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# Improving Outcomes for Youth in Colorado

Second Presentation to Task Force: Assessment Findings

July 23, 2018

**CSG Justice Center Presenters:**

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# About The Council of State Governments (CSG) Justice Center

Corrections



Justice Reinvestment



Mental Health



Reentry



Substance Abuse



Youth



Courts



Law Enforcement



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National nonprofit, nonpartisan, membership association of state government officials that engages members of all three branches of state government

Provides practical, nonpartisan research-driven strategies and tools to increase public safety and strengthen communities

# About the National Reentry Resource Center



- Authorized by the passage of the Second Chance Act in April 2008
- Launched by The Council of State Governments (CSG) Justice Center in October 2009
- Administered in partnership with the U.S. Department of Justice's Bureau of Justice Assistance and the Office of Juvenile Justice and Delinquency Prevention

Colorado has a history of state leaders being committed to improving outcomes for youth in the juvenile justice system.

Commitment to transparency and improvement

Adoption and implementation of SB94 and reduction  
of detention bed admissions

Expansion of the Collaborative Management Program to provide  
funding for youth and families involved with multiple agencies

Improving conditions of confinement in Department of Youth  
Services facilities

History of collaboration through the Juvenile Justice and Delinquency  
Prevention Council and the Colorado Criminal Justice Reform Coalition



Governor Hickenlooper launched IOYouth in May in partnership with Representative Lee, Justice Boatright, Senator Gardner, and Director Bicha.



# A statewide task force oversees IOYouth to determine what steps can be taken to strengthen public safety and improve outcomes for youth.

**Senator Bob Gardner, Cochair**  
Colorado General Assembly

**Rep. Pete Lee, Cochair**  
Colorado General Assembly

**Reggie Bicha**  
Colorado Department of Human Services

**Justice Brian Boatright**  
Supreme Court of Colorado

**Stacie Nelson Colling**  
Office of the Alternate Defense Council

**Jeff Cuneo**  
Colorado Juvenile Defender Center

**Sheri Danz**  
Office of the Child Representative

**Julie DeNicola**  
Stepping Stones Advocacy

**Hon. Leslie J. Gerbracht**  
3rd Judicial District Court

**Rebecca Gleason**  
18<sup>th</sup> Judicial District

**Arnold Hanuman**  
Colorado District Attorney's Council

**Will Hays**  
Hilltop Community Resources, JJDPC

**Emily Humphrey**  
8<sup>th</sup> Judicial District

**Anders Jacobson**  
Division of Youth Services

**Bill Kilpatrick**  
City of Golden Police Department

**Elizabeth (Elise) Logemann**  
Colorado Bar Association

**Rep. Paul Lundeen**  
Colorado General Assembly

**Daniel Makelky**  
Douglas County Department of Human Services

**Hon. Ann Gail Meinster**  
1st Judicial District Court

**Lanie Meyers-Mireles**  
Prowers County Department of Human Services

**Rep. Dafna Michaelson- Jenet**  
Colorado General Assembly

**Jenifer Morgen**  
17th Judicial District

**Barrie Newberger-King**  
Office of the Colorado State Public Defender

**Mike O'Rourke**  
11th Judicial District

**Chris Ryan**  
Colorado Judicial Branch

**Lindsey Sandoval**  
Office of the Colorado State Public Defender

**Rebecca Wallace**  
ACLU of Colorado

**Meg Williams**  
Office of Adult and Juvenile Justice  
Assistance & Juvenile Parole Board

**Adam Zarrin**  
Office of Governor John Hickenlooper



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# 01 **IOYouth Assessment Process**

02 Assessment Results

03 Next Steps

Today's presentation focuses on the front end of Colorado's juvenile justice system.

# Diversion

# Detention and SB94



Case-level and survey data from multiple sources inform the assessment results presented today.

Data	Source
Arrest Data	Department of Public Safety, Division of Criminal Justice Colorado Bureau of Investigation
SB94 Screening and Services Data	Colorado Department of Human Services, Division of Youth Services
Detention and Detention Screen Data	Colorado Department of Human Services, Division of Youth Services
DYS Budget and Expenditure Data	Colorado Department of Human Services, Division of Youth Services
Survey Data (Diversion)	District Attorneys/ Diversion Directors

# Notes about the System Assessment Results

1. **Based on data available** through the Department of Public Safety, Division of Criminal Justice, and the Department of Health Services, Division of Youth Services
2. **Data includes information on:**
  - Youth referred to and provided services through SB94
  - Youth screened for detention
  - Youth admitted to and released from detention
  - Appropriations and expenditures for SB94 and DYS detention
- **Details findings from:**
  - FY2013 to FY2017 for juvenile detention screens and youth detained
  - FY2015 to FY2017 for juveniles receiving SB94 services
  - 2012 to 2016 for juvenile arrests

Since the last IOYouth Task Force meeting in May, CSG Justice Center staff have spoken with a wide array of stakeholders.

### State and Local Agencies

- DYS Leadership and Staff
- Client Managers
- County DHS Leadership
- Department of Corrections Leadership
- Diversion Directors
- SB94 Coordinators
- Colorado Child Protection Ombudsman
- Colorado Public Education Department

### Court System

- Juvenile Court Judges/Magistrates
- District Attorneys
- Public Defenders
- Juvenile Probation
- Probation Youth and Families

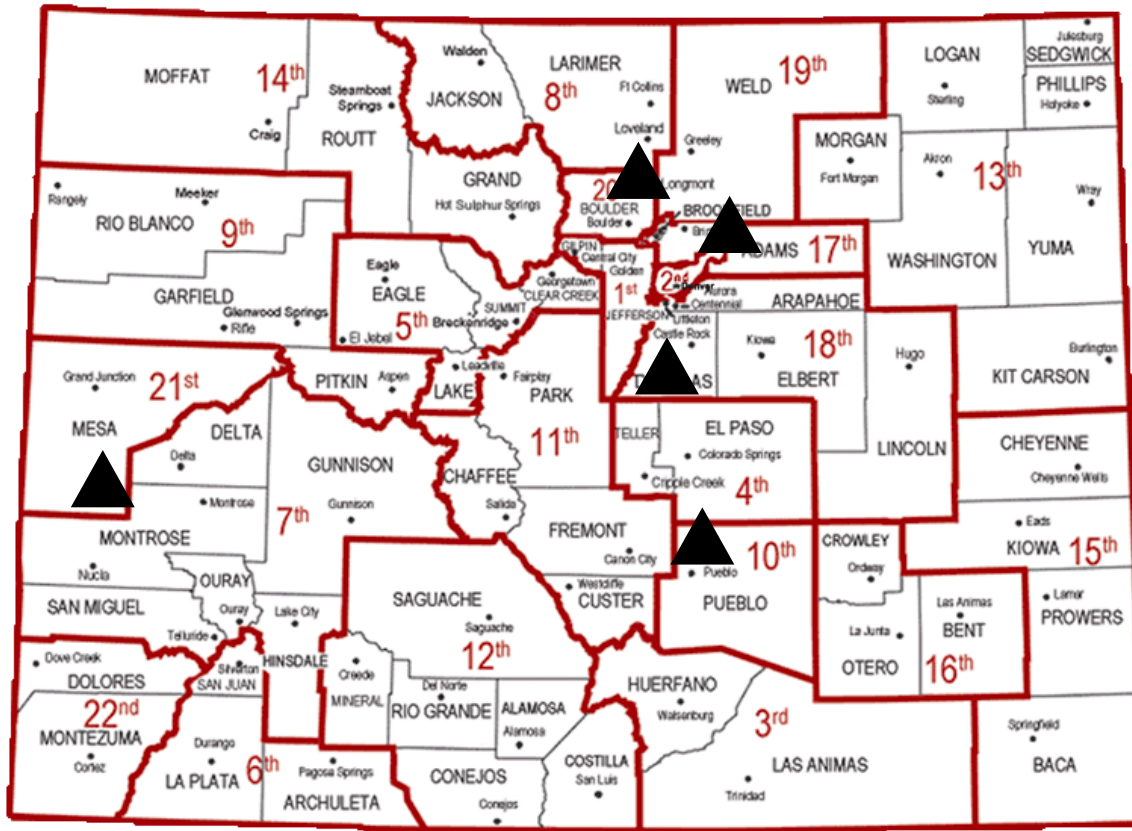
### DYS Facilities

- Lookout Mountain YSC Leadership and Staff
- Platte Valley YSC Leadership and Staff
- J. Paul Taylor Center Supervisors and Staff
- Grand Mesa YSC Leadership and Staff
- Zebulon Pike YSC Leadership and Staff
- Mount View YSC Leadership and Staff
- Adams YSC Leadership
- Gilliam YSC Leadership
- Facility Youth and Families

### Other Stakeholders

- Law Enforcement
- Colorado Municipal League
- Community and Residential-based Providers

The CSG Justice Center staff have gathered feedback from stakeholders across the state to ensure a diversity of perspectives.



## Since February 2018...

- 4 Site visits – 1 to each DYS region
- Calls and meetings with more than 100 individuals
- 6 Facility Visits

## The following goals and context help guide the IOYouth assessment in Colorado:

- The goal of the assessment is **to identify key barriers to improving outcomes for youth** and advance policy, funding, and practice changes to address these barriers.
- The assessment shows what is happening in Colorado's juvenile justice system and whether policies and practices are aligned with **what research shows works to improve outcomes for youth**.
- Most, if not all, juvenile justice systems **struggle to prevent youth from reoffending**.
- Every state with which the CSG Justice Center has partnered **struggles to match youth with the appropriate level, type, and quality of supervision and services**.
- The CSG Justice Center **commends state and local agencies** for their transparency, willingness to have their challenges publically reviewed and discussed, and their commitment to improvement.



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01 IOYouth Assessment Process

02 **Assessment Results**

- **Diversion**
  - Who is getting arrested?
  - Who is getting diverted?
  - What happens to youh on diversion?
- **Detention**

03 Next Steps



## What does the research say about Diversion?

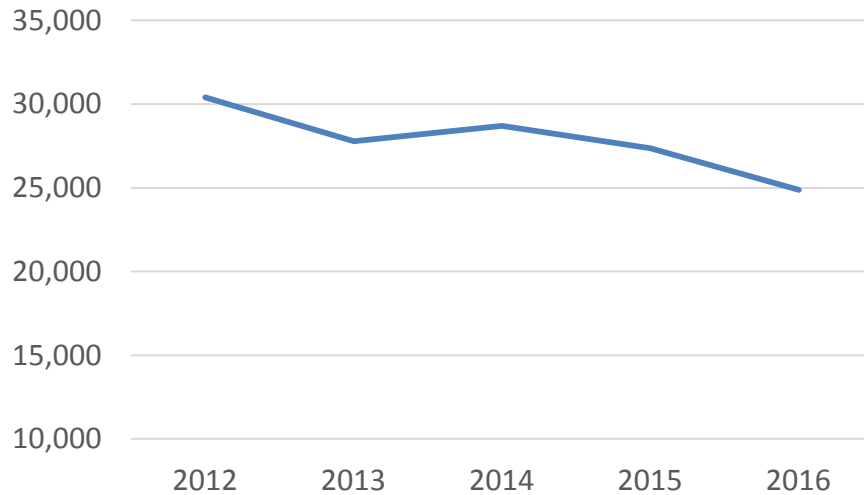
- ❖ Court involvement for low-risk youth often does more harm than good and takes limited resources away from focusing interventions on youth who are a threat to public safety.
- ❖ Most low risk youth, without court involvement, grow out of their behavior and stop reoffending without system intervention.
- ❖ Diversion is a more cost effective public safety strategy than court processing for low risk youth.
- ❖ Youth's current offenses are a poor predictor of a youth's risk to reoffend.
- ❖ Restorative justice practices are an effective way to hold youth accountable for repairing the harm caused to victims and communities and can reduce reoffending and increase victim's satisfaction with the justice system.

# DIVERSION **ASSESSMENT** FINDINGS

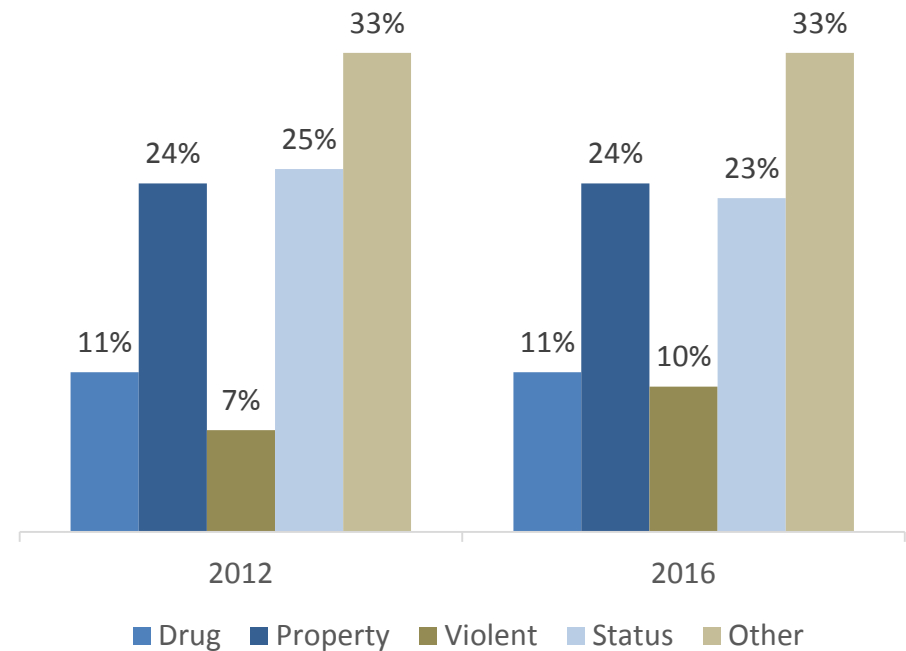
Who is Getting Arrested?

Juvenile arrests have declined 18 percent between 2012 and 2016, with arrests for violent offenses increasing slightly.

