



Youth Justice Oversight Committee

Minutes from December 14, 2022 Meeting

The Youth Justice Oversight Committee (YJOC) met on December 14, 2022, from 10:00 a.m.-12:00 p.m. at the Indiana Government Center South, Conference Room B. Justice Steve David chaired the meeting.

1. **Members present.** The following members of the Committee were present in person:
 - Steven David, Chair
 - Stephen Balko, Indiana Department of Education
 - Serrilla Blackmon, Indiana Family and Social Services Administration, Division of Mental Health and Addiction
 - Shannon Chambers, Johnson County Probation
 - Terrie Decker, Indiana Department of Correction
 - Judge Darrin Dolehanty, Wayne Superior Court 3
 - Tracy Fitz, Indiana Prosecuting Attorneys Council
 - Magistrate Carolyn Foley, Allen Superior Court
 - Judge Faith A. Graham, Tippecanoe Superior Court 3
 - Mary Kay Hudson, Indiana Office of Court Services
 - Devon McDonald, Indiana Criminal Justice Institute
 - Nichole Phillips, Bartholomew County Probation, and the Probation Officers Professional Association of Indiana
 - Nancy Wever, Indiana Office of Court Services, Juvenile Detention Alternatives Initiative
 - Joel Wieneke, Indiana Public Defender Council
 - James C. Wilson, Circle Up Indy

2. **Members attending on Zoom:** Judge Vicki L. Carmichael, Clark Circuit Court 4; Kia Wright, VOICES

3. **Members absent:** Dr. Matthew Aalsma, Terry Stigdon, Judge Marshelle Broadwell

4. **Staff:** Leslie Dunn, Nick Parker, Shenna Robinson, Colleen Saylor, and April Dubree attended in-person as staff from the Office of Judicial Administration. Julie Whitman and Blane Cook attended as staff of the Commission on Improving the Status of Children (CISC).

5. **Welcome and Introductions.** Justice David welcomed members and guests, including Senator Crider and Representative McNamara, who were present. Representative McNamara thanked members for their work and thanked Justice David for his leadership. Senator Crider thanked the members and noted that the work tracks his work with the Behavioral Health Commission, although the funding is for different purposes. Senator Crider indicated that a bill is being drafted to address the budgetary requests of the Grants Workgroup Report; he is hopeful we can make

substantial steps forward. Justice David shared that Julie Whitman is leaving her position as Executive Director of the Children's Commission and thanked her for her years of service.

6. **Approval of Minutes from October 12, 2022, Meeting.** Committee members were provided a copy of the Minutes prior to today's meeting. Magistrate Foley made a motion to approve the Minutes; Judge Dolehanty seconded the motion. A roll call was taken and Committee members approved the October 12, 2022 meeting minutes unanimously.
7. **Grants Process Workgroup.** Justice David explained that the YJOC would need to take action on the Grants Process report during the meeting because it is due to the legislature January 1, 2023. He stated that YJOC members' comments would be collected and agreed-upon changes would be made to the report, but the group would not re-convene and vote again. Justice David then gave his own assessment of the grants process, that the challenge will be to connect with the counties and engage with them so everyone participates. He said it would be important to keep the process as simple as possible so smaller counties that do not have a lot of staff can participate and take advantage of the grant opportunities. Members indicated that they received the Grants Process Workgroup report ahead of time and had time review it.

Devon McDonald, Chair of the Grants Process Workgroup thanked everyone for their work and said they have solid recommendations and they tried to address the concerns mentioned by Justice David. Devon said ICJI and the Grants work group will take the time to build the necessary infrastructure; there was a lot of discussion about that. The group came up with a formula that they believe makes sense. The short amount of time available to put the report together was a challenge. This is their first attempt; the numbers may look different at the next biennium. He said these are initial recommendations; the group may need to re-visit and expand the programs.

