



Youth Justice Oversight Committee

Data Work Group Meeting Minutes

I. Meeting Details

Date and Time of Meeting: January 13, 2023 at 9:00 AM – 3:00 PM

Location of meeting: Indiana Office of Court Services, 251 N. Illinois St, Indianapolis, IN, Suite 800

Minutes prepared by: Lisa Thompson

II. Attendees

Members present in-person:

- Dr. Matt Aalsma, Indiana University School of Medicine, Chair
- Mary Kay Hudson, Indiana Office of Court Services, Co-Chair
- Christine Reynolds, Indiana Criminal Justice Institute
- Melanie Pitstick, Marion County Juvenile Probation
- Kristi Bruther, Johnson County Juvenile Detention Center
- Kaitlyn Christian, Management Performance Hub
- Josie Fasoldt, Governor's Office of Equity, Inclusion and Opportunity
- Judge Sarah Mullican, Vigo Circuit/Superior Court 3
- Judge Paul Felix, Hamilton Circuit Court
- Olga Volokhova, Indiana Youth Institute
- Nikki Ford, Indiana Department of Child Services

Members present electronically via Zoom:

- Sarah Schelle, Indiana Department of Correction
- Nancy Wever, Indiana Office of Court Services, JDAI

Members absent:

- Traci Lane, Madison County Juvenile Probation

Guests present:

- N/A

Staff present:

- Lisa Thompson, Indiana Office of Court Technology

- April Dubree, Indiana Office of Court Services
- Leslie Dunn, Indiana Office of Court Services
- Julie Whitman, Commission on Improving the Status of Children

III. Approval of Minutes from December 20, 2022 Meeting

Committee members were provided a copy of the December 20, 2022 meeting Minutes prior to today's meeting. Judge Felix made a motion to approve the Minutes; Judge Mullican seconded the motion. Committee members unanimously approved the December 20, 2022 meeting Minutes.

IV. Timeline for Work Group Report

Dr. Aalsma and Mary Kay Hudson shared with the Work Group members that a draft outline for the Work Group's report is due at the next Youth Justice Oversight Committee (YJOC) meeting on February 8th. The Data Work Group meets again on February 2nd; a request was made for volunteers to work on the draft outline over the next few weeks. The draft will be presented to the other Work Group members at the February 2nd meeting. If approved, it will be presented at the YJOC meeting on February 8th.

In the draft outline, we anticipate illustrating a phased approach to data collection, with an emphasis on the Data Collection Protocol discussed at the October 2022 meeting. Nancy Wever, Nikki Ford, Kristi Bruther, Kaitlyn Christian, and Judge Mullican volunteered to help with the outline. This group will meet remotely over the next few weeks.

V. Continued Crosswalk of RED vs. JDAI Definitions

The Work Group members resumed discussion of the "Crosswalk" document. It was recommended to include the following details for each item in our documentation: (1) Definition; (2) Description of the practice at the local level; (3) Description of best practices; (4) Data collection; and (5) Research needs.

Referral

A summary of the discussion around referrals was provided. The Work Group previously engaged in complex conversations about referral practices found across the state. The goal is to find a balance between flexibility and innovation, while also encouraging consistency. It was recognized that an additional process evaluation may be needed to ensure we lay a solid foundation, and variations found throughout the state will require explanation.

Diversion

Julie Whitman provided an update on the work being done by the YJOC Diversion Work Group. There has been discussion around the definition of diversion and

whether there first must be law enforcement interaction or a referral to the justice system. There has also been attention around data collection on diversions. If the goal is to keep those youth out of the “system”, are we inadvertently introducing them to the system if we keep data on them? Questions still exist around the difference between pre-involvement, diversion, and informal adjustment.

Mary Kay provided the statutory definition for diversion outlined in IC 31-37-8.5-1, and commented that we have to collect minimal data that coincides with this statute.

Monroe County is conducting a deep end analysis of law enforcement contact with youth. Mary Kay suggested connecting with Monroe County to check on the status of this project and to determine what barriers and successes they have had. Nancy Wever recommended that future data collection include law enforcement contacts to track equity measures.

It was noted that the RED definition of diversion includes any referral received by probation that does not result in the prosecutor filing a petition alleging delinquency (i.e., dismissals, “warn and release”, informal adjustments, referrals to other agencies, etc.). Additionally, many of the RED diversion examples involve decisions made by probation, not the prosecutor.

Discussion was held regarding the role of “delegated authority” where there is an agreement for probation to move forward with a diversion without sending the referral to the prosecutor for a decision. It was noted that this is another area for a process evaluation to better understand local procedures. Nancy commented that per statute (IC 31-37-8-1) probation is to send all referrals to the prosecutor. If the prosecutor wishes to take action, the referral is returned to probation with a request for a Preliminary Inquiry. However, in many jurisdictions, probation prepares the Preliminary Inquiry before the prosecutor has knowledge of the referral. In other counties, probation has the delegated authority to make a decision regarding possible diversion opportunities without ever consulting the prosecutor.

Further exploration will be needed in this area, as there are other examples that do not meet the statutory definition of diversion, including Dual Status youth referred to DCS and situations where the prosecutor dismisses the matter altogether with no action taken. There may be other examples where probation is not notified of the diversion because the prosecutor received the information directly and referred the youth to a community partner.

Detention

It was recognized that JDAI sites are able to better define detention and uses of detention, while counties not participating in JDAI and those without a detention center have a more difficult time defining practices.

In a JDAI county, a youth isn't considered to be detained until a Detention Screening Tool has been completed and there is a decision to detain. The period of time a youth is in custody for screening is not considered detention.