**Juvenile Arrests, 2012 to 2016**

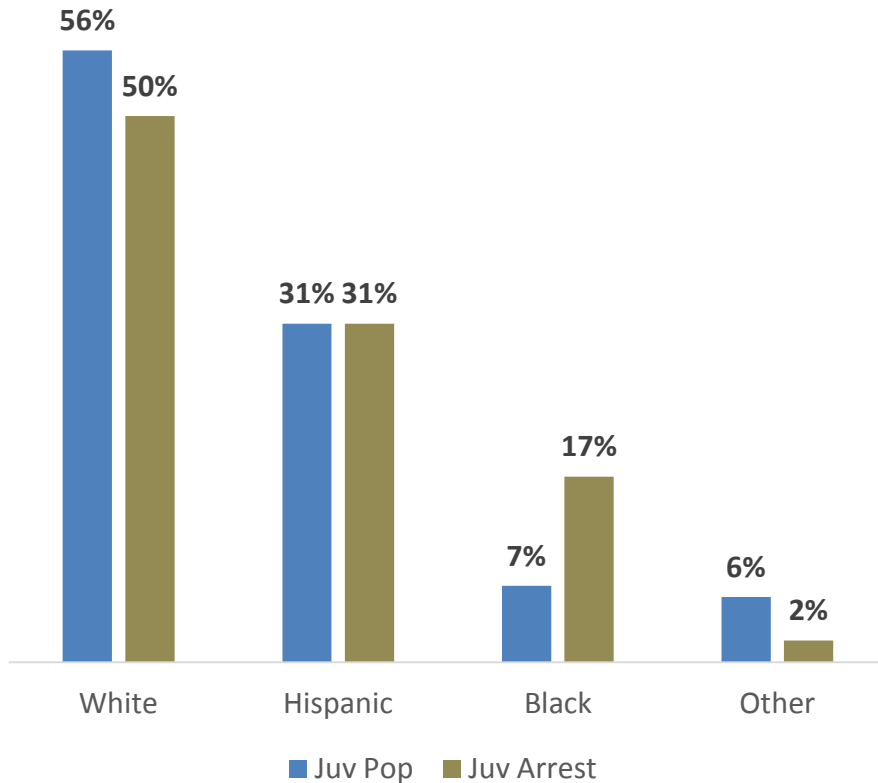


**Juvenile Arrests by Type, 2012 to 2016**

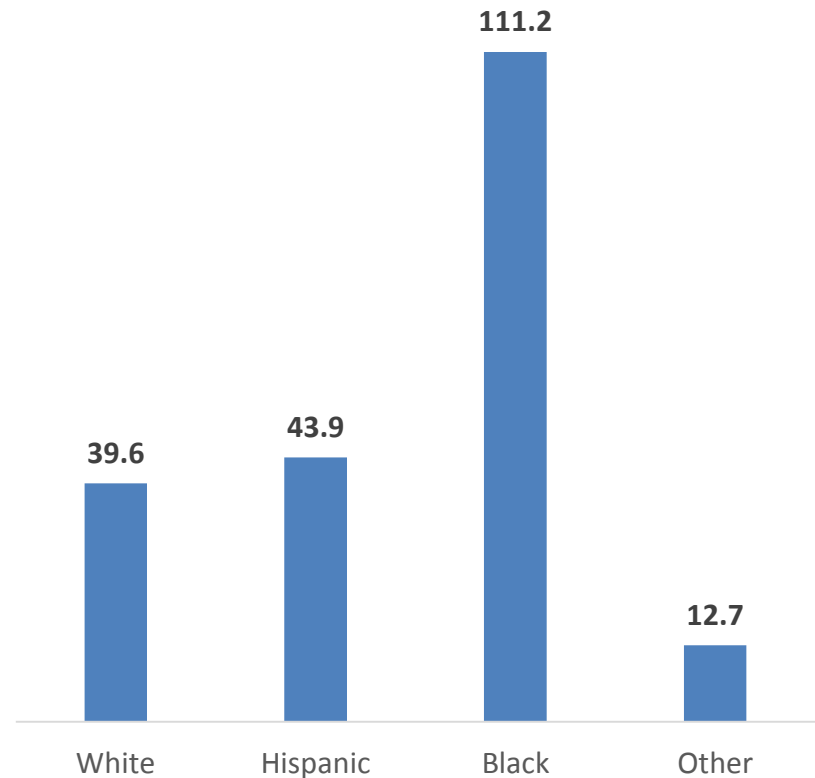


Black youth make up a small proportion of juvenile arrests but are almost three times more likely to be arrested than White youth.

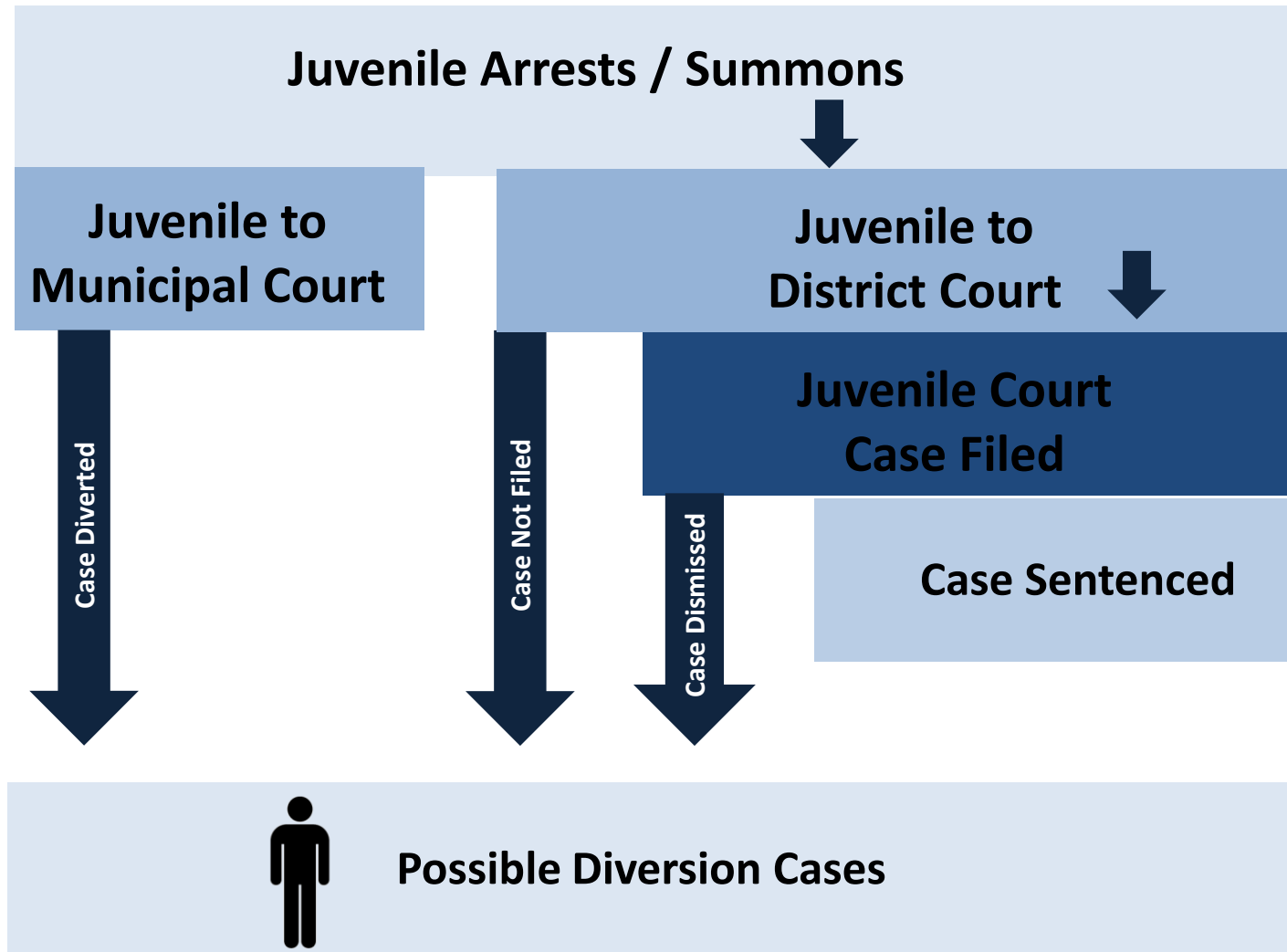
**Juvenile Age Population and Juvenile Arrests by Race/Ethnicity, 2016**



**Juvenile Arrest Rates per 1,000 by Race/Ethnicity, 2016**



Youth arrested or served a summons may be directed to municipal or district court, depending on offense, and may be diverted pre- or post-filing of their case.



# DIVERSION **ASSESSMENT** FINDINGS

Who is Getting Diverted?



# Colorado lacks a centralized approach to tracking diversion participation, services, and outcomes.

- ❖ There is no statewide data system or entity responsible for collecting, tracking, or evaluating diversion data
- ❖ There is no comprehensive picture of how many youth get diverted statewide, who gets diverted, and diversion outcomes
- ❖ The Department of Criminal Justice (DCJ) collects data on diversion programs funded through the DCJ grant, however, this represents only a subset of youth that are diverted

## From DCJ FY2016-2017 Evaluation

- 19 grant awards
- 1350 youth began diversion
- More than 50% were for misdemeanor offenses
- More than 2/3 were result of property, theft or drug charges
- Majority male, White, or Hispanic

The CSG Justice Center conducted a survey of all judicial districts to better understand diversion programs across the state.

Survey sent to all 22 judicial districts to district attorneys and diversion directors in Colorado

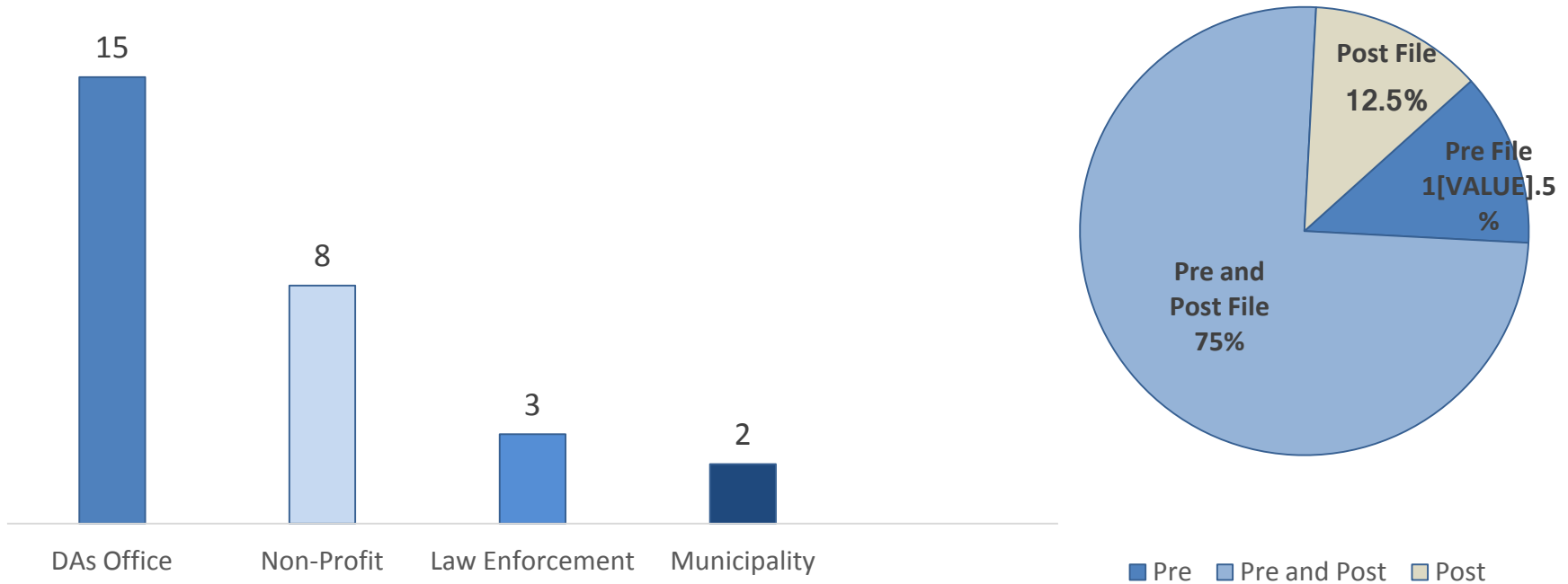
**21 responses**

### Survey Questions

- ☐ Structure and oversight
- ☐ Eligibility criteria
- ☐ Programming and services
- ☐ Funding sources
- ☐ Data collection

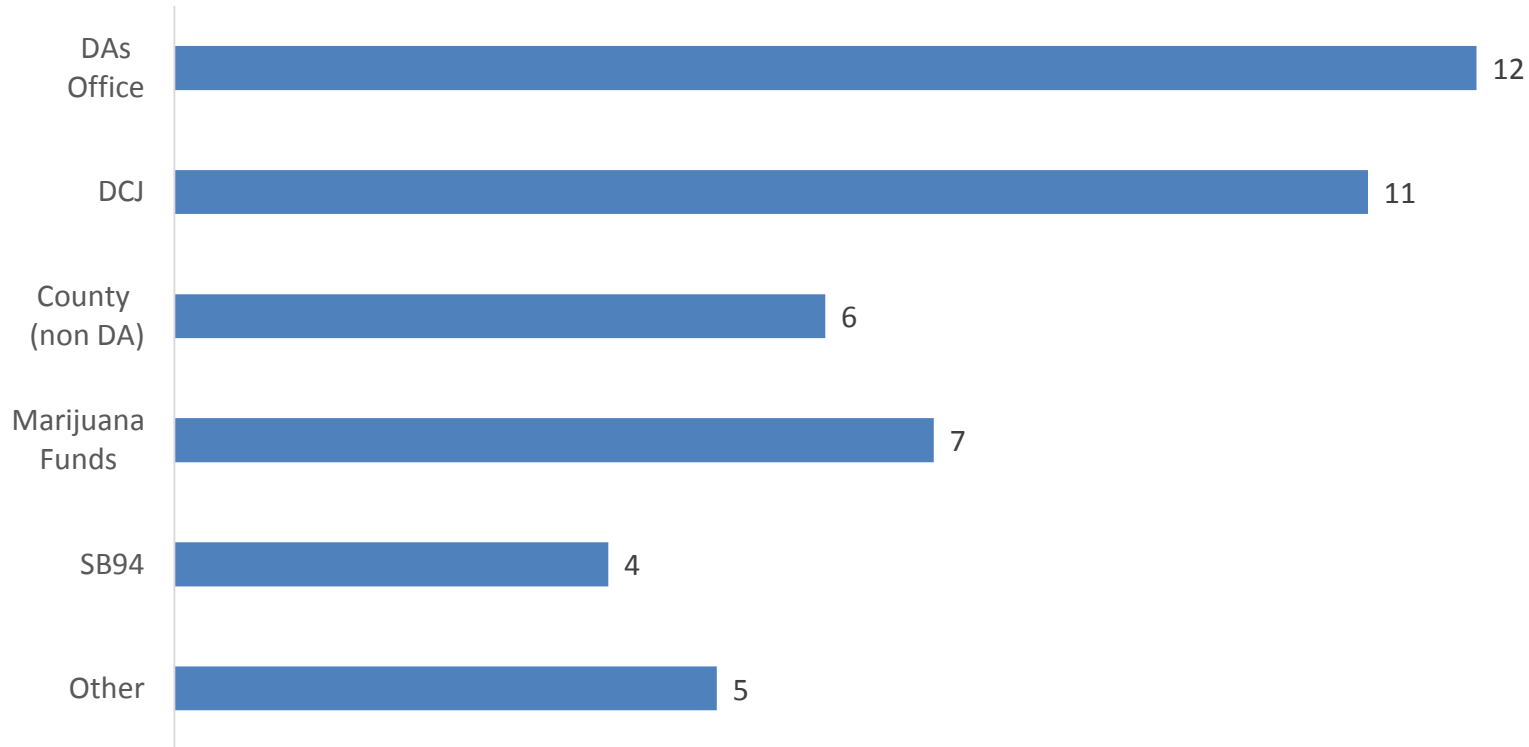
According to the survey, at least 2800 youth started diversion in FY2017, more than double the number in the DCJ evaluation.

