth and the behavioral health redesign. He asked if the assessment centers can be housed in these cross-region centers with the idea to use existing mortars instead of duplicating something that is already being done. He mentioned that this can be truly assessment focused and that it would be important to have early dialogue into building the system within a system that is already being done.

Ms. Threadgill said that Utah has a variety of different services that work in conjunction, including both 24/7 centers for more acute cases, and a citation model for less acute cases. She said it is possible to take bits and pieces of different models.

Ms. Fadel said that which door a youth enters is defined by risk. She asked how risk is being defined versus high need and whether that is driving regional disparities. She noted that desistance research shows that factors such as perception of legitimate authority and developmental milestones are better indicators of desistance than is offense type. She asked how academic research informs risk assessment. Dr. Connolly replied that there are very good evidence-based tools that measure the likelihood of recidivism and also take into account various factors. She explained the importance of getting a youth's entire history as opposed to relying on just one tool. She also said it is important to assess in a holistic way and that in the psychology and clinical world there is agreement and understanding established on what are considered high risk issues.

Ms. Cirinna replied that she disagrees with the assessment approach. She said that if the same tool is used on every child, then the process is not individualized. She also said that if trauma is

being assessed in the same way, then it might lead to racial/ethnic disparities. Dr. Connolly replied that a good clinician will use a holistic approach to do the best job they can. Mr. Glennon said that the alternative to evidence-based assessments is judgement, which is more prone to flaws. He said he is a proponent of using assessment tools as a guide.

Ms. Fadel said that the issue of non-compliance keeps coming up in conversation. She said that reasons for non-compliance can differ. For example, it has to be clarified that non-compliance is an “I don’t care” and not an “I tried, and it didn’t work.” She noted that it is important to highlight these reasons and not force youth. Ms. Mulcahy agreed with Ms. Fadel and said that she is a proponent of choice, in which youth agree to something that will support them. Ms. Cirinna agreed as well. She said that she appreciates the idea of choice, as it comes out more honest. Ms. Mulcahy said that youth can cooperate with some type of counseling, but there are different types that can be helpful.

Closing Comments:

Ms. Threadgill noted that the next meeting is August 13th from 10-12 pm. She said that OCA will present a budget analysis, hopefully using this year’s budget if it is released in time. She also said that the next meeting will focus on funding models from other states.

Ms. Threadgill said that she encourages the group to think about pieces of the models that are helpful or can be tailored to be successful in Massachusetts. She said that she is available by phone or email for further questions or thoughts.

Ms. Threadgill adjourned the meeting.

Adjournment: 4:01 pm