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# Youth Justice Oversight Committee

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## Minutes from February 8, 2023 Meeting

The Youth Justice Oversight Committee (YJOC) met on February 8, 2023, from 10:00 a.m.-12:00 p.m. at the Indiana Government Center South, Conference Room C. 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
  - Judge Marshelle Broadwell, Marion Superior Court 16
  - 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
  - Nichole Phillips, Bartholomew County Probation, and the Probation Officers Professional Association of Indiana
  - Terry Stigdon, Department of Child Services
  - Nancy Wever, Indiana Office of Court Services, Juvenile Detention Alternatives Initiative
  - Joel Wieneke, Indiana Public Defender Council
  - Kia Wright, Voices
  
2. **Members attending on Zoom:** Devon McDonald, James Wilson
  
3. **Members absent:** Dr. Matthew Aalsma, Judge Vicki Carmichael
  
4. **Staff:** Leslie Dunn, Nick Parker, Shenna Robinson, Colleen Saylor, and Michelle Goodman 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 guest J.C. Barnes, Ph.D., of the University of Cincinnati
  
6. **Approval of Minutes from December 14, 2022, Meeting.** Committee members were provided a copy of the Minutes prior to today's meeting. Judge Dolehanty made a motion to approve the Minutes; Terry Stigdon seconded the motion. Roll call was taken and Committee members approved the December 14, 2022 meeting minutes unanimously.

- 7. Screening and Assessment Presentation.** Michelle Goodman, IOCS staff to the Screening and Assessment Workgroup and J.C. Barnes, Ph.D., of the University of Cincinnati presented on the Indiana Youth Assessment System (IYAS). The IYAS is a suite of validated tools created by the University of Cincinnati that supports the use of evidence-based practices. The IYAS was adopted by the Indiana Judicial Conference, which meets the requirements of HEA 1359. The IYAS was recommended by a multi-disciplinary stakeholder group after reviewing numerous assessment instruments. A valid risk assessment attempts to predict future behavior of people; this is hard to do but it is possible to predict future behaviors of a group of people that share similar factors in common. With no tool, you are correct about 50% of the time. We can improve those odds (better than chance) with a valid risk assessment and get better outcomes. Better prediction of risk will result in better use of state resources and more efficiency. The IYAS tools are predictive and reliable. As a part of evidence-based practice, IYAS is a validated based on data and research, and there must be continuous quality improvement processes and on-going validation of the tools. They use a reliability study (checklist or rubric) and training to ensure people score the tools consistently. The use of the IYAS tools allow for the scaling of resources and data analysis at the state level.

Terry Stigdon asked how long the IYAS has been around. Michelle Goodman said they started studying it in 2008 and partnered with IOCS to create the Risk Assessment Application to electronically enter assessment information. It went live for users after required training in October 2010. It is used for parole, Division of Youth Services, probation, and community corrections statewide. Judge Graham asked what the difference is between the terms screening, assessment and evaluation. Dr. Barnes explained that a screening and assessment tool is the same thing in this context. There are different tools for different parts of the criminal justice system to use at different stages. Judge Broadwell asked about efforts to address bias. Dr. Barnes explained that validation is retrospective; we collect all the scores at the state level and run a correlation analysis to determine if people that score higher end up recidivating more often and vice-versa. One of the strengths of research is examining if there is bias; bias can show up in several ways but usually shows up in that it is a better predictor for one group than another or a certain item is the assessment is a better predictor for some. Some items are less predictive for minorities, and they are looking into that.

Joel Wieneke asked if there is a violent offense scale; does the IYAS show if there is a high risk of re-offending in a violent way or just that there is a high risk of re-offending? It is very hard to predict risk of violent or certain crimes. There are some assessments that look at risk of violent re-offending, but not a certain crime. There are some specialized tools that look at specific areas, for example sexual offenses. There is a lot of overlap between the general assessments and the ones that predict violent behavior. Mary Kay Hudson asked about training on administering the tool correctly and what to do with the outcomes of the tool, as well as the concept of overrides. The tools are meant to be guides; there is still discretion; it is not meant to substitute the judgment of the probation officer. External information can be used to justify an override in either direction. The tool is one factor; it does not tell you what to do. Mary Kay said we would like to have local conversations around policies, how communities use the tools to inform community-based practices, etc. Dr. Barnes suggested there could be a rubric or matrix—if you are in this part of the matrix, these are the services you might consider. You could have a more systemic rubric so roughly each jurisdiction would recommend similar programs for similar scoring but allow for individualization for what is available in the community.

