

MEETING MINUTES APPROVED BY JJPAD CBI SUBCOMMITTEE 2/10/2020

Office of the Child Advocate  
Juvenile Justice Policy and Data Board - CBI Subcommittee Meeting  
September 16th, 2019

**Members and Designees in Attendance:**

- Maria Mossaides (OCA)
- Brian Jenney (DPH)
- Dr. Nancy Connolly (DMH)
- Michael Glennon (Suffolk County DA Office)
- Sana Fadel (CfJJ)
- Thula Sibanda (DYS)
- Dawn Christie (parent representative)
- Barbara Wilson (CLM)
- Kim Lawrence (Probation)

**Other Attendees:**

- Melissa Threadgill (OCA)
- Lindsay Morgia (OCA)
- Angela Brooks (AG)
- Other members of the public

**Meeting Commenced:** 2:09PM

**Approval of Minutes from the August Meeting**

The minutes were approved. Ms. Threadgill reviewed the agenda.

**DMC Data Report from Trial Court**

Ms. Threadgill presented the results of a disproportionate minority contact (DMC) assessment conducted by the Massachusetts Trial Court, to determine if and to what extent disparate contact exists in the juvenile court system. The study looked at Application for Complaint cases filed between July 1, 2015 and June 30, 2016.

Ms. Threadgill noted the data in the report has a number of limitations, including changing measures of race and ethnicity, incomplete data on race/ethnicity, and inconsistent data collection practices for race and ethnicity across the state. It also only includes court data (no information on arrests or diversion).

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Ms. Threadgill shared the primary findings from the report:

- The results of the analysis of the decision points showed that there is racial and ethnic disparities occurring in:
  - Referrals coming to the Juvenile Court
  - The decision to issue a complaint
  - The decision to detain the defendant at arraignment
  - Initial disposition decision; and
  - Initial sanction decision
- This indicates that the disparity found in the population of referrals compounded as it progressed through each subsequent decision point resulting in disproportionate minority contact.

### **Behavioral Health Community Needs Roundtable**

Ms. Threadgill shared that EOHHS is in the midst of a behavioral health redesign project, and she thanked Mr. Jenney for his help connecting us with this initiative. EOHHS held roundtables across the state this summer to gain feedback on the behavioral health system. OCA/JJPAD and EOHHS are partnering to host two roundtables this fall specifically focused on the needs of justice-involved youth in the community: one with juvenile justice practitioners and another with families, youth, and advocacy organizations. Members of this subcommittee were asked to recruit participants for the roundtables, particularly from CPCS, the DA's office, probation, and police.

### **Fall Report to Legislature**

Ms. Threadgill reviewed the JJPAD's legislative mandate with the group. Part of the mandate is to study and report on the following:

- The quality and accessibility of diversion programs available to juveniles
- The system of community-based services for children and juveniles who are under the supervision, care or custody of the department of youth services or the juvenile court
- The gaps in services identified by the committee with respect to children and young adults involved in the juvenile justice system

Ms. Threadgill said that if we submit recommendations this fall, we will create an opportunity to have those recommendations considered in the FY2021 budget process. The initial recommendations can be broad/conceptual, and we can continue to work as a subcommittee to refine ideas over the winter/spring. Ms. Threadgill shared the draft timeline to produce the fall report.

*Findings Review*

Ms. Threadgill reviewed the draft Findings for the fall report:

Finding #1: Diverting youth from formal processing by the juvenile justice system is an effective intervention strategy for many youth.

- This finding will include a summary of resources on diversion program effectiveness for justice-involved youth.

Finding #2: Juvenile justice decision-makers across the Commonwealth are increasingly aware of the importance of diversion, and more and more decision-makers are establishing diversion practices.

- This finding will include an update on where diversion is happening across the state, as best as the group has been able to identify.

Finding #3: There is wide variation in diversion practices across the state.

- The variation can be placed into three categories: eligibility criteria, adoption of evidence-based practices, and levels of intensity.

Finding #4: We do not currently collect the data that would be needed to understand or assess our current diversion system(s).

- This finding reflects much of the information included in the data report.

Finding #5: The current structure of our diversion system likely contributes to systemic inequities.

- This is in response to the group's agreement that there should be an explicit recommendation regarding racial and ethnic disparities.
- The lack of consistency, standardization or universal adoption of evidence-based diversion models creates strong potential for inequitable treatment, both demographic (e.g. race/ethnicity, gender, LGBT status) and geographic
- Despite the many limitations of our data systems, we see significant racial/ethnicity disparities at many early decision points, including arrests, issuance of a complaint, and decision to arraign

Mr. Jenney asked if there was any data from JDAI that indicates that we are tracking in the right direction when it comes to racial and ethnic disparities. Ms. Sibanda said that we do not, and that disparities are getting worse, especially for Hispanic youth. Ms. Mossaides said that this is a systemic issue that can come as the result of discretion, and that we have to think about structure when there are valid reasons for discretion.

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Finding #6: There are distinct gaps in the availability of community-based interventions for justice-involved youth.