In a non-JDAI county, probation often makes the decision to detain without a Detention Screening Tool; however, HEA 1359 requires all counties to use a validated risk tool to aid in the detention decision. Mary Kay explained that the Indiana Youth Assessment System – Detention Screening Tool (IYAS-DST) will meet that requirement. The Judicial Conference already requires the use of this tool in the Indiana Risk Assessment policy. It was noted that overrides and reasons for overrides are also required to be submitted to IOCS, and overrides of the detention decision must be included in the court order. Additionally, out of county detentions will need to be explained.

It was mentioned that currently the Juvenile Reports application in INcite allows the Preliminary Inquiry Report to be completed without an IYAS-DST (there is an override function to proceed without it). It was proposed that this Work Group recommend a technology change that would require an IYAS-DST on every Preliminary Inquiry, and no longer allow for an override. This recommendation will require a collaboration with the Screening & Assessment Work Group.

Discussion was held around the Log of Juveniles Held. The application requires the tracking of secure and non-secure detentions, as well as pre- and post-dispositional stays, but the data may not be entered in real-time. Many counties double enter data into both their detention management system and the Log of Juveniles Held. Therefore, Indiana still does not have a centralized database of all youth who are in detention at a given time and the reason for those detentions. It was noted that this Work Group may want to recommend a process for centralizing detention data in real-time that will also allow for tracking of a youth through the system, not just the collection of aggregate data.

Further conversation was held regarding the “owners” of the detention data, and that counties will not be entering detention data in one location natively. Olga Volokhova made a recommendation to consider building a data repository, as well as establishing a budget for changing the underlying systems to ensure the data can be collected while also building the capacity to extract and submit data from the counties to the state. A repository would serve as a hub to hold and analyze data

that could be displayed in a dashboard format, if desired. An emphasis should also be placed on any legal restrictions and data sharing agreements needed to share this type of data. A question was posed whether the Management Performance Hub could help connect data sets, especially while waiting on a budget for a repository. There is also a desire to foster and encourage a framework for local data review to influence local policy and practices.

There was a mention of the Data Sharing & Mapping Task Force under the Children's Commission that is also working on a "Vulnerable Youth Dashboard". This Work Group may want to collaborate to ensure efforts are not being duplicated.

The Work Group members agreed to utilize the RED definition for Detention. It was noted that any differences in practices and nuances may need to be added to the commentary, as well as the various reasons for detention.

Petition Filed

The Work Group decided that this definition should only refer to the initial delinquency petition, but it is also essential to ensure courts are using the proper event codes. The name should be updated to "Petition of Delinquency Filed."

Discussion was held regarding adding additional decision points and definitions for the following:

- Petition to Modify Dispositional Decree/Order
- Order Granting Petition to Modify
- Order Denying Petition to Modify
- Order Dismissing Petition to Modify

Although there is a desire to track all possible outcomes of a petition to modify, the granting of the modification is of most importance. More in-depth research is needed to know what happens as a result of the modification, as well as administratively handled sanctions. This information may not be as useful as a state-level data point.

Found Delinquent

The Work Group agreed to rename this decision point to "Adjudicated Delinquent" and would utilize the JDAI definition. Data will also need to be collected for incidents of "Adjudicated Not Delinquent."

Probation

Discussion was held regarding collaboration with the Probation Work Group on a definition of probation. Although, it may be important to clarify that probation does not include diversion or informal adjustment. It was also discussed that Informal

Adjustment should be added as its own definition and decision point as outlined in IC 31-37-9.

Secure Confinement

It was noted that the RED definition includes confinement as either secure detention or a commitment to the DOC, but JDAI separates these out into two separate definitions: Confinement vs. Commitment. The Work Group members decided to adopt the two separate definitions as used by JDAI. Information about “safe keepers” should be included in the commentary.

Waiver

The Work Group preferred the JDAI definition for waiver. It was also noted that the waiver definition should reference IC 31-30-3-1.

Motion for Waiver Filed

The Work Group agreed to keep the RED definition for motion for waiver filed, which tracks motions filed, withdrawn, granted, and denied. It was also noted that this is not a federal requirement, but was an additional RED decision point added for state-level analysis.

Direct File

The Work Group agreed to keep the RED definition for direct file and reference IC 31-30-1-4. It should be noted that these cases do not begin with a referral to the juvenile court and are found statewide in Odyssey, even in jurisdictions where the juvenile court uses Quest.

VI. Data Collection

Throughout the Crosswalk discussion, questions were raised regarding the timeframe for collecting/reporting data and when the plan takes effect. Mary Kay recommended that the Work Group start with some test pulls of data to determine whether there is enough data to connect the dots and make policy decisions. Kristi Bruther mentioned the benefits of combining other required county-level reports; however, many of them are simply aggregate numbers. It may be ideal to request case-level data and allow IOCT to aggregate as needed. Kristi offered to pull some sample data from Quest. If the Oversight Committee approves, we can begin to look more closely at data and develop plans for how the data will be used.

The HEA 1359 legislation requires data collection for diversion to begin July 1, 2023, with a report from the counties to state legislators due in December 2023. It was discussed that legislative amendments to this timeline may be needed. IOCS staff will work with Julie Whitman and Leslie Dunn to investigate further and will update the Work Group members at the next meeting.

VII. Next Meeting

The next Data Work Group meeting be on **Thursday, February 2nd from 1:00 pm to 3:00 pm at the Indiana Office of Court Services, Indianapolis.** A sub-group will plan to meet remotely before then to build the outline of the Data Work Group report.

The next Youth Justice Oversight Committee Meeting is **February 8th from 10:00 am to 12:00 pm.** at Indiana Government Center South, Conference Room C, Indianapolis. There will be a live webcast of this meeting available on the Youth Justice Oversight Committee website: www.in.gov/youthjustice.