Discussion from Youth Justice Oversight Committee members ensued. Judge Dolehanty stated that it was smart to allow planning grants for counties like Wayne that do not have programs now. He said providing shining examples from other counties would be very helpful. He also said that having the option to regionalize is wise. Mary Kay Hudson recommended including an explicit statement that the YJOC may need to re-visit the protocols and procedures in the future grant cycles to accommodate any changes after the reports from the other workgroups are completed. Mary Kay also expressed concern over the word "should" under the Introduction (bullet point 5) and said that if the intent is a firm decision to include the ability for both county governments and local agencies to be able to apply that the wording should be clarified to say "shall." She also stated that in the section on valuing the voices of those with lived experience, it would be helpful to clarify how to incorporate them into the process. Finally, in terms of performance standards, Mary Kay said she recommends that grantees collect and report case level data on specific interventions. The data needs to be connected across the case and outcomes determined by a research group rather than at the local level. Justice David asked if everyone was in agreement with Mary Kay's recommended changes; if so, they will be incorporated into the report. No objections were made.

Judge Graham brought up a concern about data collection; she felt it was important not to ask users to do double data entry in different systems. She stated there is a need for clear, statewide data definitions and to keep track of data to ensure fidelity to the model.

Members wanted to make it more clear that non-governmental agencies can apply for the grants and what the requirements are for collaboration. Devon McDonald said they will require a

collaborative plan with the grant application (and/or an MOU with the Court) and this should address any concerns if non-governmental agencies apply. Devon stated that they hope to develop more guidance on this in the RFP and in the application process and in the outreach to the counties. James Wilson noted that agencies in the community are more connected to the people than government agencies, so they have to be able to apply. He also stated that the data should look at the root causes of delinquency.

Joel Wieneke said we need to make sure that the diversion programs really keep kids out of the system who should not be brought in at all and that we don't send kids to programs for behavior that isn't even in the ballpark of being a delinquency case. This should be kept in mind for training. Joel also stated that since IA fees were eliminated, it does not seem like it was the intent to add programming fees to IA cases; he would like this clarified so that it does not become "pay to play" like the adult system. Joel also noted that a lot of counties require an admission by an individual in order to participate in and IA and he hopes this does not become part of the juvenile diversion program.

Joel asked if it is the intent that smaller counties collaborate. Devon said it is the intent that small counties can collaborate, pool their resources to work together to get programming and services. Joel said some people may have trouble envisioning this and examples would be helpful. Justice David mentioned that some of these concerns he may address in a cover letter he is writing for the Grants Report. It will be a challenge to educate probation and judges about all this but there have been some preliminary discussions with IOCS education staff about this already. Leslie mentioned that the diversion workgroup will highlight best practices and will highlight certain programs.

Nancy Wever stated that the definition of diversion may need to be made clearer in the statute. Some may interpret the definition to mean that diversion funds are only available if the youth meets all the criteria listed such as having a preliminary inquiry (PI) and completion of the IYAS. Some counties have cases now where the assessments are not completed and the youth are referred to outside services rather than brought into probation. Nancy doesn't want this to be interpreted that all cases have to go to the prosecutor now. There was a discussion about whether pre-arrest diversion cases would be eligible for the grant funding and whether such cases would need to be directed to the prosecutor in order to qualify. Nancy and Tracy Fitz of IPAC agreed to continue that discussion.

Representative McNamara says that bills are usually effective July 1 and that wouldn't leave time for implementation of the grants. Devon said the grant process workgroup recommended a 2-year grant cycle starting January 2024. ICJI will do outreach and education from July-November. This gives counties time to get collaborative groups together.

Kia Wright stated that there is a need to work through what the youth and family involvement will look like. She would like to see priority given to community-based organizations not government. She also recommended on behalf of the youth and families that the state not use language in the RFP that is not deficit based such as "at-risk youth", etc. She said it would also be important to make sure the grantees get training on how to work with youth and families and have cultural competence training. Grants should encourage parental engagement in the process. Nancy Wever stated that a part of the report about youth and families providing input on the diversion grants was inadvertently left out and needs to be added back in.

Justice David stated that the staff would do the wordsmithing and facilitate final submission. He asked if the group would entertain a motion to approve the Grant Programs Report with the option that they can still send in any comments. Tracy Fitz moved to approve the report; Joel Wieneke seconded and the Grant Programs Report was approved unanimously. (Roll call vote taken for two members participating on Zoom.)

Justice David provided a brief update on the funding for the grants; he provided some preliminary numbers and the justification for the numbers to the legislators. He said the numbers may change and the Committee will be provided with more information as the legislation progresses.

