



Youth Justice Oversight Committee

Minutes from May 10, 2023 Meeting

The Youth Justice Oversight Committee (YJOC) met on May 10, 2023, from 10:00 a.m.-2:00 p.m. at the Indiana Government Center South, Conference Rooms 4 & 5. Justice Steven David chaired the meeting.

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

- Steven David, Chair
- Dr. Matthew Aalsma
- 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
- 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 Graham, Tippecanoe Superior Court 3
- Mary Kay Hudson, Indiana Office of Court Services
- Eric Miller, Department of Child Services
- 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 Wilson, Circle Up Indy
- Kia Wright, VOICES

2. No Members attended the meeting via Zoom.

3. Members absent: Judge Vicki Carmichael and Devon McDonald

4. Staff: Leslie Dunn, Nick Parker, Michelle Goodman, April Dubree, Joseph Fischer, Lisa Thompson and Mindy Pickett attended from the Office of Judicial Administration. Mark Fairchild and Blane Cook attended from the Commission on Improving the Status of Children (CISC).

5. Welcome and Introductions. Justice David welcomed members and explained the plan for today's meeting. Justice David introduced Eric Miller, the new Director of DCS. Justice David announced that the budget bill included funds for the work we are doing: \$5 million per year each for diversion grants and community alternative grants and \$20 million per year for

behavioral health pilot grants. Amendments to the law require language that the grant solicitation and outreach should be coordinated by YJOC, ICJI, IOCS, and the Grants Process Workgroup. The amendments also require grant applications to be reviewed in consultation with representatives of DCS, DOC, DMHA and IOCS.

6. **Approval of Minutes from the April 12, 2023 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. Roll call was taken and Committee members approved the April 12, 2023 Meeting Minutes unanimously.
7. **Youth and Families Advisory Group presentation.** Members received 12 hours of training over 6 weeks to prepare to meet with the YJOC workgroups. The demographics of participants will be contained in the report from the group. Donielle Martin, from VOICES, introduced the youth who will be speaking. Donielle stated that the system needs accountability and that her recommendation moving forward is that there should be random audits done on the sanctions imposed on families and how they impact the youth.

Mickey Carruthers, a senior at Brownsburg High School, was the chair of the Youth and Families Advisory Group. He worked with the Reach for Youth Teen Court program, an alternative program in which kids sit as jury and judge over other teens in the community who commit minor offenses. The Teen Court tries to impact youth and not beat them down. It is a shift away from a punitive mindset. He would like to see a re-framing of our mindset about justice. We need new models like restorative/transformatiive justice. We need to focus on how to improve the lives of these youth and families and provide them with the resources that they need.

Yanni Valentina spoke about how all youth are impacted by trauma from their past. The system does not provide trauma-informed care in the facilities. The system should be transformative, not punitive. They grew up in foster care and the system gave them more trauma. They want to be a community leader now and see more people with lived experience involved in these conversations.

Sam, a director at VOICES, spoke and was amazed at everyone's honesty and that even with their diverse backgrounds, there were a lot of commonalities. The system takes action based upon very little information when it makes recommendations for services. We need to build a relationship with the youth and find out what they really need and engage with their parents. We need to make it more individual and help them on an individual level. Find out what issues are going on at home, how school is going, what they are involved in and what is their story.

Justice David thanked the youth speakers for sharing their experiences and reminding us of why this work is so important. Justice David explained the process for today; he will ask each workgroup chair to go through their recommendations and members will vote on each one. We may also amend some of the text of the recommendations. If a member votes against a recommendation or abstains, the member may provide a short explanation (no more than half a page) in writing on or before June 14. At the June meeting, members will vote on anything that was not handled at this meeting. The YJOC will continue after June and we will reach out to ask who would like to continue to be involved. By June 14, members will be given the report and recommendations that have been approved.

8. **Data Workgroup.** Mary Kay Hudson moved to accept the recommendations of the Data Workgroup. Dr. Aalsma seconded the motion. Each recommendation of the Data Workgroup was presented, discussed and voted on:

- a. Recommendation #1 was unanimously approved. Mary Kay noted that the workgroup incorporated feedback from Tracy Fitz regarding public safety.
 - b. Recommendation #2 was unanimously approved. Judge Dolehanty asked if it is an omission to not have a decision point regarding the judicial officer allowing a petition to be filed. There is discretion here and the decision could have disparity. Mary Kay noted it was an oversight and this will be added as an additional case-processing event. Judge Dolehanty also recommended better tracking of dual status determinations, which can occur at any point during the case, not just during the initial referral process.
 - c. Recommendation #3 was unanimously approved. Mary Kay noted that this is where the workgroup looked at a very long list of data points and how challenging these items are to capture. The workgroup thought it was important to assess where we are, so they proposed sampling some counties to determine what data can be collected, ideally from a central source.
 - d. Recommendation #4 was unanimously approved. Mary Kay said at the same time we are doing a state-level assessment, we want to work with a handful of counties to determine the feasibility of collecting information and test out the definitions.
 - e. Recommendation #5 was unanimously approved. Dr. Aalsma said we need to know if these interventions are effective, and we want to develop that through this recommendation. Sirrilla Blackmon noted that we need to keep in mind that some of the performance measures could be duplicative.
 - f. Recommendation #6 was unanimously approved. Joel Wieneke asks if this recommendation is focused on the pilot counties initially; Dr. Aalsma said yes, with the goal to roll it out statewide. This is a dashboard concept and the key is to be able to track information at the case level. Joel asks if this will be a public dashboard? Tracy Fitz would have concerns if all the information will be public and would like to add in writing that some information may be and some may not. Mary Kay thinks that the number of youth on probation should be made public.
 - g. Recommendation #7 was unanimously approved. Tracy Fitz asks if there will be a process to look at accuracy. Mary Kay said there will be later.
 - h. Recommendation #8 was unanimously approved. This will take time to develop.
 - i. Recommendation #9 was unanimously approved.
 - j. Recommendation #10 was unanimously approved. Nancy Wever asks if we are considering interventions to include probation. Mary Kay responded no, probation is a legal status, not an intervention.
 - k. Recommendation #11 was unanimously approved. This is the short-term research goal and focuses on the pilot sites.
 - l. Recommendation #12 was unanimously approved. These are the long-term research objectives and includes local and state stakeholders. It includes dissemination of findings and bringing results back to the local level.
 - m. Recommendation #13 was unanimously approved. The price tag here is merely an estimate. We do not have a source to fund the initial costs for the technology needs.
 - n. Recommendation #14 was unanimously approved. This recommendation is for a juvenile abstract and a central data repository. We want to have detention information available centrally.
9. **Screening and Assessment Workgroup.** Shannon Chambers moved to approve the workgroup's recommendations. Nichole Phillips seconded the motion.

- a. Recommendation #1 was unanimously approved. They have already been using IYAS as the statewide assessment tool.
- b. Recommendation #2 was unanimously approved.
- c. Recommendation #3 was deferred to the next meeting; no vote was taken. This recommendation is to amend the policy to say that IYAS Diversion Tool must be done on all youth arrested and youth referred to intake. Tracy Fitz notes that some counties make decisions on diversions that do not go through probation intake. Judge Dolehanty states that you do not have to be arrested to be referred. Judge Broadwell notes that decisions are made in different ways in different counties. Justice David states that we want to allow existing programs to operate. Joel asks about defining the terms arrest and referral. Mary Kay states that we do not know if we can get statewide consensus on these terms. Mary Kay states that from a research and evaluation standpoint, we cannot evaluate the effectiveness of the intervention if we do not have an assessment of risk and needs; we will not be able to tell if the program is successful. We do not want to bring children deeper into the system for data. Tracy agrees and states that we can have an MOU and get data from the diversion program. Mary Kay notes that if we do not have the characteristics of the youth, and do not do an assessment, we may be over or under referring.
- d. Recommendation #4 was unanimously approved as amended. Shannon notes that some prosecutors weren't getting the IYAS scores and the PD's didn't even know about it. Nancy would like to add that youth and families can get a copy as well.
- e. Recommendation #5 is unanimously approved.
- f. Recommendation #6 is unanimously approved. Kia notes that it is important for youth and families to be educated on the IYAS.
- g. Recommendation #7 is approved; Nancy Wever voted against this recommendation. Tracy asks if the cover sheet will include just the scoring or if it will include probation's recommendation. Just the scoring is included.
- h. Recommendation #8 is unanimously approved.
- i. Recommendation #9 is unanimously approved.
- j. Recommendation #10 is unanimously approved.
- k. Recommendation #11 is unanimously approved.
- l. Recommendation #12 is unanimously approved with the addition of DMHA and behavioral health providers to the list.
- m. Recommendation #13 is unanimously approved.
- n. Recommendation #14 is unanimously approved. Mary Kay states that as part of the research plan, they could incorporate this as a part of the study.
- o. Recommendation #15 is unanimously approved.
- p. Recommendation #16 is unanimously approved as amended. Nancy Wever states that she can support this as long as there is a clear charge for this; she wants YJOC to guide implementation. Approved with this change.

10. Behavioral Health Workgroup. Sirrilla Blackmon makes a motion to adopt the recommendations. Tracy Fitz seconds.

- a. Recommendations #1-4 are unanimously approved.
- b. Recommendation #5 is unanimously approved as amended. Shannon asks if each local area will do a SIM (sequential intercept model)? Sirrilla states that we will have to

develop a SIM for youth. Justice David asks if we can amend the recommendation to say we will support the efforts and continued work in this rather than recommend it.