- A majority of surveyed JJ system practitioners believe the following are under-resourced in their community: substance use disorder treatment, individual mental health treatment, and vocational training/employment support
- A majority also believe there are gaps in programming in their community for: homeless youth, youth with a history of sexual offending, youth with co-occurring disorders, youth with a serious mental illness, and immigrant and refugee youth
- There are significant county variations in program availability/gaps
- Youth/family perspective to come (survey out in field)

Finding #7: More infrastructure support is needed to effectively connect youth with services that do exist and overcome barriers.

- This finding was edited to make it more clear and include from the budget analysis that not a lot of money is spent on case coordination, and there is room to create more efficiencies.

Ms. Threadgill asked if anything was missing from the findings. Ms. Fadel asked if we would include any information about the controversy on the use of screening tools, particularly for those with prior involvement. Ms. Threadgill said we would include it in the first finding, but if we missed something, please let us know. She added that the research will likely show that these tools work best when they are used to identify youths' needs.

### Draft Recommendations

Ms. Threadgill reviewed the draft Recommendations for the fall report:

#### 1) *Statewide Diversion Coordination Program*

Ms. Threadgill shared the first recommendation, which is to create a statewide diversion coordination program. The goals of the program would be to:

- Improve communication and coordination of diversion work by creating Diversion Coordinator positions across the state.
- Improve quality and consistency of diversion work by developing common infrastructure, policies and procedures that Diversion Coordinators follow

The program would be tested and refined by starting with a three-site pilot. Ms. Threadgill shared a flow chart that showed how the program might work in practice, noting that all parties with the authority to make diversion decisions would be able to refer a youth to their diversion

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coordinator. Ms. Threadgill recognized that there are a lot of details that need to be worked out and terms defined, such as “successful” and “unsuccessful” diversion.

Ms. Threadgill shared that the Diversion Coordination Program would need to develop/obtain the following common infrastructure:

- A method of obtaining and tracking referral information
- A common risk/need assessment tool
- Diversion programming and case management guidelines
- A database for tracking participation and outcomes
- Partnerships with community providers
- Protocols for communication with referrers
- Data/information sharing agreements

The recommendations will include that the state should pilot the Statewide Diversion Coordination Program in three sites (ideally a mix of urban, suburban and rural) and test different placement models, such as:

- Co-location at FRC (similar to MHAP program)
- District Attorney office
- Community provider

The group discussed the draft recommendations on diversion coordinator, focusing on the following topics:

- Ways this could help improve data collection and our understanding of gaps in local services
- Ways this could help improve how youth are connected to available services
- Concerns about duplication with work already done by Probation
- Concern about which state agency would manage the coordinator, and the impact that may have on who “owns” the data
- Questions about what the caseload for the diversion coordinators would be
- Ways of structuring the level of intervention to account for different risk levels
- Concerns about net widening
- How this interacts with the right to counsel

### *2) Use of Data*

Ms. Threadgill discussed the second recommendation on use of data. As part of their role, the Diversion Coordinator should track a variety of data to support coordination, program management and evaluation, and the program should make regular public reports. In addition,

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data from diversion program should not be a part of a youth's court record or be used against youth in future case.

The group discussed the draft recommendations on data, focusing on the following topics:

- How to track whether a youth has been offered diversion in the past (especially in another jurisdiction) if diversion is not "on their record"
- How to handle youth who are arrested again after completing diversion.

### *3) Improving availability and accessibility of community-based interventions*

Ms. Threadgill discussed the third set of recommendations on improving availability of community-based interventions. Ms. Threadgill said that while we agree there are a lot of services for low-risk youth, there is a gap for higher needs youth. As such, one recommendation is to develop diversion grant program to **fill local gaps in services for moderate-to-high needs youth being diverted** from system. This would be based on the recent RFR from JDAI.

In addition, this recommendation would include recommending prioritizing the expansion of evidence-based treatment services for high-risk adolescents as part of ongoing Behavioral Health re-design and launching a working group focused specifically on transportation barriers for youth/family seeking to obtain services. Some cities use ride-shares and vouchers, so there may be more to learn from other states.

The group discussed the draft recommendations on CBIs, focusing on the following topics:

- The importance of funding intervention services as well as treatment
- How to incorporate family voice and family needs into a diversion process

Ms. Threadgill said that for next steps, one thing we can do is work up a list of questions about what else we need to address. Other ideas for next steps include:

- Pressure testing ideas with JDAI County Committees
- Holding focus groups with youth & families
- Additional focus groups/conversations with other constituencies as needed
- Inviting public feedback

### **Interim Report to JJPAD Board for 9/19 Meeting**

Ms. Threadgill asked the group if she could present the findings and three categories of recommendations to the full JJPAD meeting on Thursday. Mr. Glennon said that it was a good idea to get the board involved in the full picture to see if they are receptive. He also suggested

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that as a part of the next steps, the group solicit victim input. He can assist in connecting us to victims' groups.

At the next meeting, this subcommittee will review the draft report. Ms. Threadgill said she will do her best to get the report to the group one week in advance. She thanked everyone for attending.

**Meeting Adjourned: 3:44PM**