8. Workgroup Updates.

- a. **Screening and Assessment:** This group reviewed national trends on assessments and updated some questions they want to use for outreach to different agencies in the juvenile justice system to gauge their level of understanding and use of assessments and scores. They are looking carefully at education. They received recommendations from the Diversion Workgroup. Judge Dolehanty states that the boots on the ground decisions are made by schools and law enforcement and they don't have assessment tools and he asked if they have talked about this. Shannon said they have discussed that there needs to be more education on this. Justice David noted that we need to get all the stakeholders to be invested in the process.
- b. **Data:** Mary Kay Hudson reported that they have had discussions around an overall plan; they are laying the foundation of core data elements that they want the counties to be able to collect. They need descriptive elements of the child; where they are in the system and the services they are getting. They need to cover the basics first and need a solid foundation; this will drive a research agenda. Members of MPH shared they have a lot of data they can access but we need to make sure we aren't answering the higher level questions before having the basics down. Before they push out statewide requirements, they want to look at some particular counties more carefully. Counties will ask what we are going to do with the data. Mary Kay recommended considering pilot counties that may be willing to share what they can collect. There are a lot of moving parts with data definitions, research and collection. They are starting with racial and ethnic data as it is already being collected and has been defined.
- c. **Behavioral Health:** Serrilla Blackmon reported that the group recently discussed a complex case (high acuity youth), and walked through the process and the lessons learned. They will make recommendations from this case study as to how the state can provide a structure/framework at the local level first. They are seeing an increase in high acuity cases. The state team that reviewed the complex case was multi-disciplinary and this should happen at the local level, too (using the state team as a model). They are looking at the state workforce report to think about any short-term solutions. They are also looking at ways to engage parents and the role of telehealth in rural areas that don't have options. They will be connecting with other groups to coordinate.
- d. **Diversion:** Tracy Fitz reported that her work group is reaching out to counties that have great programs to see what is available and discuss best practices. They have a working draft of best practices. They are looking deeper at diversion programming; what data is collected and how. They will be connecting with the Probation Standards workgroup soon. Mary Kay Hudson noted that if they can select the core data elements now, there

can be later conversations around outcomes and performance measures, which are better addressed by researchers, not local counties.

- e. **Transitional Services:** Terrie Decker reported that they have spent a lot of time educating the group about what happens in DOC because there are a lot of false assumptions. They looked at data as to who sends kids to DOC and for what. They have a workgroup looking at the services kids need and a legal workgroup trying to figure out how to make it all work. Joel Wieneke asked if they are making any legislative requests regarding severing juvenile court jurisdiction and keeping kids involved to help them transition out of DOC. Terrie said they are discussing this; there has to be change but they are discussing what that might look like.
 - f. **Juvenile Probation Standards:** Magistrate Foley stated that they are moving along well. They have done several presentations to get feedback. They presented to the Probation Committee of the Judicial Conference and to the Board of Directors of the Judicial Conference. Quite a few judges were not aware of HEA 1359 so they are getting the word out. They have three subgroups and they are all drafting their recommendations and have exchanged drafts. They have their timeline worked out in terms of the Judicial Conference; they have to go to the Board of Directors in April and to the Probation Committee before that.
9. **Family and Youth Advisory Group Update.** Kia Wright from Voices reported that they have 27 participants, and it is a very diverse group; they are fiery and providing lots of feedback. They take this very seriously. They developed a proposed schedule; they will provide 45-60 minutes for a presentation and then they break out for discussions and make written recommendations. They are working on a template with some guided questions for the workgroups. They would like to present their recommendations to the YJOC at some point as well. Parental and family engagement have been key topics that the workgroups have requested input on from the family and youth. They also developed a draft schedule as to when the YJOC workgroups will present to them:

1/7/23 Screening and Assessment
1/21/23 Diversion
2/4/23 Behavioral Health
3/4/23 Juvenile Probation Standards
4/1/23 Transitional Services
5/6/23 Data

She said that work group chairs can reach out if the assigned date does not work for them and reschedule.

Next Meetings:

February 8, 2023

April 12, 2023

June 14, 2023