- c. Recommendation #6 is unanimously approved. Tracy Fitz asks if this is a state level team? Serrilla states that they need a tiered approach, they staff it locally and if they exhaust all local interventions, then it gets elevated to the state multi-disciplinary team. We need a cross-agency approach to find appropriate resources; we do not have a full continuum for youth. Joel asks about potential synergy with the transitional services workgroup and their recommendation about an oversight group for youth being sent to DOC; Serrilla states that they may be able to work together. Nancy asks about funding for this approach. Funding has not been identified.
- d. Recommendation #7 is unanimously approved.

11. Diversion Workgroup. Tracy Fitz moved to accept the recommendations; Judge Dolehanty seconded the motion.

- a. Recommendation #1 is unanimously approved. Serrilla asks if community organizations are included. Tracy said yes, they are included, but they would have to apply through the grant process. Serrilla notes that they have found value in working with smaller, grassroots organizations and not using people we always contract with.
- b. Recommendation #2 is unanimously approved.
- c. Recommendation #3 is unanimously approved as amended. Nancy recommends that a percentage of the grant funds be distributed up-front rather than strictly in a reimbursement model so there is not a gap in funding. Mr. Wilson suggests giving out the funding in planned phases because some organizations may not have the capacity to cover costs or to start up. Mary Kay recommends that we specifically put this in the recommendation by amending the language to add that they will distribute a percentage of grant funds on a schedule rather than on a reimbursement basis. This was amended to add flexibility.
- d. Recommendation #4 is unanimously approved. Planning grants are needed because some counties have no programming.
- e. Recommendation #5 is unanimously approved. Judge Dolehanty asks if problem-solving courts would fit within the grant purposes-can they access these funds to start a juvenile drug court? Mary Kay said she would consider pre-adjudication diversion into a juvenile problem-solving court to be appropriate.
- f. Recommendation #6 is unanimously approved.
- g. Recommendations #7-12 are unanimously approved.
- h. Recommendation #13 is unanimously approved. Serrilla asks how you will track and evaluate these outcomes and interventions. Tracy states that when the diversion program is created, you will have an MOU with the entity doing the diversion programs, but this will be left to the counties/grant applicants.
- i. Recommendation #14 is unanimously approved.
- j. Recommendation #15 is unanimously approved.
- k. Recommendation #16 is unanimously approved. Mary Kay asks if you have to fail other options first. Tracy says no, there are times you want something more formal like an informal adjustment and you may go directly to an IA first.
- l. Recommendation #17 is unanimously approved.

12. Juvenile Probation Standards Workgroup. Magistrate Foley stated that the Probation Committee has approved the standards and the next step is to go to the Board of Directors for final approval on June 14. The Probation Committee approved the one change that was made previously. Magistrate Foley moved that we accept the recommendations. Shannon Chambers seconded that motion. The Board is the decision maker, but the YJOC approves their recommendations to the Board. Tracy Fitz abstains from voting.

13. Transitional Services Workgroup. Terrie Decker moves to approve their recommendations. Shannon Chambers seconded the motion. The first recommendation is that the juvenile courts retain jurisdiction over a youth while the youth is in DOC. Nancy states that there is an assumption that this works, but do we really know that? Have we looked at data to know if TRP services through DCS work? What are the outcomes? She cannot support this because we do not know. Terrie notes that it would be hard to have data because there are only nine cases of TRP in the state. TRP is in the DCS service standard, TRP is not listed in DOC policy. If this recommendation is approved, the youth will go back to their county, and they will use DCS service providers for TRP. Joel notes that TRP services can currently be used and that every court can now reinstate jurisdiction, so would this just be a new emphasis on using these services?

Magistrate Vann states that this was all discussed in the Cross System Youth Taskforce and the work with CSG that preceded YJOC. What came out of that was HEA 1359; yes, we know it works, and that is why they were tasked with developing policies to guide transitional services. The legislature already told us it works, and we already have a TRP standard that says it reduces recidivism. Also, Congress (Second Chance Act of 2008), told us twice that good and proper re-integrations services result in safer communities. DOC address criminogenic behavior, they do not provide the same services offered by transitional services; they need these services to help them re-integrate into the community.

There is a discussion as to whether recommendation #2 is dependent on recommendation #1 being accepted. Justice David says it is not. Magistrate Vann disagrees.

The decision was made to defer all decisions on the Transitional Services Workgroup recommendations until the next meeting so further discussions can be held and so we have adequate time for discussion.

On recommendation #4, Kia requests that they add youth and families here and asks when the communication starts. We need clarification on that and to have the family involved. She would like to add the engagement of the youth and family to this recommendation. Terrie states that family engagement starts at intake and that is happening. This recommendation is aimed at other state agencies; they want to collaborate with housing and workforce development, both of which have services that would help youth.

Justice David asks that recommendation #5 be turned into a positive statement; we want to collect data on why this is happening.

These recommendations are all deferred until the June meeting. Justice David will meet with the Chairs of this committee to work on compromise language.

Justice David notes that if you abstain or vote no, you can submit a short explanation by the next meeting on June 14.

14. Next Meeting: June 14, 2023, 10:00-12:00, Indiana Government Center South, Conference Room B.