District attorney offices administer the majority of juvenile diversion, with most jurisdictions offering diversion pre- and post-filing.



In six JDs, multiple entities oversee diversion programs. Three JDs do not administer juvenile diversion programs due to a lack of resources or too few kids eligible.

A variety of funding sources are used to support juvenile diversion programs.

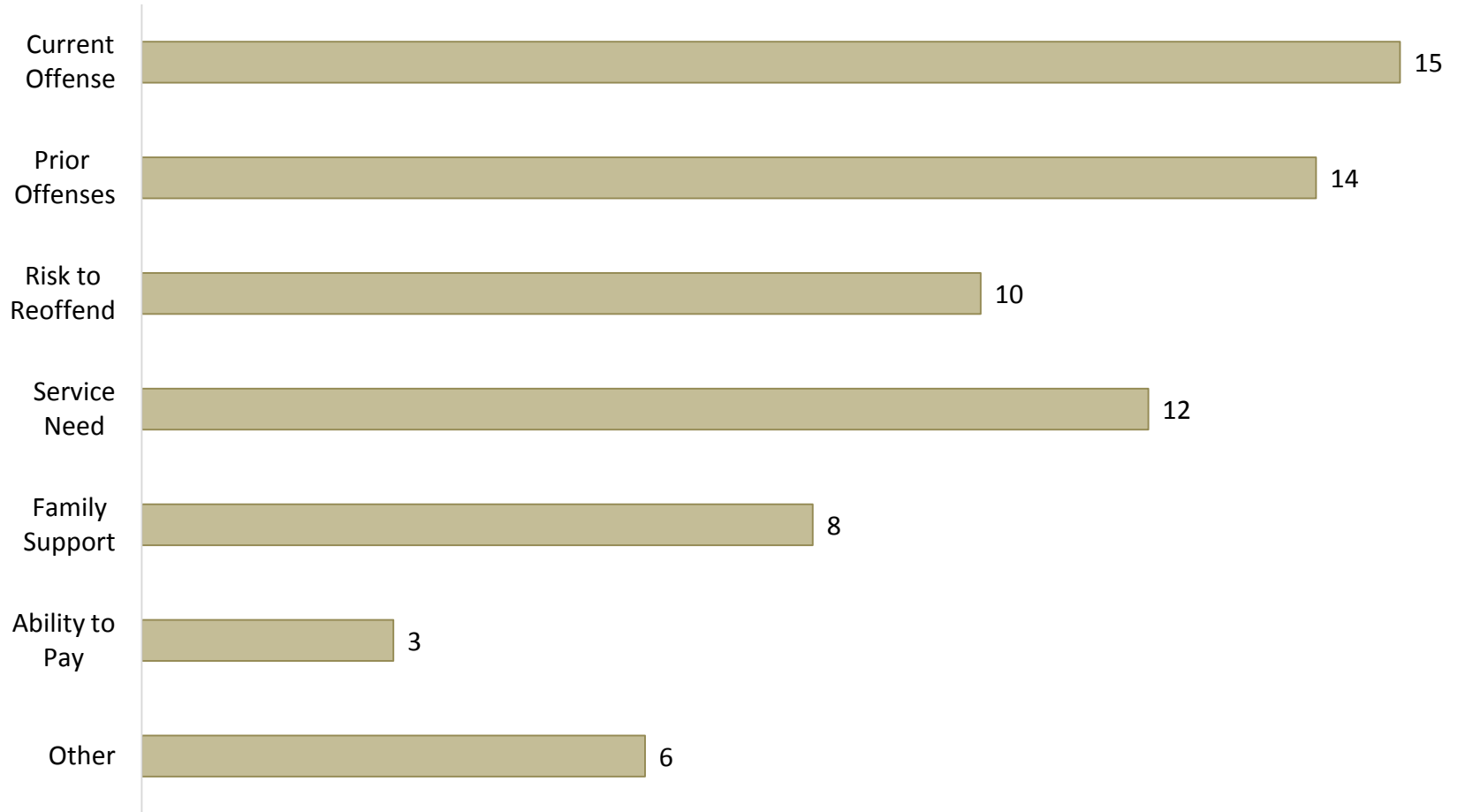


12 judicial districts use multiple funding sources to fund diversion programs in their jurisdictions. In three judicial districts, juvenile diversion is funded solely by the district attorney's office.

## Eligibility criteria for diversion varies significantly across the state.

- ❖ Broad statutory authority is provided to judicial districts to determine eligibility criteria for diversion
- ❖ Districts do not see a lot of diversion failures as most diversion youth are first time low level offenders
- ❖ Family support and stability is often a factor in determining youth eligibility, and some districts require families to pay for participation in diversion
- ❖ Cases are often times formally filed in order to get other services for youth, like psychiatric evaluations, and JDs can always divert later
- ❖ ]Youth identified or perceived to have higher needs are often not diverted because of limited resources for services

## Judicial districts report using a variety of factors to determine a youth's eligibility for diversion.



Other refers to victim input and youths' amenability to treatment.

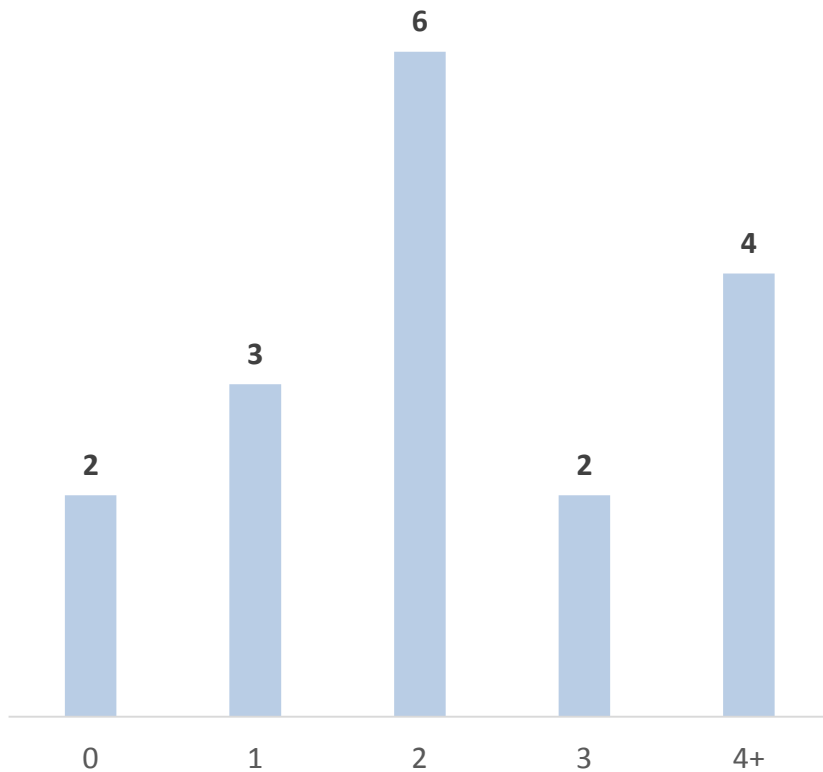


# DIVERSION ASSESSMENT FINDINGS

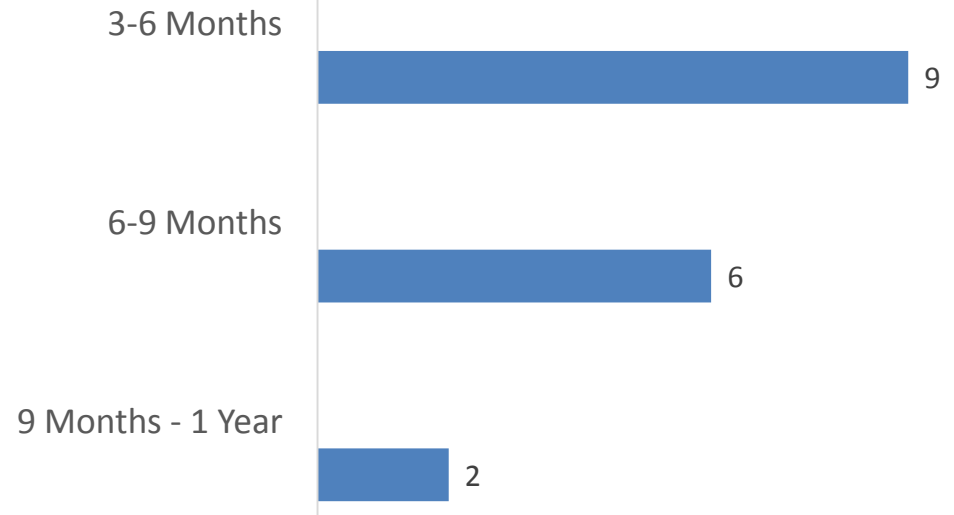
## What Happens to Youth on Diversion?

Diverted youth are usually supervised by a case manager or diversion officer, and average 6 months or more on supervision in nearly half of districts.

**Average Number of Monthly Contacts  
with a Case Manager**

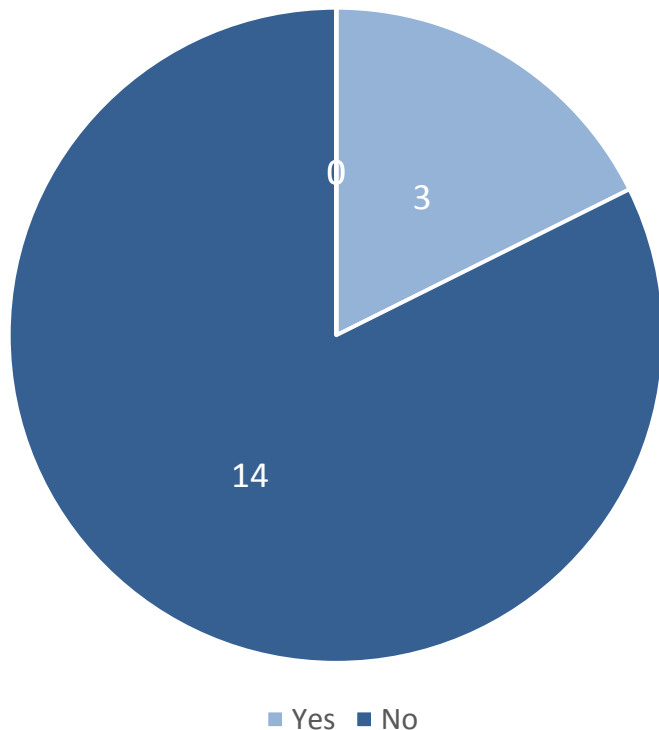


**Average LOS on Diversion**



In most districts, diverted youth are required to participate in services and programming.

Can Youth be Diverted Completely Without Supervision/Services?



Judicial districts report a variety of programming and services available to youth on diversion, including **education, restorative justice, restitution, community service, and treatment.**

Services are often **paid for by youth and families directly or through insurance,** in addition to some funds used by the DA's offices and grant programs.

# Diversion: Key Assessment Findings

1

Overall juvenile arrests are declining, however local **discretion in arrest and referrals to court can lead to inconsistencies** further in the juvenile justice system.

2

The structure and implementation of juvenile diversion **varies significantly** across jurisdictions in Colorado, resulting in **inconsistent adherence to best practice** and limited data on performance.

3

Youth who are diverted from formal court involvement **still receive substantial system supervision and services.**

## Best Practices in Juvenile Diversion

- ❖ Divert lower risk youth from system involvement; provide minimal or no supervision for these youth; and focus limited resources on supervision/services for youth with a high risk of reoffending.
- ❖ Use risk screening tools to objectively identify low risk youth that are appropriate for diversion.
- ❖ Establish clear criteria to identify youth that should be eligible for and/or automatically participate in diversion programs.
- ❖ Use needs screening tools to identify youth with potential mental health and substance use needs to match youth with appropriate services.
- ❖ Collect data on diversion program participation and quality to evaluate performance.



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01 IOYouth Assessment Process

02 **Assessment Results**

- Diversion
- **Detention**
  - Who is getting detained?
  - How long are youth staying in detention?
  - Are youth in detention/alternatives getting needed services?

03 Next Steps

## What does the research say about detention?

- ❖ Research demonstrates that detention can have a negative impact on young people's mental and physical well-being, and when used inappropriately, detention may make it more likely that youth will reoffend.
- ❖ Youth who are detained are more likely to penetrate deeper into the juvenile justice system than similar youth who are not detained.
- ❖ Detention alternatives should be based on the principle of using the least restrictive setting possible and on identifying and addressing youth's needs as identified from validated screening tools.

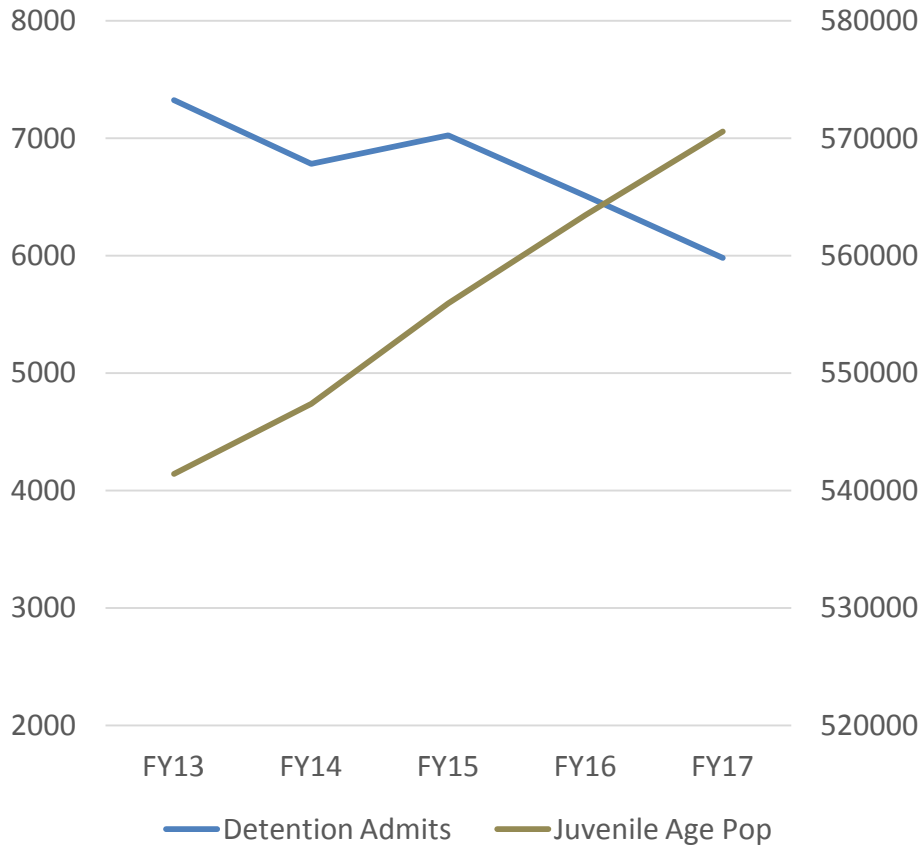
# DETENTION ASSESSMENT FINDINGS

Who is Getting Detained?

