

Office of the Child Advocate  
Juvenile Justice Policy and Data Board  
Community Based Interventions Subcommittee

Friday November 13, 2020

10am – 11:30am

**Meeting held virtually**

**Subcommittee Members or Designees Present:**

Karin Orr (DMH)  
Mike Glennon and Nicole Robbins (Suffolk DA's Office)  
Josh Dohan and Migdalia Nalls (CPCS)  
Leon Smith (CfJJ)  
Dawn Christie (Parent Representative)  
Barbara Wilson (CLM)  
Rebecca Brink (DCF)  
Nokuthula Sibanda (DYS)  
Brian Jenney (DPH)  
Kim Lawrence (Probation)

**Other Attendees:**

Melissa Threadgill (OCA)  
Kristi Polizzano (OCA)  
Alix Rivière (OCA)  
Peter Forbes (DYS)  
Leila Khelfaoui (CJI)  
Kathleen Bitetti (SAO)  
Elizabeth Mulcahy (Northwestern District DA's office)  
Meri Viano (PPAL)  
Jasmine Jackson  
Other Members of the public

**Meeting Commenced:** 10:03am

**Welcome and Introductions:**

Ms. Threadgill welcomed the attendees to the Community Based Interventions (CBI) subcommittee virtual meeting. She introduced all the individuals in the WebEx video conference and individuals on the phone introduced themselves. Ms. Threadgill informed members of the subcommittee that, after reviewing and voting on the October meeting minutes, the meeting will

begin with Commissioner Forbes (Department of Youth Services) discussing the State Diversion Learning Lab launch. The group will then discuss the Model Program Guide.

**Review and Approval of Minutes from October Meeting:**

Ms. Threadgill held a formal vote on the approval of the previous Community Based Interventions meeting minutes. No one was opposed or abstained from voting on the October minutes.

The meeting minutes for October were approved.

**Commissioner Forbes (DYS) Diversion Learning Labs Update and Q&A**

Commissioner Forbes praised the work of this subcommittee in developing the Model Program Guide. He found the Diversion Learning Lab consistent with the work and mandate of DHS. The Commissioner discussed some details of the work DHS undertook to prepare for a possible launch as well as the challenges that still need to be resolved. He explained that, in a first phase, DHS would be working with counties interested in implementing the program with the help of local nonprofits that would put together a group of stakeholders in specific cities/towns that could benefit from a Diversion Program. DHS would maintain administrative, contract monitoring, and data responsibilities but would not be running daily operations. He concluded by saying that this is a learning process that will have to be closely evaluated.

Next, members of the subcommittee were given the opportunity to ask Commissioner Forbes some questions. Members enquired about financial support for the Learning Lab. While the Learning Lab is not earmarked in DHS's budget, Ms. Threadgill explained that the Learning Lab is a priority for the Office of the Child Advocate's budget, which will be able to financially support its launch.

The Commissioner and members then discussed potential concerns DHS had about the Model Program Guide. Other members were curious to know if DHS would screen for learning disabilities (e.g. dyslexia). Commissioner Forbes reiterated his wish that the Diversion should reflect individualized learning plans. The Parent Professional Advocacy League (PPAL) added that it would like to provide in-kind services to support parents. Finally, the Commissioner and members discussed how DHS's victim service unit could provide their expertise in the work of the Diversion Learning Lab.

### **Continued discussion re: Model Program Guide**

Ms. Threadgill then opened the conversation to the ways DYS would implement the Program, notably how DYS would be taking administrative leadership. Before diving into more detailed conversation, she introduced the following questions to the group:

- What could be productively addressed with further conversation (perhaps in a smaller working group that would report back to this group)?
- Can some open questions/areas of disagreement be noted (perhaps with pros and cons) and left to DYS to resolve during implementation?
- Should the group plan to discuss a few months into implementation, per one member's suggestion last meeting?
- How much detail needs to be in Model Program Guide?

Having asked the questions, Ms. Threadgill turned to specific topics to be discussed by subcommittee members.

### **Information from Referrers**

First, Ms. Threadgill asked what, specifically, referrers should be providing to the Diversion Coordinator, youth and their family, as well as the attorney, if they have one. Additionally, she asked what should be done to protect the confidentiality of victims and witnesses. Some members argued that Diversion should be more about the young person than the offense, but, given that this process is somewhat coercive, the Diversion Coordinator should probably be able to review the police report. Others argued that the Coordinator should have as much information as possible, but cautioned about the information being distributed to the diverted youth and their family, so that the victim may remain anonymous. Some members suggested that youth could be provided with a redacted police report. It was recommended that that DYS review if the Model Program Guide clashes with its internal policies. Ms. Threadgill asked members if they believed a working group could solve some of these questions, or if the group should develop a pro/con list for DYS to address. It was agreed a working group would be established to discuss these questions.

### **Victim Interactions**

Next, Ms. Threadgill asked the group to think about what interaction, if any, the Diversion Coordinators should have with victims and victim advocates in the DA's office. Members noted

that this particular issue should be examined by DYS to see if it aligns with their policies and procedures. In particular, members discussed the fact that, currently, community providers follow DYS protocols and mechanisms. They noted that perhaps the group could discuss this further with DYS's staff overseeing victim services in a future meeting.

### **Interactions with Defense Counsel**

Next, Ms. Threadgill opened up the conversation about interactions with defense counsel and laid out the following questions:

- What policies will guide interactions between Diversion Coordinators and defense counsel? What is the role of defense counsel during the development of the diversion agreement?
- Given the interest in diversion being a relatively quick process, how can we ensure involvement of counsel does not lead to a more extended process? What time frames will apply to decision-making processes involving defense counsel? For example, if defense counsel is advising a youth on whether to sign the diversion agreement, how many days are allowed for this part of process? Will defense attorneys (YAD and bar advocates) be required to participate in any training or orientation to the program?

Members explained that the subcommittee should figure out protocols to limit some of the Coordinator's involvement with questions like probable cause or when a youth denies they committed act. One member noted that there are times when a youth shares with their counsel that the program is not working with a specific service provider; in those cases the Coordinator should be able to discuss this with the youth's attorney. Members agreed that attorneys involved with youth in a diversion program should not be having discussions about probable cause, as this is something that should be taken up outside of diversion. Members argued that the subcommittee should clarify timeframes regarding when parents decide to bring in counsel, or consultation of the agreement.

### **Communication with Referrer re: Unsuccessful Cases**

Next, Ms. Threadgill asked the group: Should more information about the case plan and the reasons the plan was unsuccessful be provided to referrers, to increase referrer confidence in the integrity/efficacy of the program? Members agreed that referrers should be informed about the services that were put in place during diversion and why diversion was not successful. Ms.

Threadgill explained that the OCA would attempt to flesh out this question further and bring it back to the group for discussion at a future meeting. Finally, she suggested the group give more time to DYS to answer some of these questions.

**Closing Comments:**

Ms. Threadgill concluded the meeting by inviting subcommittee members to reach out to the OCA to further discuss any thoughts or objections to the topics laid out during the meeting. She suggested the subcommittee set a regular date (e.g. first Tuesday of the month) for meetings in 2021. She informed members that the next meeting had not yet been scheduled but that members would receive an invitation to schedule one in the next weeks.

**Meeting adjourned:** 11:27am