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## Youth Justice Oversight Committee

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### **Minutes from April 12, 2023 Meeting**

The Youth Justice Oversight Committee (YJOC) met on April 12, 2023, from 10:00 a.m.-2:00 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
  - 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:** Dr. Matthew Aalsma, Judge Marshelle Broadwell, Devon McDonald, and James Wilson.
  
3. **Members absent:** Judge Vicki Carmichael and Shannon Chambers.
  
4. **Staff:** Leslie Dunn, Nick Parker, Shenna Robinson, Colleen Saylor, Michelle Goodman, April Dubree, Joseph Fischer, Lisa Thompson and Mindy Pickett attended in-person as staff from the Office of Judicial Administration. Mark Fairchild 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 thanked members, workgroup chairs and staff for their tremendous work. This work will be the blueprint for the future. Chair Steve David introduces Mark Fairchild, the new Executive Director of the Commission on Improving the Status of Children. Each workgroup will be presenting their report today and we will be discussing their recommendations.
  
6. **Approval of Minutes from February 8, 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; Nancy Wever seconded the motion. Magistrate Foley asked for one correction; the Board meets April 18, not April 8, 2023. Roll call was taken and Committee members approved the February 8, 2023 meeting minutes unanimously.

- 7. Data Workgroup Report by Mary Kay Hudson.** Their report documents the process they went through to come to their recommendations. The workgroup recognizes that there is substantial opportunity, but it will take several years to implement. Their workgroup report is organized by deliverables. The first deliverable is goals for data collection. The goal for collection of data is to have the capacity at the state and local levels to collect comprehensive quality data. We need to spend time assessing where we are with certain data points. The second deliverable is data definitions. This is important because we all work in different systems and there are a lot of variations in the language we use. We need to use the same terminology so we are comparing apples to apples. They are putting together a YJOC data dictionary, relying on statutory definitions (when available), and definitions commonly used. We would like to have detailed case level data so we know when each event occurs. For deliverable number three, we need to assess where we are in being able to extract this data on a county level and aggregate it on the state level. They will recommend doing pilots and a study/process evaluation with five or so counties that will commit to data collection procedures to see how they work. May need to bring in outside researchers to help craft. Deliverable four is performance and data measures, not outcomes. We need to prioritize getting quality data first. Ultimately, we would like to be able to share dashboard type data.

Tracy Fitz mentioned that recidivism was not included in the definitions. Mary Kay responded that recidivism is a return to a specific activity. Stakeholders define this differently. We prefer to be able to look at how many youth in \_\_\_x status returned to \_\_\_x activity. If we capture service information, we can determine what helped and what did not.

Deliverable five looks at current data reporting requirements and some of the new requirements. We need to get a handle on the data before we look at reporting and make sure we are using the data. Do we need to sunset any data requirements? Deliverable six relates to a research agenda; good quality data is essential for research. They propose a long-term research agenda, which will require the data workgroup to be ongoing. Deliverable seven is that we need technical support at the state and county levels on data collection on an ongoing basis and a budget for IT support and training. They recommend establishing a multidisciplinary group on justice improvement in every county and the development of a juvenile abstract of disposition, which would be an application in INcite. Finally, they recommend developing a centralized data repository that is in real time and connected to cases/kids. They recommend moving slowly but deliberately.

Joel Wieneke has concerns about areas of disparate practice across counties, such as disparate use of assessments and how counties levy fees and costs. Tracy Fitz wants something in the overall goals about data collection to include something about improving public safety. Nancy Wever mentions that the intent of working with the five pilot counties is for them to help inform us as well. Justice David asks YJOC members to email him, Mary Kay, and Leslie Dunn with any additional input.