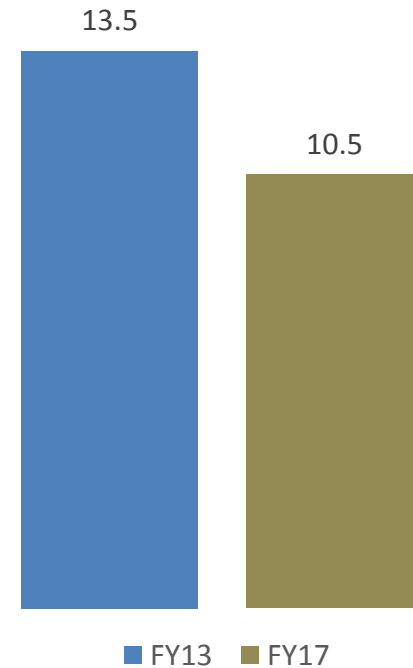


Between 2013 and 2017, detention admissions declined by 18 percent while the juvenile age population increased 5 percent.

**Juvenile Age Population and Detention Admissions  
FY2013 to FY2017**

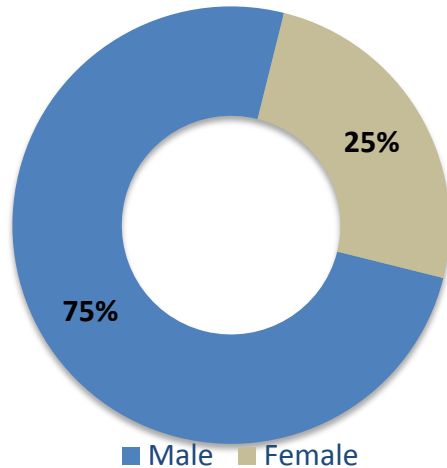


**Detention Rate per 1,000 Juveniles  
in Population FY2013 and FY2017**

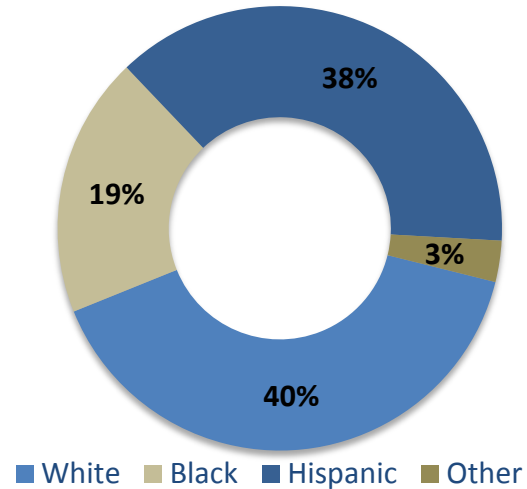


Males represent 2/3 of new detention admissions, and minority youth comprise more than 60 percent of new detention admissions.

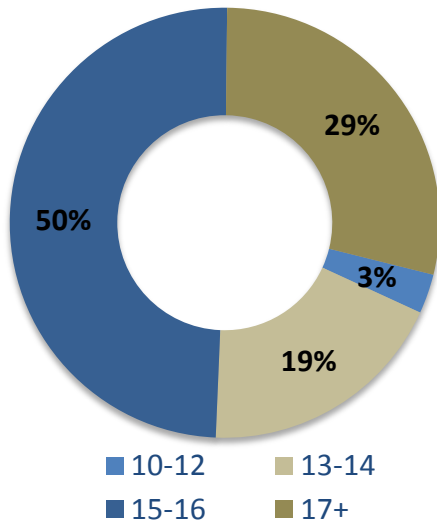
**Admissions by Gender, FY2017**



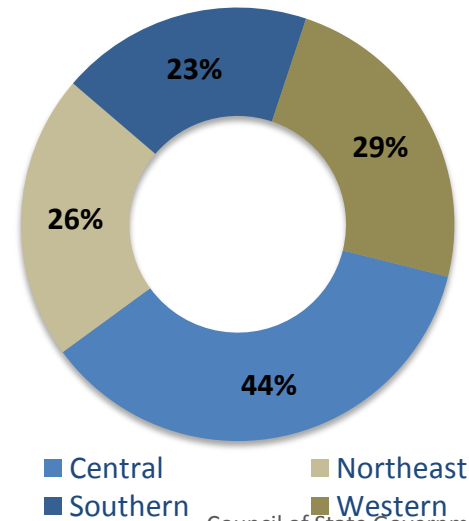
**Admissions by Race/Ethnicity, FY2017**



**Admissions by Age, FY2017**



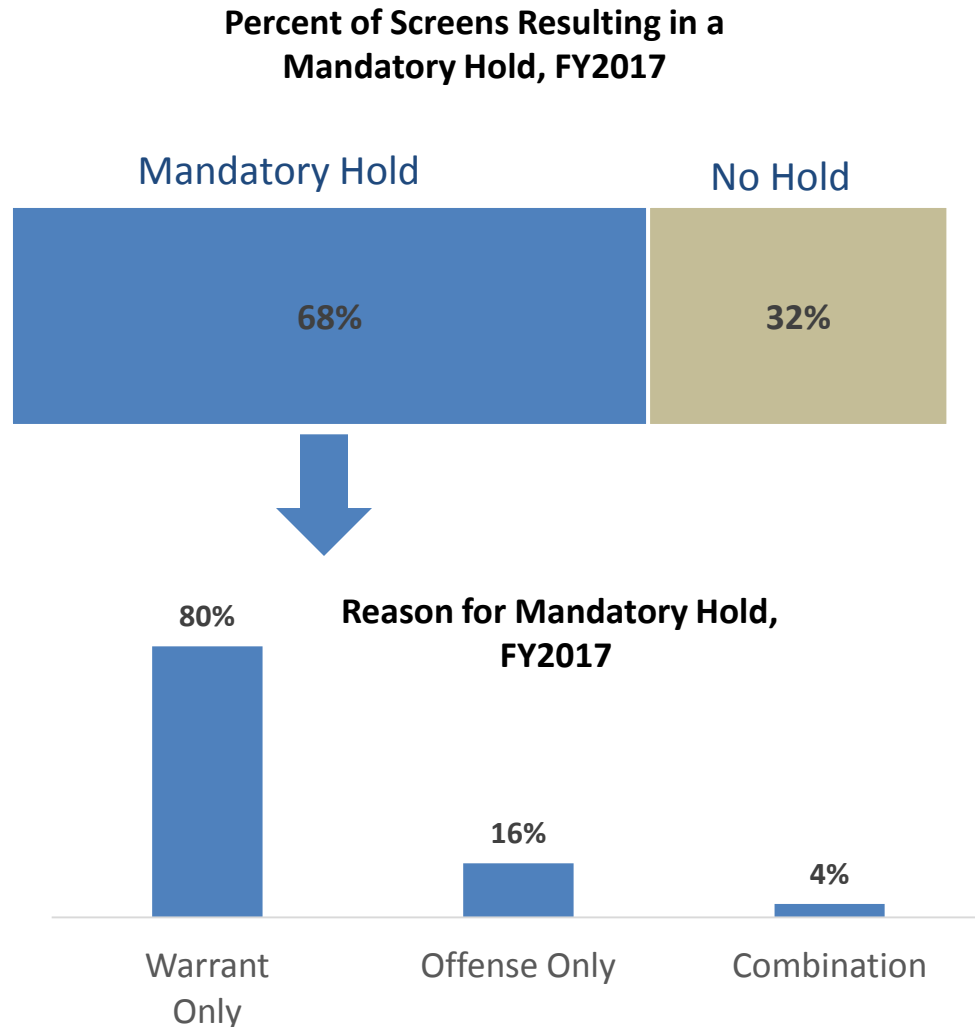
**Admissions by Region, FY2017**



Discretion in judicial district policies can lead to the placement of youth in secure detention that are not a public safety risk.

- ❖ The JDSAG is used statewide to screen youth for detention eligibility; however, screening policies and override guidelines are most often determined by the chief judge.
- ❖ In most judicial districts, youth with warrants are automatically detained regardless of public safety risk or risk of reoffense.
- ❖ Some magistrates report not always getting all of the information that they need in order to make detention decisions.
- ❖ The lack of collaboration in some districts across youth serving agencies can lead to more youth being placed in secure detention.

More than 2/3 of youth screened on the JDSAG receive a mandatory hold to secure detention, but more than half are not identified as a public safety risk.

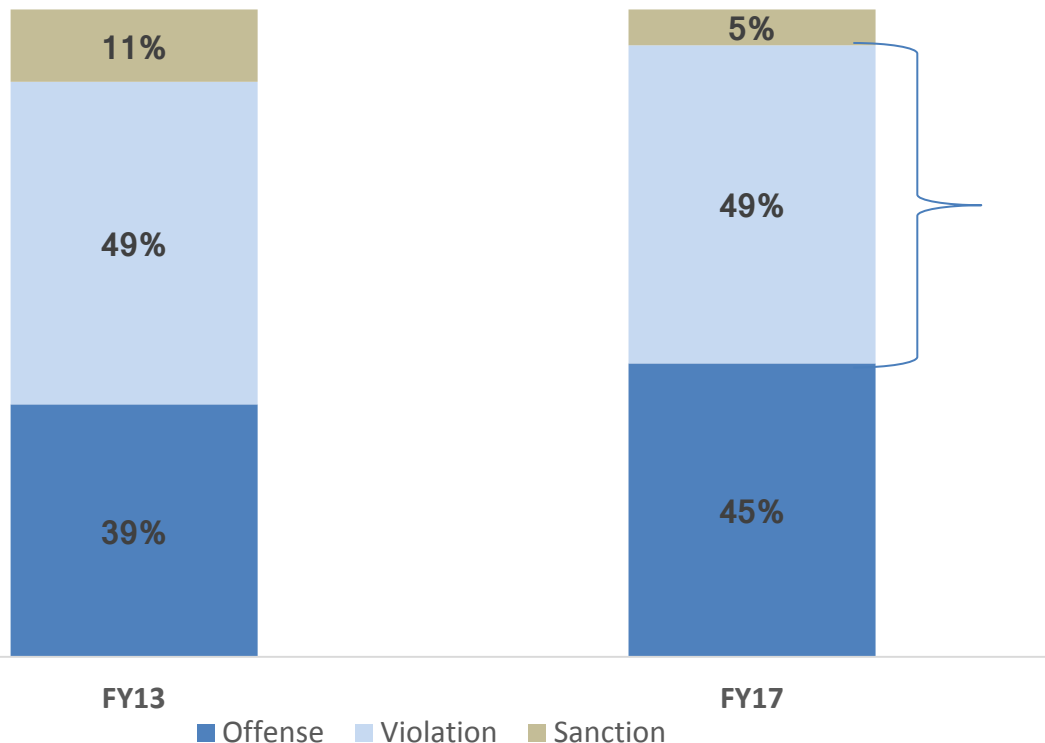


Of youth screened in FY2017 with a Mandatory Hold:

- 52% were NOT considered a public safety risk
- 45% had committed a misdemeanor or lesser offense
- 34% were low risk
- 68% had a responsible adult to provide supervision if released

Almost half of detention admissions are the result of a violation, the majority of which are for a failure to comply.

**Detention Admissions by Detention Reason\*,  
FY2013 and FY2017**



**Type of Violation, FY2017**

Failure to Comply: 66%

Failure to Appear: 23%

Probation Technical Violation: 11%

Truancy VCO: <1%

\*"other" detention reason accounted for 1% of in both FY13 and FY17, missing not included

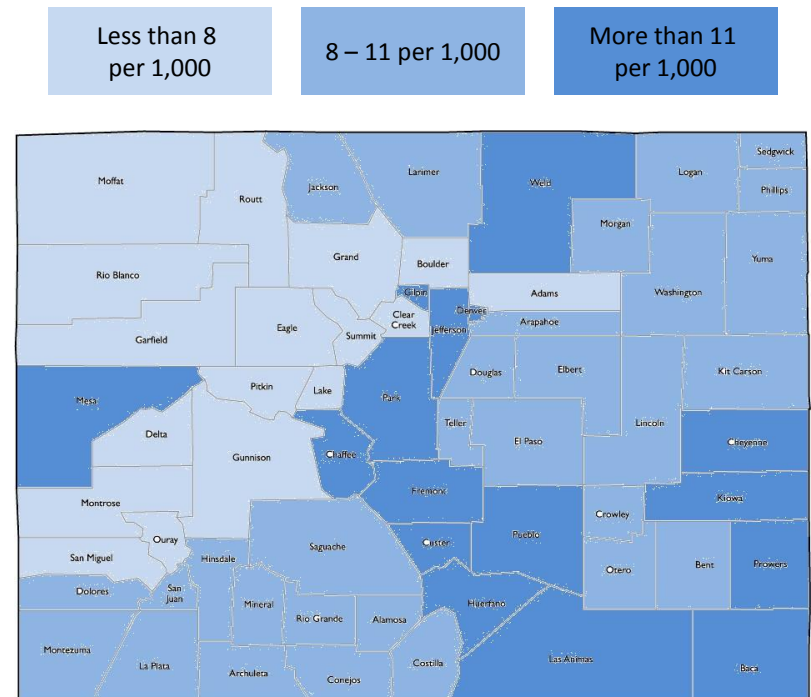
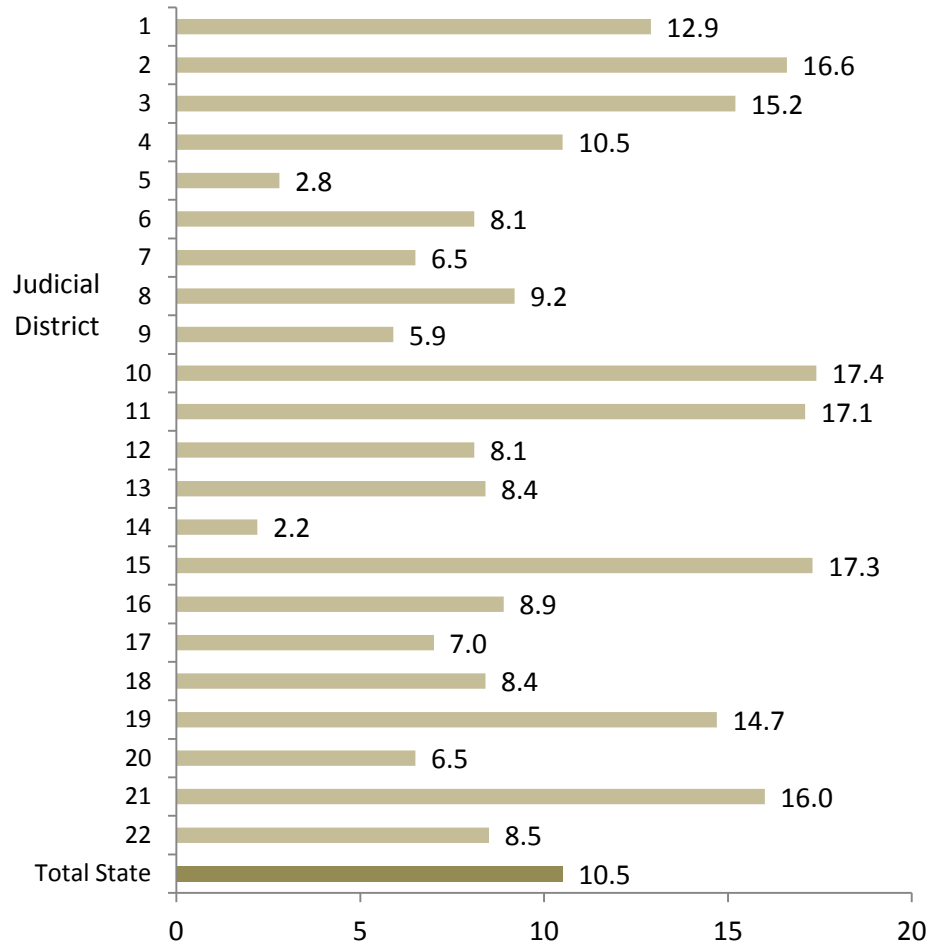
More than 1/3 of youth who screen to a level below secure detention on the JDSAG still end up in secure detention.