Tracy Fitz mentioned that as a former prosecutor, she knows that it is very important to do follow-up on what is self-reported when completing the IYAS to make sure that accurately reflects reality. Also, the tool should not be used to tell the judge what to do. Dr. Barnes

reiterated that low risk is not no risk; some low-risk offenders do recidivate. Risk factors do change, they are both dynamic and static. One option is to keep doing the assessment as new information develops. There was a New Zealand study that showed when people experience a lot of change at the same time, the risk of recidivism goes up; this may suggest during periods of a lot of change, there is more risk. You can put policies in place in a county relating to use of IYAS and you can do quality reviews and ongoing training. Nancy Wever asked if overrides change the IYAS score; they do not, overrides are tracked separately. Justice David stated that when he was a trial court judge, he found the IYAS as a guide to be helpful, not restrictive or dispositive. We may need to explain the top misconceptions about the IYAS to stakeholders.

Justice David reminded everyone that our next meeting is April 12 but we expect to see the preliminary/draft reports from each group on or before April 6. Justice David has met with a few of the workgroup chairs and plans to meet with the others soon. Leslie will touch base with the IOCS professional staff to see if they would like to meet as well.

## 8. Workgroup Updates.

- a. **Screening and Assessment:** Dr. Barnes also spoke to the Screening and Assessment Workgroup about evidence-based practices and validation. They have created a workplan and workflow document. They are compiling results from talking to stakeholders to help them see what education is needed. They met with the Probation Standards group to address overlapping deliverables to be consistent and avoid duplication. They are working on where they need best practices. Tracy Fitz stated that some counties already have agreements about a group of charges that go directly to diversion and screening is not being done. In the workflow, every child that has a referral must have an IYAS to look at their risks and needs. The workflow created by the workgroup shows the steps. Tracy suggested that each county be provided with a workflow with best practices around where and when each tool should be done. Serrilla Blackmon noted that there needs to be some coordination with DCS to review the CANS and coordinate services. They also need to coordinate regarding mental health assessments; many counties do them, but it is not standard in all jurisdictions. Nancy Wever noted that some prosecutors have diversion cases that never go to probation-how do these youth get assessed? The prosecutor may get the referral, but they have to send the youth to probation to be assessed. Do we have to have the preliminary inquiry (PI) or could the prosecutor refer the youth to probation for just the diversion tool? She asked if every referral will require an IYAS assessment, because if so, we are bringing some youth deeper into the system. Shannon said counties could possibly set it up in a way to get the tool completed without “touching” the youth and family enough to increase risk, like using a virtual meeting rather than bringing them into the office. Justice David encourages them to figure out what has to be done, and what are the workgroup’s recommendations as to how to do it? We need to keep the process simple, so it isn’t overwhelming.
- b. **Data:** Mary Kay Hudson went over the workgroup’s report. The statewide data plan is a significant undertaking. They are looking at the foundational elements. The plan is to develop a plan, but they do have some concrete steps. Their first goal was to adopt standardized definitions using JDAI and RED definitions as a starting point. Some definitions are more challenging and need to be more precise for quality data and research. For example, the definitions of referral and detention. The workgroup is trying

to build consensus. We do not have good case-level information other than the log of juveniles held. We need to know why the youth are in detention. They are looking at some of the process in the adult jail system for victim notification as a potential process that could be replicated with youth. We need case level information that starts with law enforcement and follows them through each step of the system in real time. The workgroup wants to do some intensive work with a few counties around the process. They have to get a handle on what the variations in practice are before rolling anything out on the state level. We need to achieve a high confidence level in the data we do have. If they have to build an interface or a new system, there will be costs involved. We need a formal youth justice group at the local level; JDAI counties have this but other counties do not. There are also some challenges around the timelines that we may need to talk to Representative McNamara about. Once definitions are finalized, they will want to test drive those in some counties. They are relying on the statutory definition for diversion, even though it is limited. We need to know—if it isn't diversion, what is it? What do we call it? This group will need to exist in perpetuity.

- c. **Diversion:** Tracy Fitz presented and said they have a broad deliverable-policies and practices and parameters of diversion. They are listing best practices and take-aways from various counties. They will have a small group do site visits to counties so they can better outline the array of programs that are doing good work. After this, they will be ready to write. Their report will talk about model programs. They are thinking of this as a “How to.” They are thinking about if they want to use language saying things are “required” or “encouraged” so they do not scare people off. They want to leave it flexible, and walk through what to think about, what is strongly encouraged and why. They are thinking ahead to the outreach to counties, how to engage with them using the planning grants, such as convening a group, looking at the data and determining which models are sustainable in their county. We need to start communicating to all the stakeholders that the grants will be available and they need to apply for the grants.
  