- 8. Diversion Workgroup Report by Tracy Fitz.** They have broad deliverables, no specifics. Most of all, they want to encourage counties to apply for the grants and provide diversion grant parameters. They would like community organizations to join with government agencies to apply for grants and would like to see regional partnerships. Also, they would like to see start-up/planning grants to help counties get started. They would like to see grant funds used at all decision points, including pre-referral, at the point of arrest, if the collaborative local group has

come together to identify programs and services at that stage; Tracy would like to know if YJOC members agree with this? She doesn't think the definition of diversion prevents the use of grant funds for that purpose. Mary Kay said we are using statutory definitions. Tracy said for data for pre-arrest diversion programs, you would need an MOU with the provider for them to collect the data and law enforcement would collect data on the number of referrals. The cases that are "diverted" at the law enforcement level don't meet the statutory definition of diversion are not subject to the required data collection or assessment requirements. The data might still be helpful but will have to be collected differently. We don't want to disrupt what is working well but we want to collect data in some form.

For diversion programs they looked at best practices which include defining the target population and referral process and awareness of potential net-widening and to avoid that. They recommend a continuum of diversion options, with lots of off-ramps, that are tailored to the local community. Family engagement is key; when you get stakeholders together, include families with lived experience. They listed some diversion programs in their report but still want to take a deeper dive into the Indiana programs and provide names and other resources so people don't have to re-invent the wheel. Finally, informal adjustments (IAs) require more system involvement so they want to have a policy that other diversionary options be used first, before you get to an IA. They need more robust diversion options for mental health services. Youth love the teen courts and said it was very impactful. They would like to create a booklet for counties on how to get started.

Mary Kay noted that there are no great answers as to when the risk assessment tool should be used but when we use the term diversion, it means the court is at the table and involved. Her concern about not doing the assessment is that we may be missing the mark and we won't know. We could be putting a youth in a program that is not the best match and setting them up for failure. There may be things we can do better if we had information on the youth and their risks and needs. Also, you can't look at equity without data. In setting up a continuum of programs, it might be helpful to determine what the recommended target population is for interventions and what the response is if there are issues. Does diversion mean that if there is a failure to complete services, there is a referral to the prosecutor? Another concern is that the prosecutor needs to review the facts of the case to determine if there is evidence present; if not, you can't require anything to be completed. Nancy understands the need for data but reiterates that we need a balance and cannot risk bringing kids deeper into the system to obtain data. Justice David notes that these are issues we may need to work through. Judge Graham shared that Tippecanoe County has a school justice partnership; instead of being referred to probation or prosecutor, the schools refers them to services. We want to encourage these kinds of partnerships, but we need to sort out how data is collected.

- 9. Probation Standards Workgroup Report by Magistrate Foley.** They have clear guidance from HEA 1359 and from the original probation standards. They had three workgroups based on the deliverables. They need to keep it simple to encourage compliance. The first question was whether they would have separate juvenile probation standards. They decided on one set of standards since some probation departments have mixed caseloads. They modified some existing standards and then propose some specific youth probation standards in Section 5. They wanted to use neutral language so they used the term "youth" in the sections in which they made changes or additions. There is a lot of inconsistency in the language and terminology throughout the Probation Standards and they recommend that the Probation Committee look at this in the future. The only validated youth assessment is IYAS, so IYAS is non-negotiable; it is a "shall." The responses to IYAS need to go to the courts, too, not just probation. They need to educate courts and attorneys on what IYAS is, what it measures and what the scores mean. Supplemental assessments are allowed and they mention that in 4.2. They lay out the different tools in IYAS as

it is more than just a detention tool. They tried to show there is a difference between IAs and conditions of formal probation. IAs are limited time interventions. They got a lot of help from the youth and family advisory group on Rule 5.5 and it really emphasizes family engagement. It will be a huge challenge for probation officers to get families more involved and to have more of a mentoring relationship with youth. Case-planning is a new standard. For out of home placements and DOC, it was a balancing act of giving guidance to PO's but not limited judicial discretion because the judges won't approve that. They codified incentives and sanctions. The Probation Committee unanimously adopted. The Board will get the revised standards April 18 at the meeting and will vote on them at the June meeting.

Tracy Fitz is concerned about the language in Rule 5.2 on IAs because they use the term "must," IAs must be limited to three months, the statute allows them to be six months. Magistrate Foley said these are mandates to PO's, not judges and the target is three months, not to exceed six months. Nichole asks if they discussed if the standard probation conditions should be modified; Magistrate Foley said they talked about it but didn't feel it was appropriate.