**JDSAG Screen Results Compared to Actual Level Received, FY2017**

	Actual Level Received					
Screen Level	Secure Detention	Staff Secure	Residential or Shelter	Home Detention/ Services	Release	Total
Detention	93%	1%	>1%	2%	3%	100% (5,755)
Staff Secure	91%	4%	2%	2%	1%	100% (265)
Residential	38%	2%	1%	30%	29%	100% (187)
Home Detention	34%	1%	1%	38%	26%	100% (833)
Release	23%	0%	0%	33%	44%	100% (228)

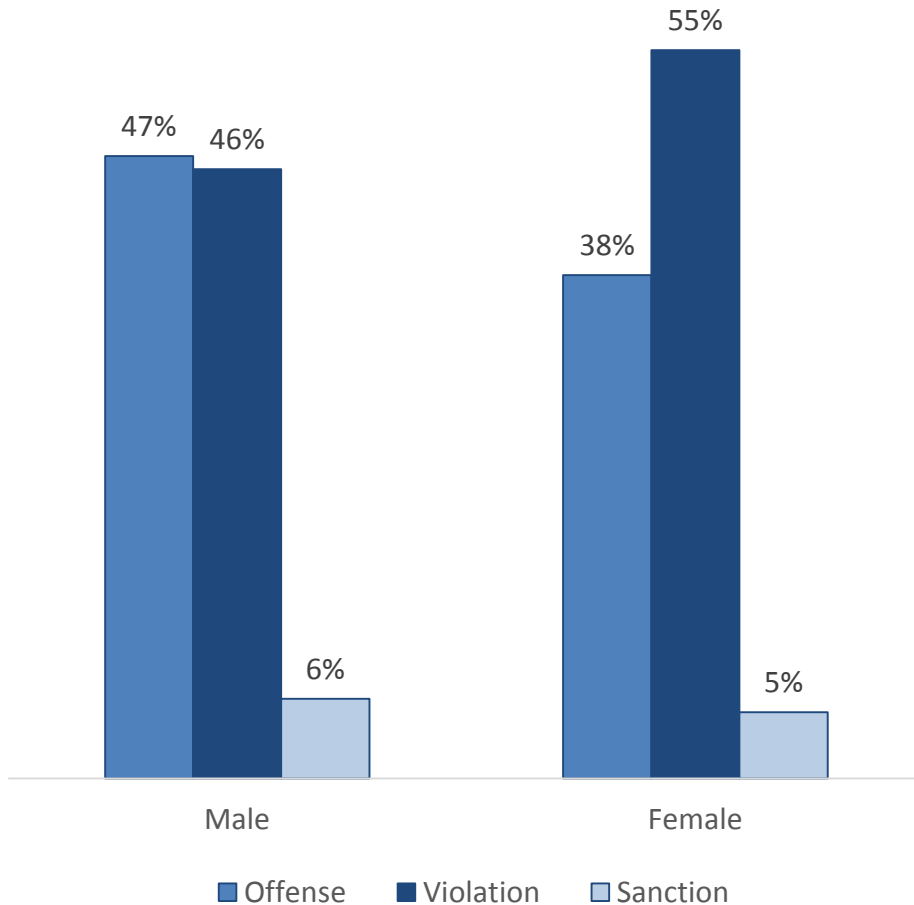
Detention rates vary by judicial district, from a high of 17.4 per 1,000 youth to a low of 2.2.

**Rate of Detention (per 1,000 youth) by Judicial District, FY2017**

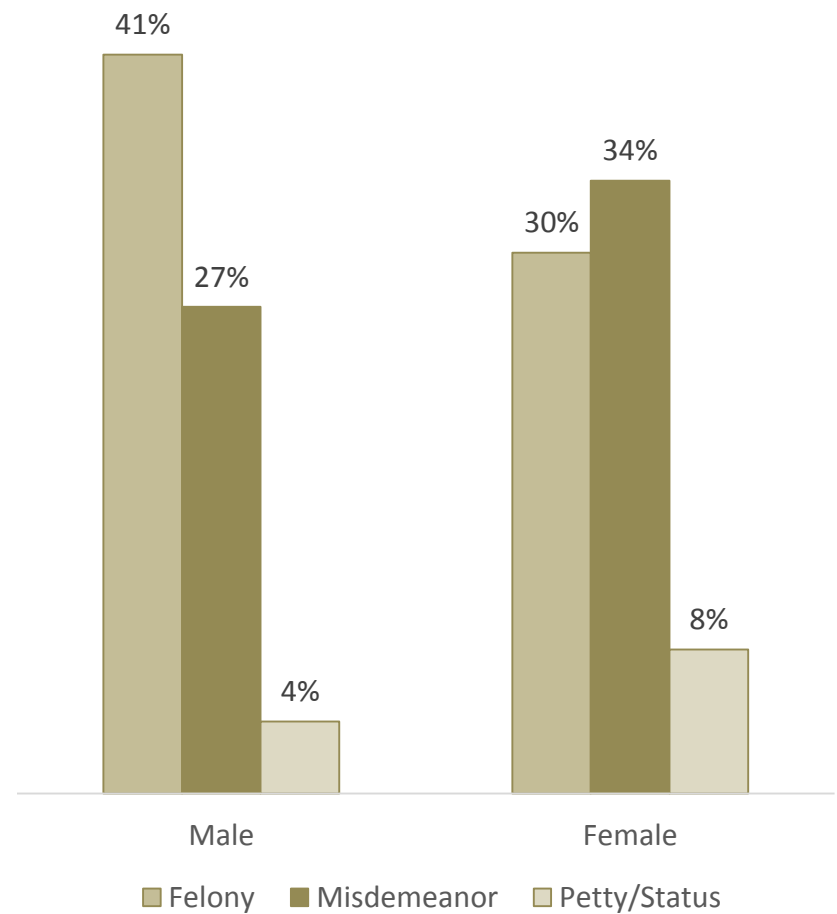


Females are more likely to be detained for a violation and for a misdemeanor or petty/status offense than males.

**Detention Reason by Gender, FY2017**



**Offense Level by Gender, FY2017**



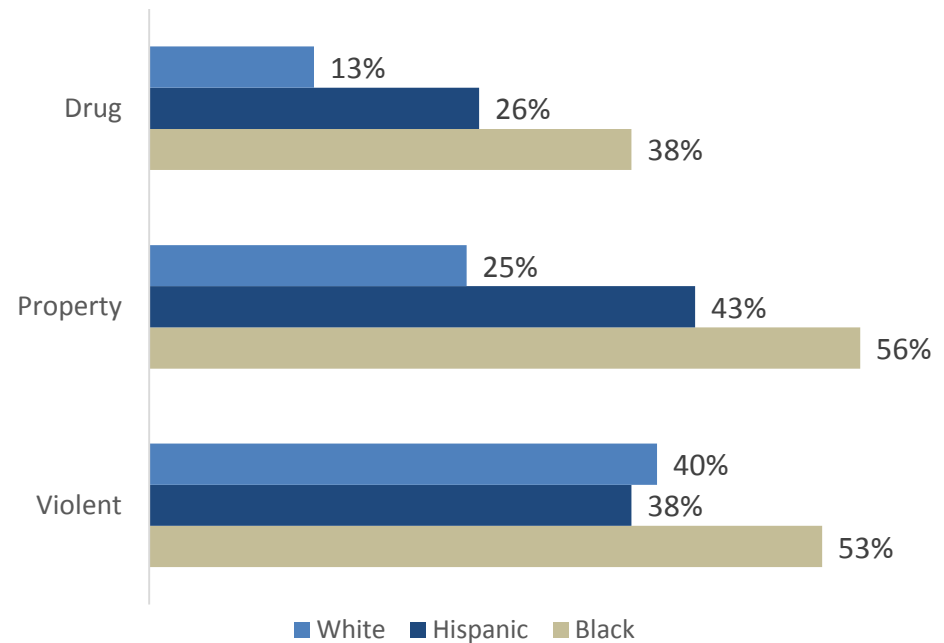


Black youth are more likely to be arrested via warrant or on-view, and White youth are more likely to be arrested through a summons, which can lead to differences in detention rates.

**Juvenile Arrests by Type and Race/Ethnicity, 2016**

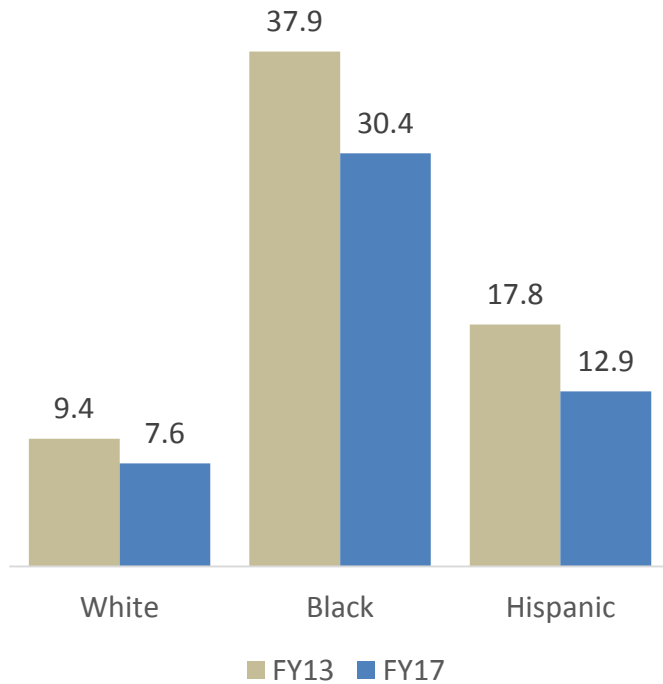
	White	Hispanic	Black
<b>Custody/Warrant</b>	19%	26%	35%
<b>On-View</b>	19%	25%	33%
<b>Summons</b>	62%	49%	32%
<b>Total</b>	100%	100%	100%

**Percent Resulting in On-View Arrest by Offense Type and Race/Ethnicity, 2016**

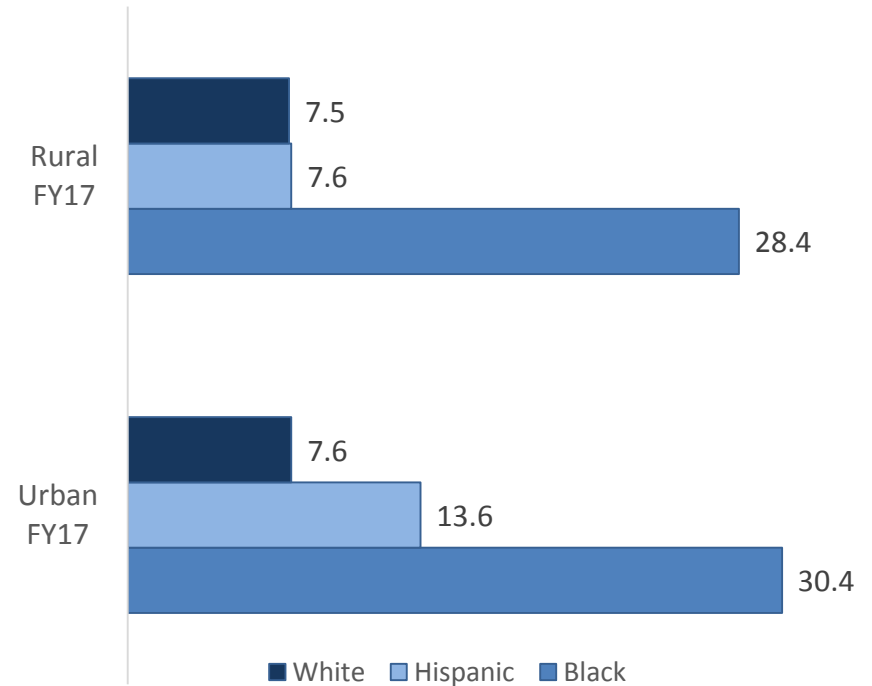


Black youth were more than 4 times as likely to be detained, and Hispanic youth almost twice as likely, as White youth.

