



Youth Justice Oversight Committee

Transitional Services Workgroup

Minutes from September 21, 2022, Meeting #2

The Transitional Services Workgroup of the Youth Justice Oversight Committee (YJOC) met on September 2, 2022, from 10:00 a.m.-12:00 p.m. in the Indiana Office of Court Services at 251 N. Illinois St., Indianapolis, IN 46205. Terrie Decker and Magistrate Robert Vann chaired the meeting.

1. Members Present: The following members of the Committee were present:

- Chair Terrie Decker, Indiana Department of Corrections
- Co-Chair Magistrate Robert Vann, Lake County Superior Court, Juvenile Division
- Jill Johnson, Marion County Public Defender's Office
- Kevin Elkins, Lake County Probation
- Victoria Jennings, Indiana Housing and Community Development Authority
- Heather Savage, Indiana Youth Institute
- Chris Dixson, Indiana Department of Corrections
- Brandy Darling, Lake County Prosecutor
- Chris Stilwell, Indiana Department of
- Andrea Ayietta, Keys2Work
- Terese Bottner, Life Works

2. Members Present Virtually

- Deb Johnson, Pierceton Woods/Spencer Home LLC
- Janet Bohner, Indiana Department of Child Services
- Amber Becker, Indiana Division of Mental Health and Addiction
- Nic Orange, Family and Community Partners
- Kate Schedel, Indiana Department of Health

3. Members Absent: The following members of the Committee did not attend the meeting:

- Susan Lightfoot, Henry County Probation
- Bart Doan, Indiana Department of Workforce Development

4. Staff: Joseph Fischer, Tyler Mason, and Leslie Dunn attended in person as staff from the Office of Judicial Administration.

5. Welcome and Introductions: Chair Terrie Decker and Co-Chair Magistrate Robert Vann welcomed the members and thanked them for their attendance at today's meeting.

6. **Meeting Minutes:** The workgroup reviewed the minutes from the September 21, 2022, meeting. Magistrate Robert Vann moves to approve the minutes. Jill Johnsons seconded the motion. Approved unanimously without change.
7. **Procedure for future meetings:** Magistrate Robert Vann briefly reviewed Roberts Rules of Order, summary version. Chairs propose we use them as a guide for structuring procedures and decision-making at future meetings. Moved to adopt but Magistrate Robert Vann. Seconded by Brandy Darling. Approved unanimously.
8. **National Overview Review:** Terrie Decker presented the committee with a summary review of how all fifty states handle minors in their department of corrections. Indiana has a dedicated department under the DOC which oversees youth (ages 12 and up) in DOC. Indiana is unique in this approach.
 - It is agreed that this workgroup is not here to rebuild Indiana’s Youth Services structure. Our recommendations will focus on how to best handle the transition of youth back to the community. Not to rebuild the institution itself.
9. **The process:** The workgroup discussed different perspectives on how a child ends up in the Department of Corrections. Wide variety of circumstances, but this generally happens in one of two circumstances: either an extremely serious crime in which other remedies are not appropriate or for repeated criminal behavior once every other approach has failed. The juvenile court takes input from everyone at the table including the child, the family, probation, and the prosecutor, before choosing to commit a youth to DOC.
 - **Probation perspective:** A wide variety of psychological tests and reviews are done before recommending any child be placed at DOC. Option of last resort when no services would make a less restrictive placement possible.
 - **Prosecutor perspective:** Makes a recommendation but generally feels that probation is in a better position to make service and placement recommendations once the factfinding/admission has been completed. Making this recommendation is very fact sensitive. It could be one crime of excessive violence or repeated failed attempts at other less restrictive placements. This is the Prosecutor’s last step before asking the juvenile court to waive jurisdiction.
 - **Mental health perspective:** Some youth are sent not because the facts particularly warrant it, but because they have such severe emotional or intellectual needs that no other provider will accept this child. This is not what DOC or Division of Youth Services is intended for, yet upwards of 90% of youth sent to DOC from Juvenile Court have some mental health component.
 - **Public defender perspective:** This should always be used as a tool of last resort after every other realistic placement. Youth should never be sent to DOC over technical violations. The workgroup notes a significant difference between counties in how intentional they are with this decision and what they view as the purposes.
 - **DCS perspective:** Youth end up in DOC due to 1.) residential failure; 2.) child is not amenable to other attempts at treatment; 3.) probation failure; 4.) the county feels they are out of options. Youth need to have a clear understanding of their expectations when sent.
10. **Retaining Jurisdiction:** Magistrate Robert Vann will be advocating that the workgroup adopts a position that there be a statutory change that creates either a requirement or a presumption that county juvenile courts should retain jurisdiction over youth who are sent to DOC. This permits

oversight and demonstrates to the youth a continued showing that somebody is there who cares about them.

- This should include continued jurisdiction for some amount of time after the child is transitioned back into the community. This would permit counties to put appropriate services in place and would go far in preventing youth from being recommitted to DOC for small procedural or behavioral infractions.
- Currently, very few released youths are doing TRP services. Continued supervision would change that. Juvenile courts handle reunification issues frequently. Continued Juvenile Court jurisdiction would allow the court to assist in reintegrating the child into a less restrictive setting more successfully.

11. Issues to address with this plan: Not all Judges are as willing to monitor a youth once they are sent to DOC. Some juvenile courts are of the opinion that “I sent this youth because every other tool we have has failed and there is nothing else I can do.” Some courts may use retaining jurisdiction to keep the child in DOC longer rather than as a tool to support the youth and help build a successful transition.

- There must be a guideline preventing judges from keeping youth at DOC over DOC’s recommendations. Sending youth to DOC through a Juvenile Court is not traditional sentencing. Although some courts do send sentencing recommendations to DOC, ultimately it is up to DOC when to release their youth.
 - i. EX: “A Juvenile Court must accept DOC’s recommendation on release unless the court makes specific findings that DOC’s recommendations are unreasonable and against the child’s best interest.”
- Creating ongoing court jurisdiction has the potential for courts to keep their thumb on how DOC operates Youth Services and extend youth’s stay inappropriately long.

12. Additional discussion regarding successful transitioning

- Indian Housing and Community Partners has a housing transition program for adults leaving DOC. Could this be expanded to youth?
- Several workgroup members spoke on the need for service providers to have early and frequent access to the child to establish a relationship before release. Service providers need to be consistent, and intentional with the services they provide to ensure trust is maintained with these youth.
- Fifty-four percent of youth in DOC have some sort of special education exception. Putting an educational component into transitional services would help many youths reengage in some sort of educational programming rather than feeling like it was too late to get their degree.
- One way to attack the source of the problem is to make residential facilities more open to accepting these youth through, among other things, higher per-diems.

13. Future meetings: The next meeting of this workgroup is set for October 19, 2022, 10:00 AM-12:00 PM (Eastern Time) at the same location, if available.

14. Closing: Chair and Co-Chair adjourned the September 21st, 2022, meeting at noon.