- 10. Transitional Services Workgroup Report by Terrie Decker.** Their goal was to develop a plan for supervision of youth transitioning out of Department of Correction (DOC). They spent a lot of time explaining how the current process works and many misconceptions. They reviewed data on youth going to DYS and released—those discharged on parole or probation. They are recommending the juvenile court maintain jurisdiction while the youth is in placement at DOC. Tracy Fitz likes the idea of the court maintaining jurisdiction and asked why there are review hearings every three months. She wondered if victims and other stakeholders were taken into consideration in having those frequent review hearings. She said a court could get a report and the youth could meet with the PO without having a court hearing. She fears the review hearings will turn into endless appeals by the youth to be released when the court has no jurisdiction to address that. Terrie said their recommendations were more addressed to the more common cases in which the youth are at DOC for 6-12 months, not the long-term, more serious cases. Terry Stigdon asked who will be responsible for case management supervision once the child is released. Terrie Decker said the probation department would be doing case supervision. Terry Stigdon asked if the funding for services would come from DCS and Terrie Decker said that was the expectation.

Justice David said we need to think through applying this to the right kind of cases. He said he agrees with Tracy Fitz's comment and would like the workgroup to reconsider the language regarding a required three-month review hearing and make it more flexible to allow for some cases to have a longer time between hearings. Terry would like the data group to consider looking at how effective this is in preventing recidivism. Mary Kay noted that this is a significant change in policy and wondered if there would be an opportunity to study the counties that are already doing this (overseeing cases when youth get out of DOC) and see if they have any data on how successful this has been. Justice David asked the workgroup to identify some interim steps. There is a fiscal impact as well. How can we enhance collaboration and communication with agencies? Terrie said the youth they have at DOC are increasingly difficult; they have violent youth with massive trauma; they are DCS kids. They have counties who want to wash their hands of kids, but they are going to return to the community and it is better if they return with services in place. Nancy suggests for the interim we could have focus groups and examine what services are being offered and what is being done now. She wondered how we could look at partnering with other organizations that don't have a DCS contract, like faith-based organizations. Collaborative care is also available to youth coming out of DOC when appropriate. Right now, the professionals choose services; how can we engage the youth and families in this process so they will be more successful? Terrie shared that DOC does have a meeting with youth and family

to ask them what would help them be successful. Terry said once the funding stops, the services stop so they need to look at what is available in the community.

**11. Behavioral Health Workgroup Report by Sirrilla Blackmon.** Their deliverables are criteria for diagnostic assessments and a statewide plan to address provision of behavioral health services. They considered the current landscape and how long it takes to get the assessment. It is supposed to take 14 days or 21 days including weekends but that can vary depending on influx. There are multiple assessments and diagnostic tools available. They have to start examining if a youth has already had some type of assessment. How can we better coordinate so that families and youth aren't repeating their stories over and over again. Sometimes there are multiple, differing diagnoses being made depending on who is doing the assessment and you can't provide services if we don't know what is really going on. DOC has psychologists on staff to complete the assessment; other providers don't have the professionals to complete them due to workforce issues. DOC also has the advantage of being able to work with DCS to obtain information.

In terms of telehealth, youth who have Medicaid have access to telehealth in detention but there is a window; it has to be completed in 30 days; it is a timing and availability issue. They tried to develop creative ways to get assessments in the community or in the home, but the challenge is how to quickly that can happen. They often have to wait and what happens in the interim? Referrals are often made to DOC to keep the youth safe. With all the assessment and screening tools, what is diagnostic? DCS does the CANS throughout the case but that is a child welfare lens, not a behavioral health lens. IYAS has a different trajectory. We need to do a better job as a system coordinating all of this. We need a collaborative gathering of information. What is it about the diagnostic assessment that courts and PO's find helpful and how do we assimilate all the information so we can do a better job with services? Developing a broad behavioral health plan is not easy; they have partners like DCS and they do not know all of what DCS does. The best way to coordinate is to collaborate to map it all out (sequential intercept model or SIM) to see who is going to what and when. Until they can coordinate, it is difficult to plan.