**Statewide Detention Rates per 1,000 by Race/Ethnicity, FY2013 and FY2017**



**Detention Rates per 1,000 by Rural/Urban by Race/Ethnicity, FY2017**



# Detention rates vary for minority youth across judicial districts.

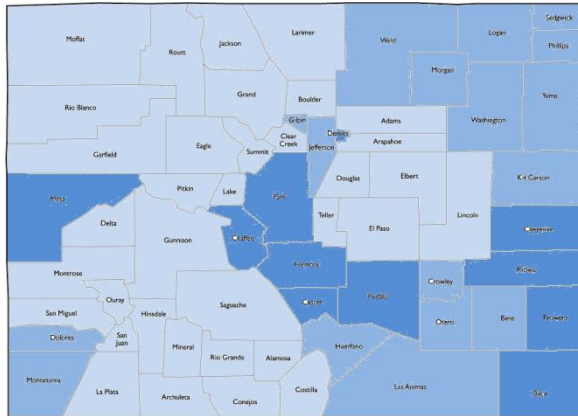
Rate of Detention (per 1,000 youth) by Judicial District and Race, FY2017

Less than 8  
per 1,000

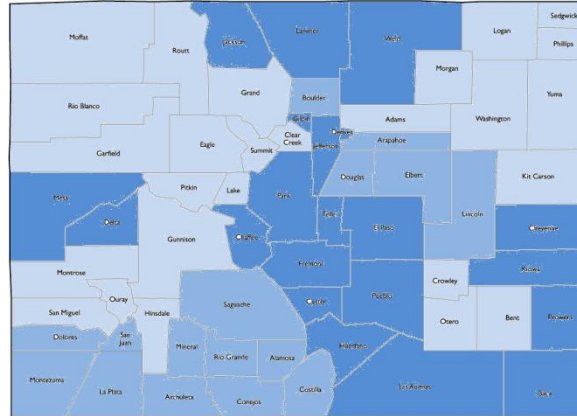
8 – 11 per 1,000

More than 11  
per 1,000

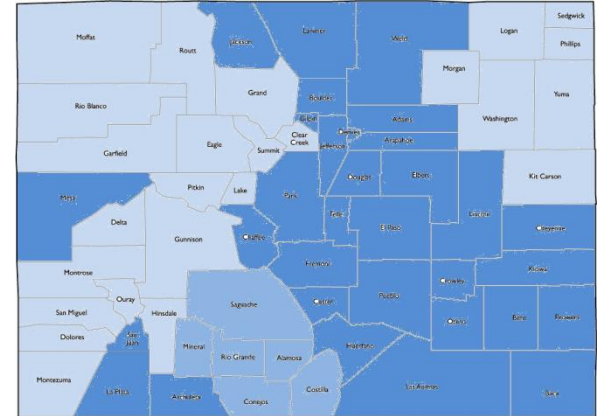
## WHITE



## HISPANIC

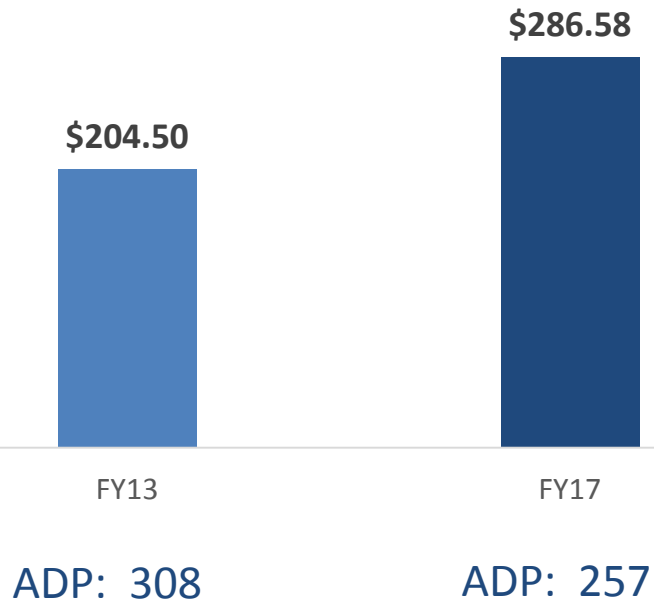


## AFRICAN-AMERICAN



The average cost per detention bed per day increased 40 percent between FY2013 and FY2017, primarily due to increases in direct care staff and declines in youth detained.

**Average Cost per Bed per Day for Detention, FY2013 and FY2017**



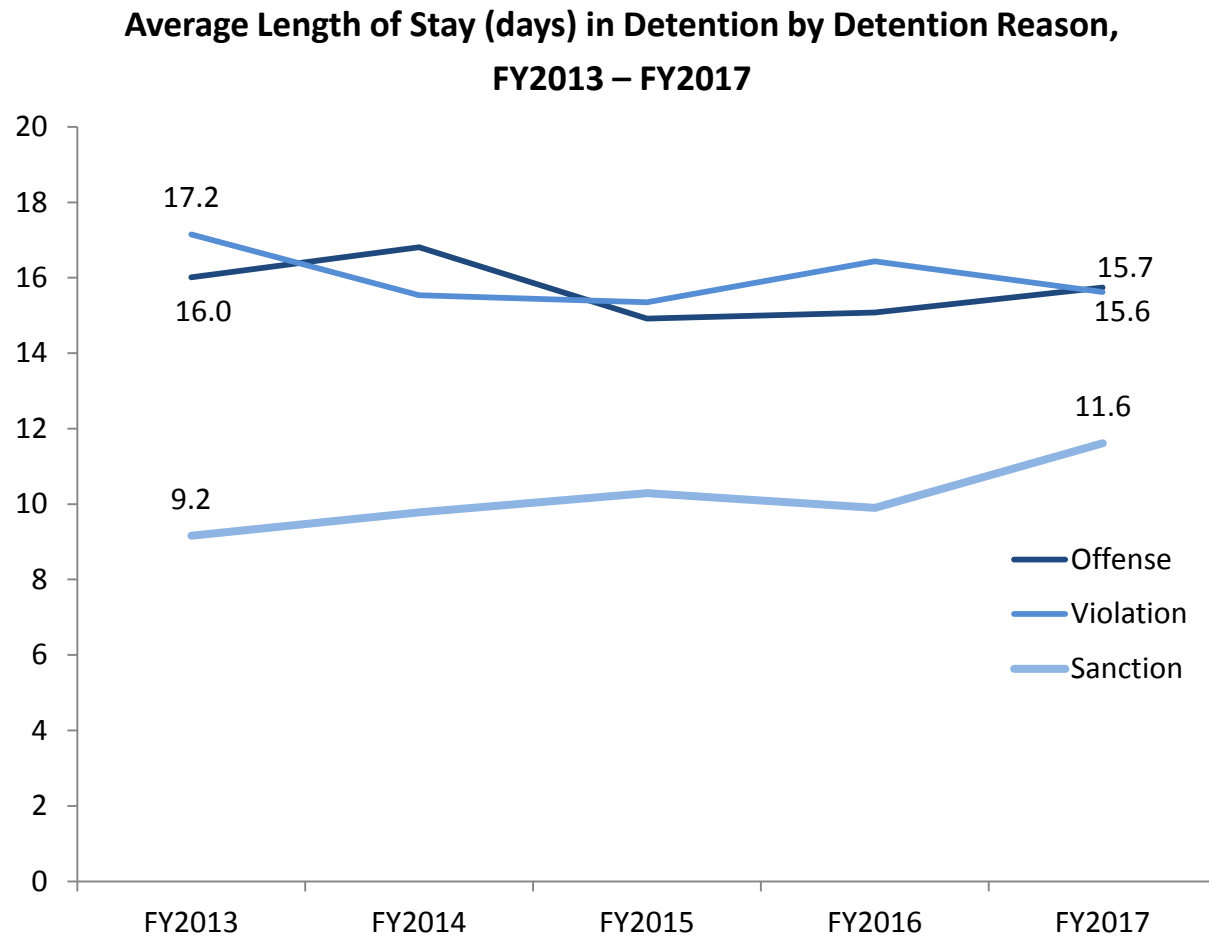
**Average Cost per Bed and per Youth for Detention, FY2013 and FY2017**



# DETENTION ASSESSMENT FINDINGS

How long are youth staying in detention?

Overall lengths of stay in detention has remained the same, with detentions resulting from offenses/violations decreasing slightly.



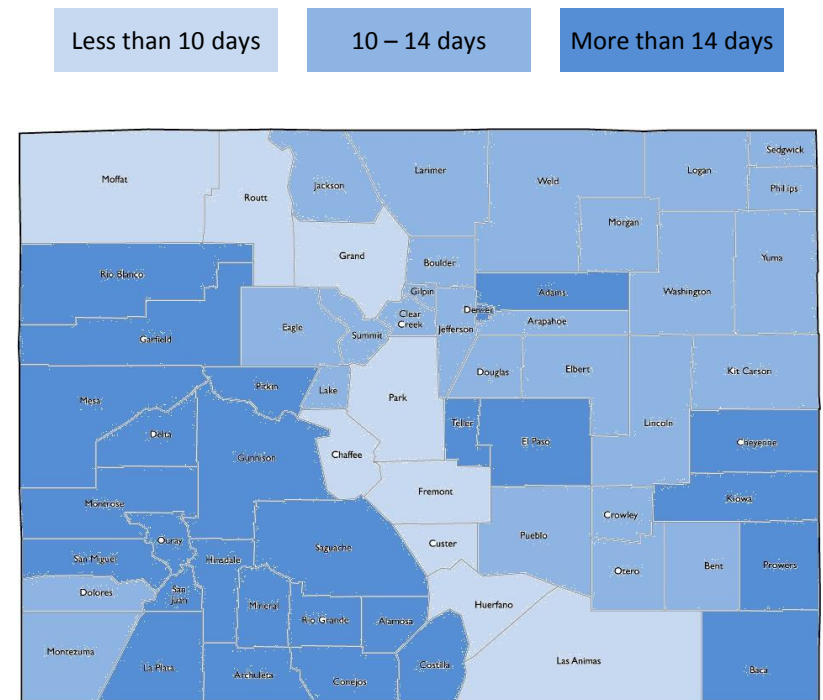
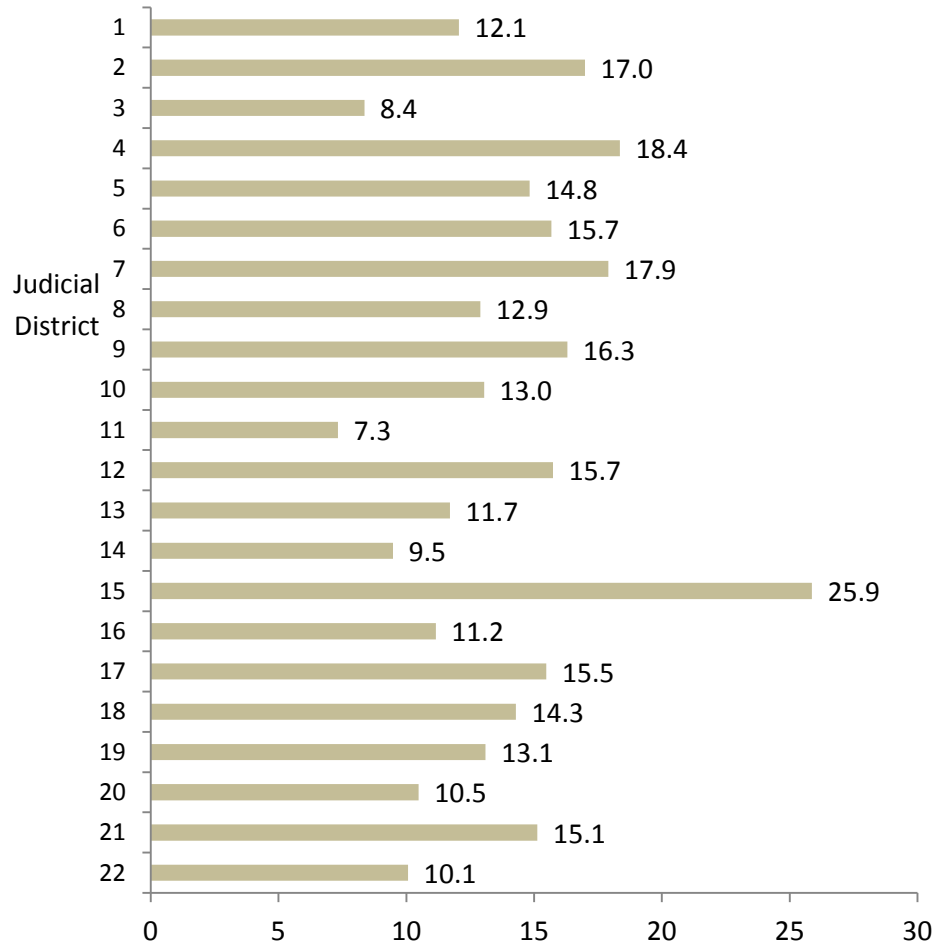
**Average LOS in Detention**

**FY2013: 15.1 days**

**FY2017: 15.3 days**

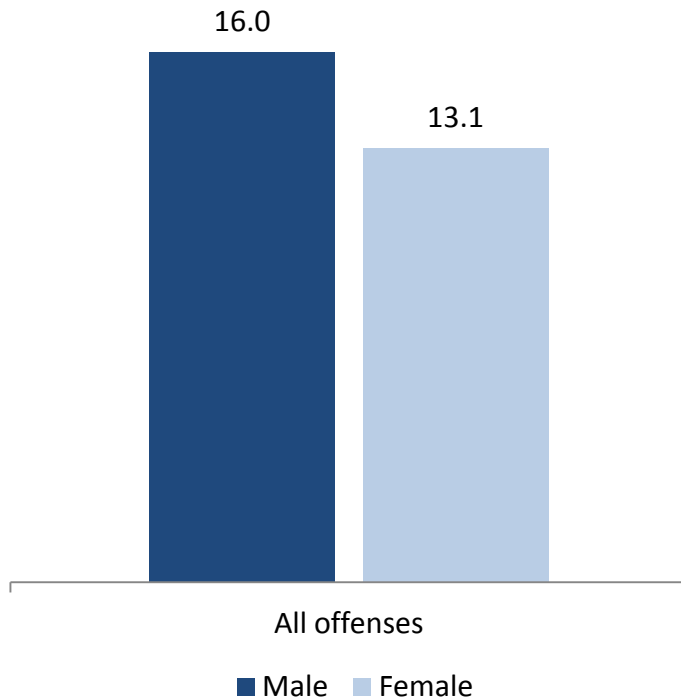
Detention lengths of stay vary by judicial district, from a low of 7.3 days to a high of 25.9 days.

**Average Length of Stay (days) in Detention by Judicial District, FY2017**



The length of stay in detention for males is longer than females on average for the same offense type.

**Average Length of Stay (days) in Detention by Gender, FY2017**



**LOS for Violent Felony Offenses**



**LOS for Felony Offenses**



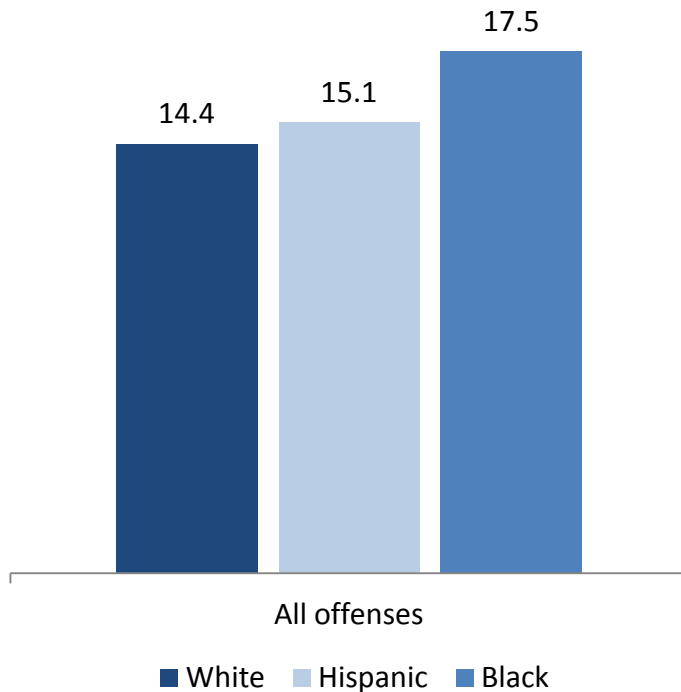
**LOS for Petty Offenses**





The length of stay in detention for Black youth is longer than White youth on average for the same offense type, particularly felonies.