- d. **Transitional Services:** Terrie Decker said they spent a lot of time educating their workgroup on what happens; there are so many misconceptions about how long the youth are in school, what they provide, how they exit DYS, family involvement, etc. The goal is to determine the best way to re-integrate the kids back into their communities, and what services need to be in place. There is a big push for counties to be in charge of what happens when kids are released from DYS. Everyone is experiencing capacity issues with providers. DOC has an MOU with DCS to use their providers. They are looking at how this will impact funding for services and whether they should look at every youth. So far, they are looking at all youth, but the counties will decide ultimately if they need services or not. Something that they were not tasked with but did discuss is “are we getting the right kids sent to DOC?” They would like to have input and suggestions from other groups about this. Terrie said they discussed that a child may need to go back on probation in order to be able to get DCS services. Terry Stigdon said they do not want juvenile justice reform to create further involvement with the child welfare system to provide services. The only way DOC can provide services currently is if the youth is on parole. They discussed whether there could be follow-up for youth leaving DOC like there is for kids in Qualified Residential Treatment Program (QRTP) which have 6 months of aftercare services. Can service providers have a DCS contract to provide

services without having to have a JD or JC case open? Justice David said they are not constrained by the deliverables and can absolutely discuss other issues if they identify a need and a solution to an identified barrier. Judge Broadwell noted that they have kids in detention who end up with DCS because their parents will not pick them up; the parents know what their kids need and they have insurance but the providers will not accept it so they can't access services. DOC can help set up appointments for youth leaving and make referrals on behalf of the child that do not include DCS involvement but if the process is difficult or expensive, they won't follow through. Terrie said they discussed how important it is to the youth for them to know that the court still cares about them and how they are doing. These kids do not have much support and that means a lot to them. Justice David said all this discussion today underscores the need for an institutional/permanent group (like YJOC) to oversee this ongoing process and to catch and correct any unintended consequences. Nancy Wever said these services should be called "re-integration services" not transitional services.

- e. **Probation Standards:** Magistrate Foley reported that they are in the writing stage. They are using the existing probation standards format. They have spoken with the Probation Committee about making the language more consistent in the future. They want to use the word "youth" rather than "juvenile" or "offender." They had extensive discussions about having separate standards for youth but decided it was not realistic because a lot of the standards are applicable to both adult and youth. The Probation Committee gave some input, but they have to go back in March and have them approve the revisions before they go to the Board of Directors of the Judicial Conference on April 18 to present them. The Board of Directors will vote on the final standards at their June 18 meeting and the standards will be adopted at that time.
  
- f. **Behavioral Health:** Sirrilla Blackmon stated that they submitted an outline that they will use to inform their report. The system is complex and ever-changing. They are looking at definitions and getting clarification on those. They are looking at services that are already being provided. DMHA funds services for justice involved youth, but so do other agencies so they are trying to gather those resources. They have identified some gaps and lack of services. We do not have a full continuum of services so they are looking into what they will recommend to build up those services to include prevention and after care using system collaboration. DCS has a structure for assessments; can we replicate that and make diagnostic evaluations available to youth in the local communities so they don't have to be sent to DOC? Lack of workforce is a huge issue. They are looking at training and competencies, Medicaid reimbursement and parity for families not supported by Medicaid. There are limited options for families with insurance; they must relinquish their rights to get services. They had their meeting with the Youth and Family Advisory Group last Saturday and it was very lively and informational. Parents feel that they are not listened to and they do not feel included. They need to formalize training on how to engage parents early in the process. Resources are lacking in rural areas. Lots of families do not understand how systems work and connect; we need to provide more education on this.

Justice David encouraged YJOC members to attend workgroups or email them with any questions.

- 9. Family and Youth Advisory Group Update.** Kia Wright from Voices stated that the conversations with the youth and families are going well. Julie put together a protocol for the groups coming to present to them. They would like specific questions to be asked for feedback from the group. The next meetings with the YJOC Workgroups and the Family and Youth Advisory Group are:

2/18/23 Diversion

3/4/23 Probation Standards

3/18/23 Screening/Assessment

4/1/23 Transitional Services

4/15/23 Data

**Meeting Adjourned.**

**Next YJOC Meetings:**

**April 12, 2023; Draft Reports due April 6, 2023**

**June 14, 2023: Final Reports due June 9, 2023**