SAMHSA is funding certified behavioral health clinics to provide services in a different way; it will take time to develop but it is more evidenced-based and culturally competent. They are working on mobile stabilization services for all youth; it is a safety net to de-escalate and keep youth at home. There is a school-based Medicaid waiver being developed so schools can bill Medicaid for services. We need to look at the gaps for kids not on Medicaid, too, that can't get treatment. Justice David asks if they want comments back in a certain area. Sirrilla thinks they are missing the voice from the judges and courts relating to court-ordered services; when diagnostic assessments should be ordered and what the courts are looking for.

Joel said we need a good diagnostic assessment outside of DOC that courts will accept. There are youth in detention that need behavioral health services only to keep them safe. They cannot find placements for youth with certain offenses or behaviors, such as aggression. If there is aggression or developmental disabilities, they get rejected as too acute. We do not have a not reject/eject policy. This is a problem for all youth. Justice David asks Sirrilla what are the first concrete steps, what are the short-term priorities and how can we best move those forward? There is no SIM for youth; what does that look like and can we map it out? Mary Kay notes that NAMI got funding for this so we need to talk to them. Judge Dolehanty can ask the judges to include language in their orders sending youth to DOC that identifies what they are looking for or what their concerns are.

**12. Screening and Assessment Workgroup Report by Judge Trevino.** Their deliverables are statewide procedures for assessment tools. They did not start from scratch; we already have the

Indiana Youth Assessment System (IYAS). They reviewed how Indiana selected IYAS and how it is used. They reviewed national trends towards using statewide tools. They looked at the JDAI tools. There are differing levels of familiarity with IYAS, different procedures and approaches by courts and PO offices. They sought feedback on various aspects of IYAS from stakeholders; they got feedback from forty counties. Points of consensus include that IYAS tools are validated tools that are approved by the Judicial Conference Board of Directors to be used at certain decision points during the juvenile justice process. There is a statewide policy requiring use of IYAS, outlining when to use each tool and what data to collect in INcite. There is currently a state level training and certification process and booster training sessions available.

They recommend Indiana continue to use IYAS consistent with the policy. They recommend that the policy be amended to include the IYAS Diversion Tool be completed for all youth arrested and referred to probation and this should be shared with others. They recommend also amending the policy to require that the IYAS Detention Tool is completed prior to the detention decision. The IYAS Detention Tool is also required in JDAI counties that use JDAI tools. The standard Preliminary Inquiry report should be updated to allow for more than one IYAS assessment to be included (detention, diversion, disposition) within a single report. They need to continue working on the ongoing validation of IYAS. A cover sheet should be created to summarize the assessment scores prior to decisions for the Diversion and Detention Tools. They created a model case processing chart. Education and ongoing booster training are crucial. They recommend training be available on various platforms: in-person, virtual and on-demand. They need to train other stakeholders on IYAS including public defenders, prosecutors and judges. There will be fiscal needs to do all this. Tracy Fitz notes that mandating a prosecutor turn over referrals to probation immediately is not possible; sometimes they have asked for further investigation before making a decision on the case. Also, if they are asking for a pick-up order, the prosecutor may not want anyone else to know about it until the person is in custody. Sometimes they do not notify probation for good reasons. Judge Trevino clarified that they just want the referral before making a decision. They can work out the language; this can be resolved with some discussion.

**13. Next Steps and Closing by Justice Steve David.** We will collect comments until April 28 and send them to chairs and staff. Please send any concerns prior to the next meeting. We will vote on the big picture recommendations and solidify them for the final report from YJOC. We may use a score card or matrix to list the recommendations. We will create the Executive Summary for the Final YJOC Report. The final work product is a YJOC report. We want to include a recommendation that the YJOC or some type of committee continue; it does not mean you are volunteering for that. What should that ongoing/implementation committee look like? This committee might be staffed by IOCS; someone has to take ownership of the next steps.

#### **14. Next Meetings:**

- May 10, 2023, 10:00-2:00, Indiana Government Center South, **Conference Room 4 & 5\***  
**\*Located in Wabash Hall, behind Conference Room C.**
- June 14, 2023, 10:00-12:00, Indiana Government Center South, **Conference Room B\***  
**\*Please note conference room change.**