**Average Length of Stay (days) in Detention by Race/Ethnicity, FY2017**



**LOS for Violent Felony Offenses**



**LOS for Felony Offenses**

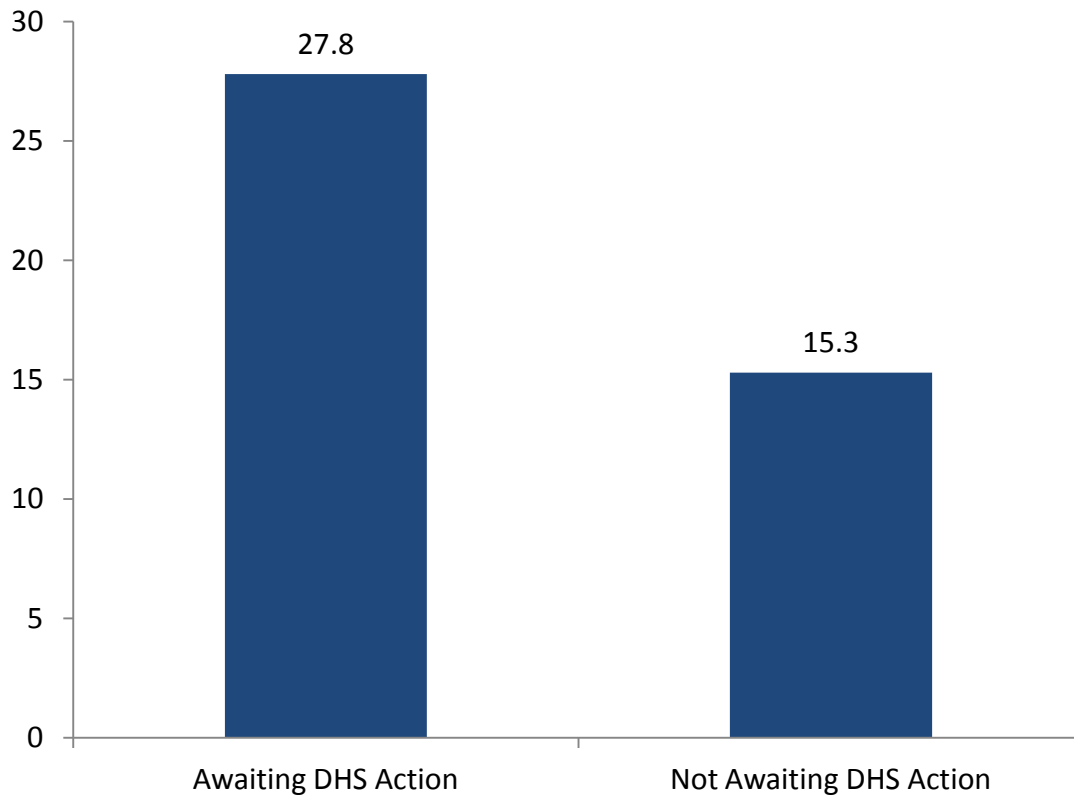


**LOS for Petty Offenses**



Youth undergoing DHS placement evaluation or awaiting DHS placement on average remain in detention longer than other youth.

**Average Length of Stay (days) in Detention for Youth  
Awaiting a DHS Action, FY2017**



In FY2017, 19% of youth released from state-operated detention facilities were involved with DHS, awaiting an evaluation or placement prior to release.

Source: NYC detention youth awaiting placement evaluation or placement decision, June 2017.

# DETENTION ASSESSMENT FINDINGS

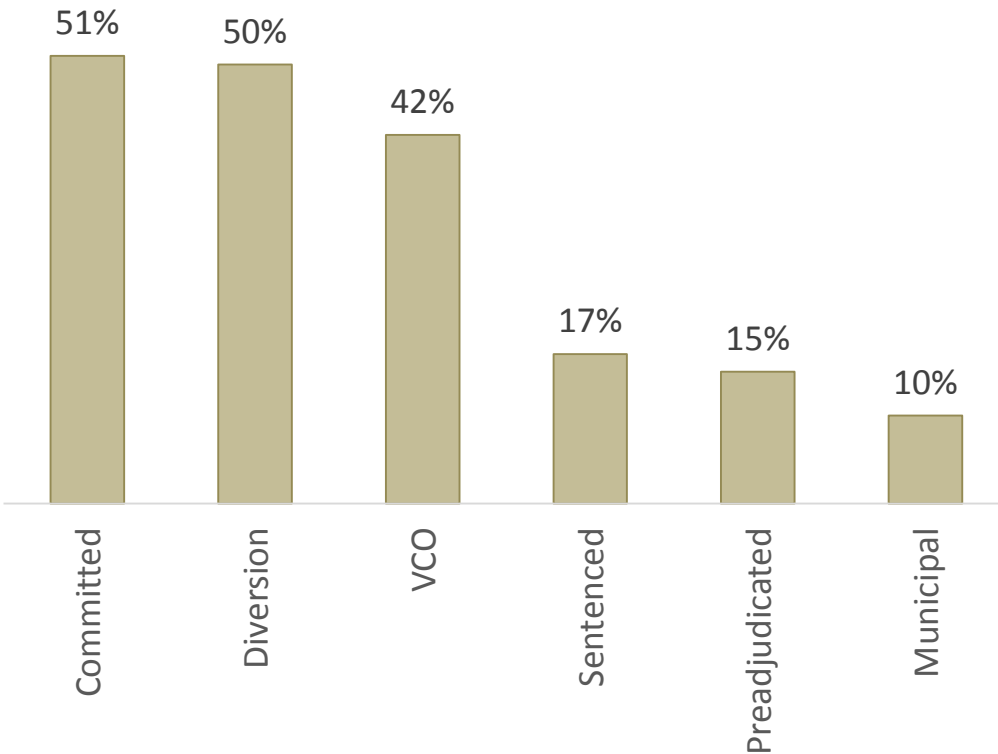
Are youth in detention/alternatives getting needed services?

Many jurisdictions cite a lack sufficient alternatives to detention in the community, which results in inappropriate placements.

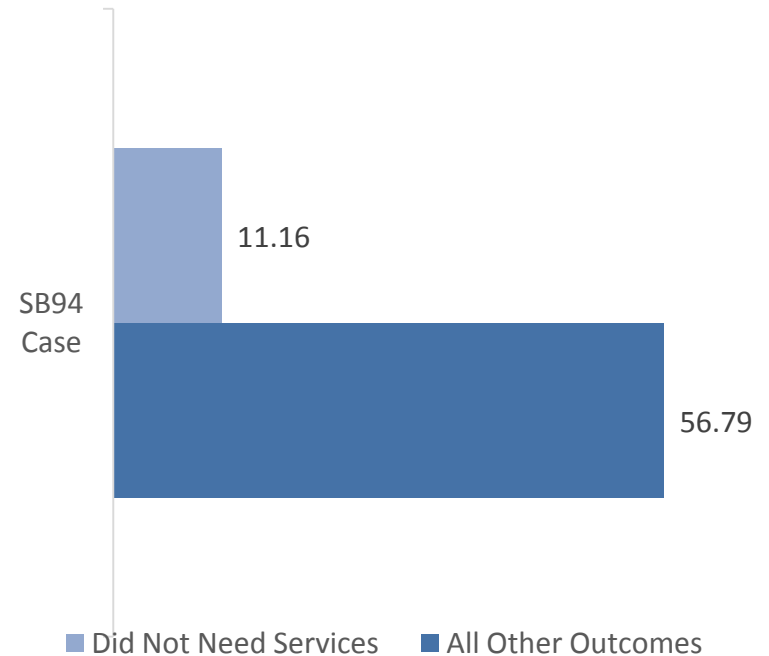
- ❖ Many judicial districts report a lack of less secure alternatives to detention, including the use of shelters beds, residential placements, foster care, etc.
- ❖ Youth with significant mental health needs, low cognitive abilities, and other more intensive needs often end up in detention due to a lack of alternative placements.
- ❖ Youth who fail out of DHS placements often penetrate into the detention system.
- ❖ SB94 is often used by jurisdictions to also assess and provide services to youth that are on probation, committed, or diverted, stretching resources.
- ❖ Youth are often detained to receive assessments/evaluations and to coordinate service delivery at release

Youth that are diverted, committed, or that receive violations are often referred to SB94 for assessment, however in half of these cases services are found not to be needed by youth.

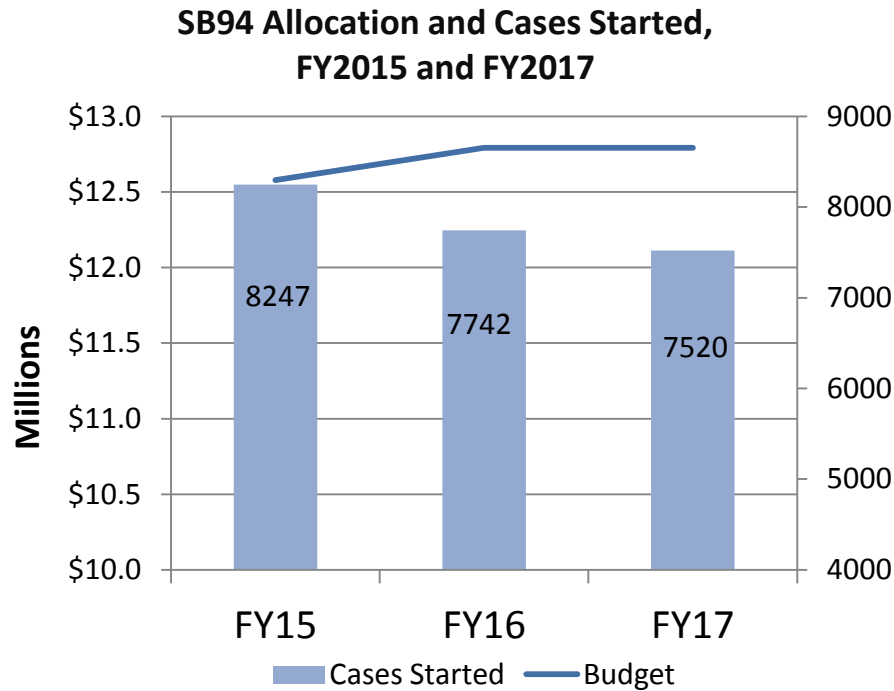
**% of SB94 Cases Found Not in Need of Services  
by Legal Status, FY2017**



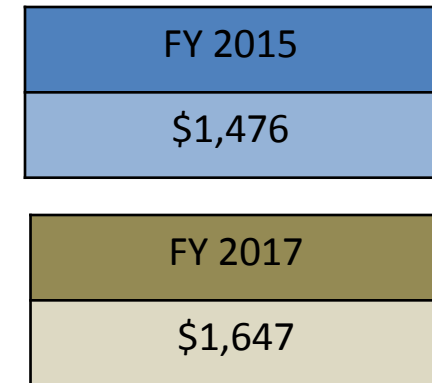
**SB94 Case LOS (days) by Outcome, FY2017**



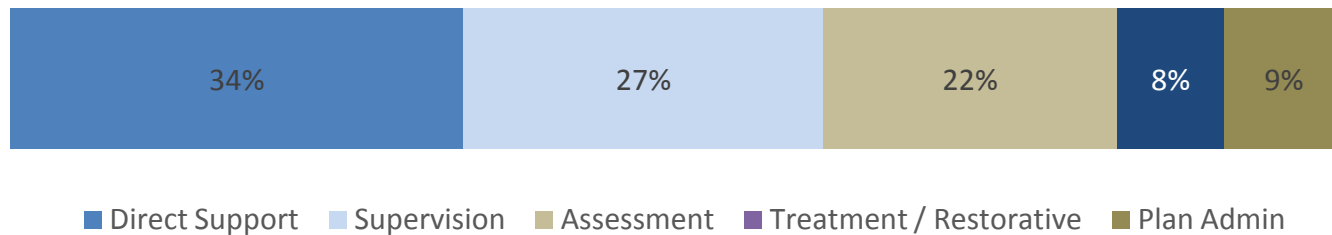
In FY2017, less than half of SB94 resources allocated by DYS provided direct services to youth.



**Average Cost per SB94 Case Started, FY15 and FY17**

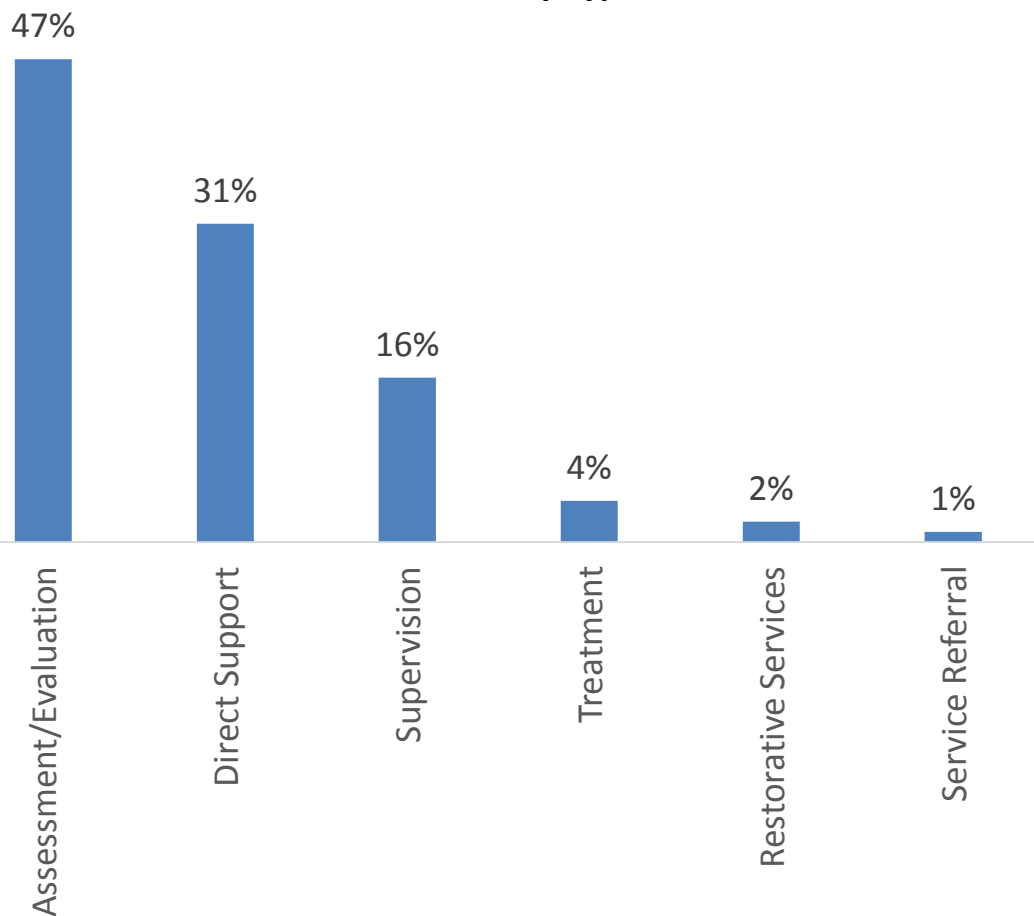


**SB94 Allocation by Service Type, FY17**



Client assessment/evaluation is the most frequent type of service provided to youth through SB94.

**SB94 Services by Type, FY2017**

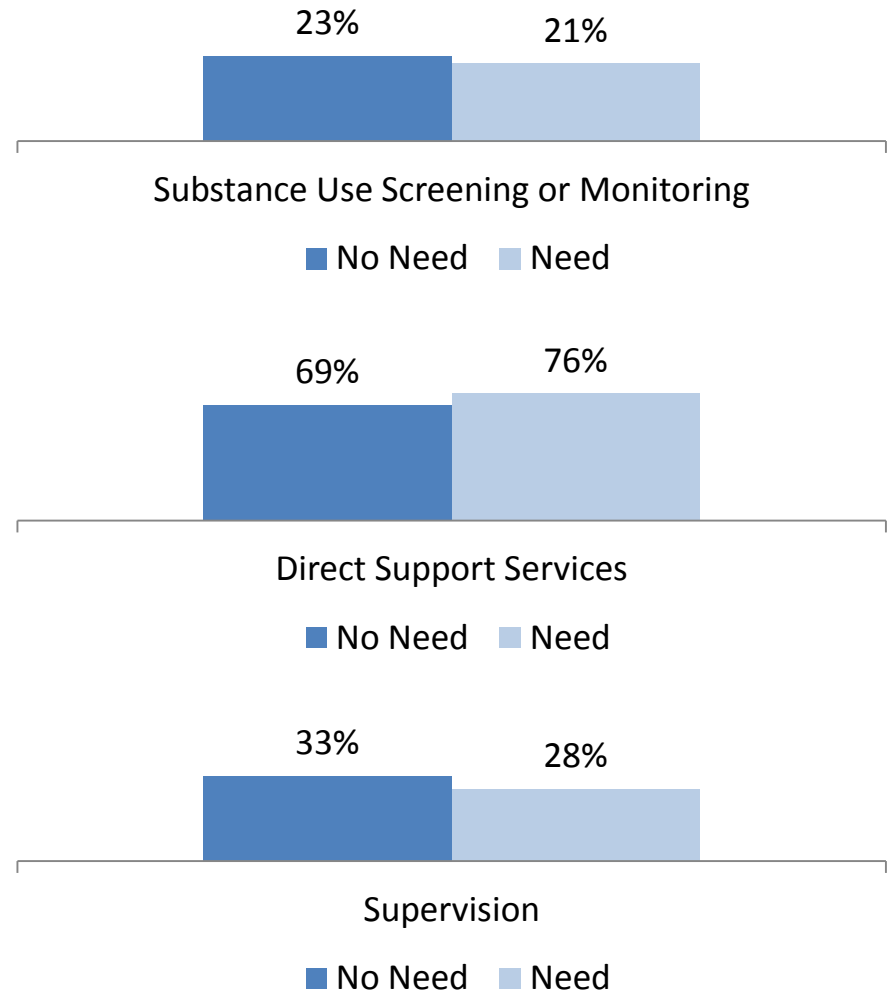


22% of SB94 cases are for assessments/evaluations only, and do not involve any services

Assessment/evaluation can include medical, mental health, substance use, CJRA pre-screen and/or full assessment, JDSAG, psychological, among others.

Jurisdictions lack protocols to ensure that youth served through SB94 have their needs accurately identified and met.

**SB94 Cases by Identified Substance Use Need, FY2017**



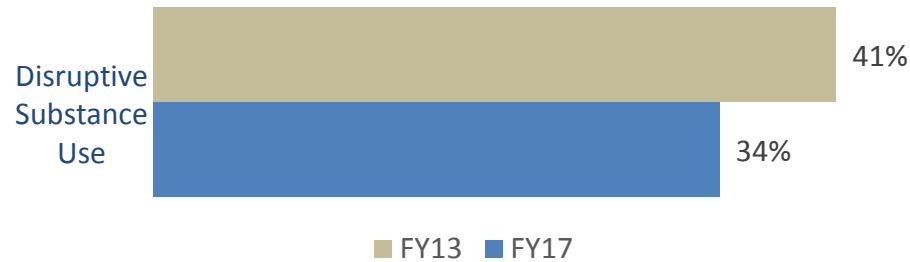
Youth with identified substance use needs received the same level of SB94 services as youth without an identified need.



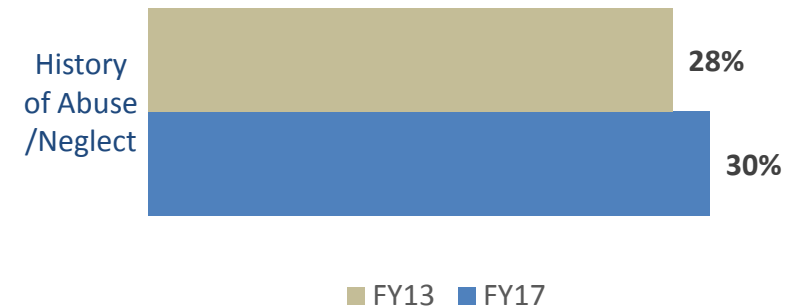
At least one-third of youth detained in FY2017 were identified as having substance use, mental health, or trauma related needs.

**Needs\* of Detention Admissions,  
FY2013 and FY2017**

**Disruptive Substance Use**

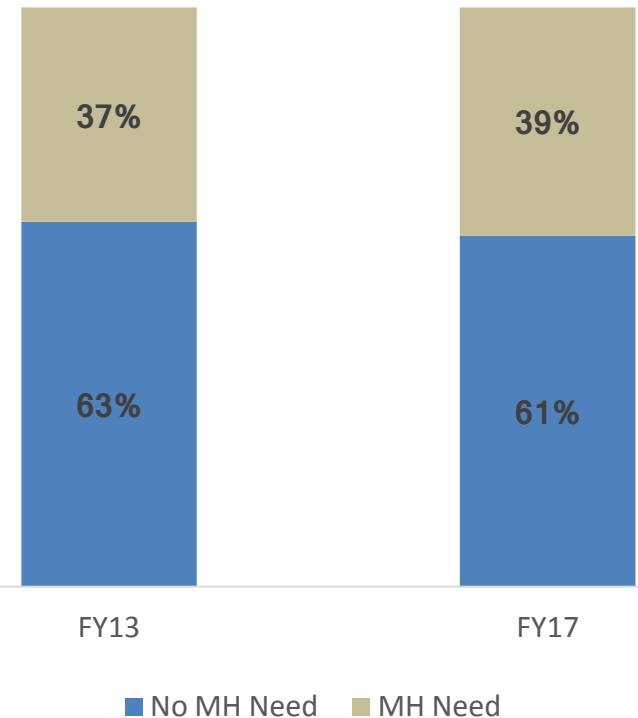


**History of Abuse/Neglect**

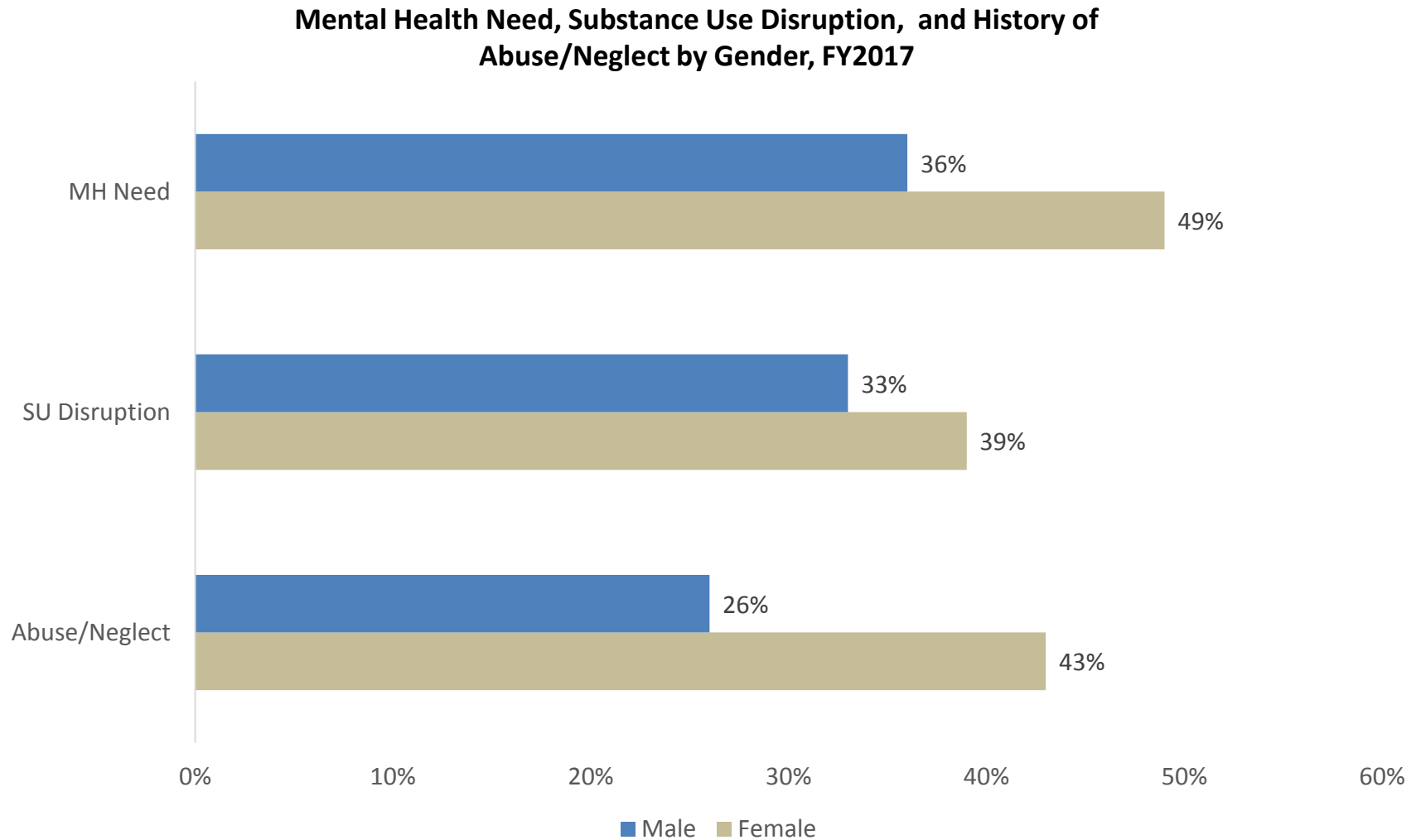


\* As identified by the CJRA Screen

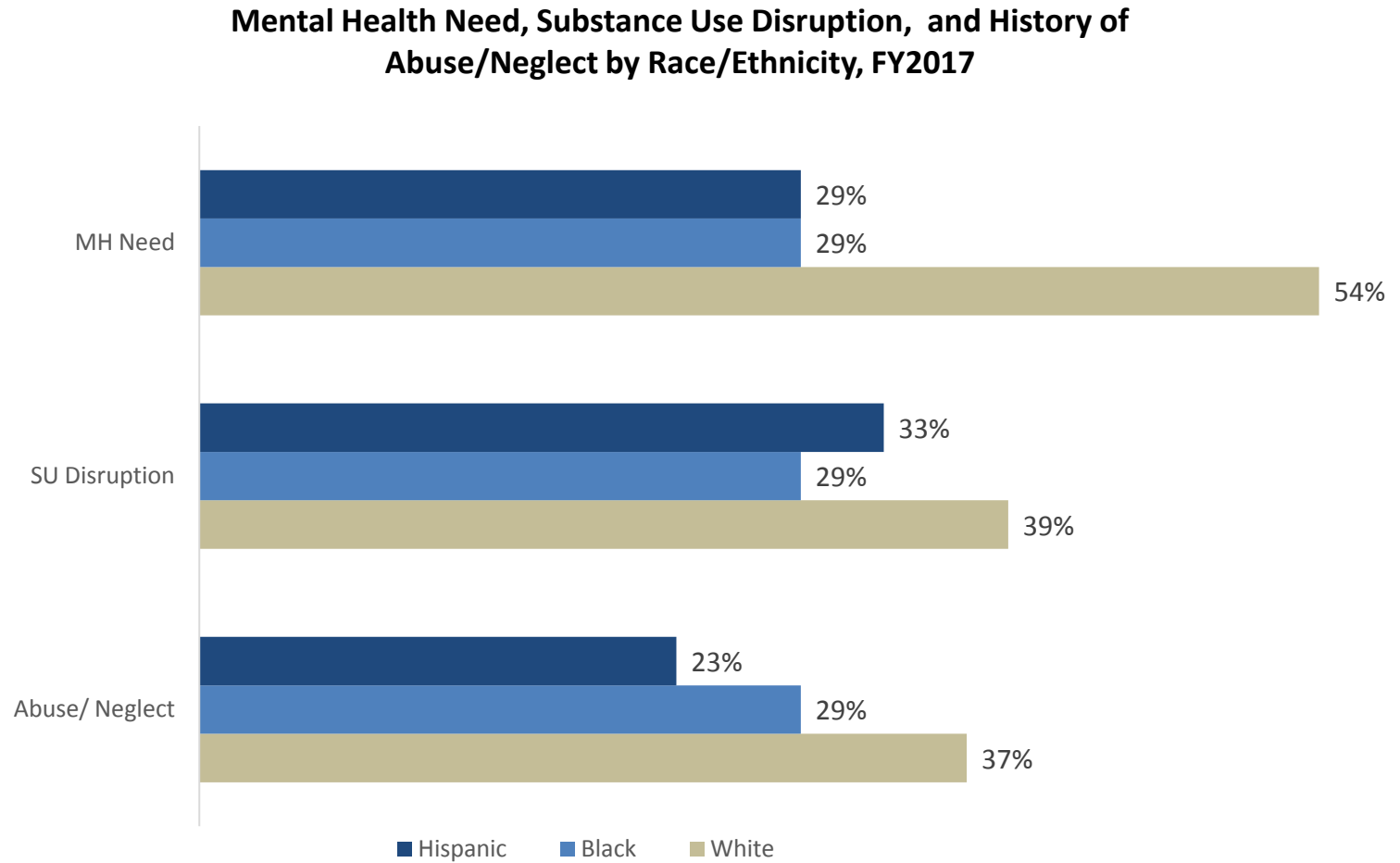
**Mental Health Need**



Females entering detention have higher identified needs than males.



White youth in detention are identified as having higher needs than minority youth.



Youth in secure detention have high needs, but do not always have access to services and treatment that address their needs.

- ❖ Services in secure detention are often only meeting youths' basic needs.
- ❖ Services in secure detention are meant to be short-term; however, youth with longer LOS often do not receive the services or treatment that they need and typically repeat programs.
- ❖ Staff report that they do not receive the necessary trauma-informed training to support the needs of youth that are in detention.
- ❖ Youth often are unable to start receiving more intensive mental health treatment while in secure detention and typically just receive psycho-social evaluations and/or crisis stabilization services.

# Diversion: Key Assessment Findings

1

A significant proportion of youth that are detained **are not identified as a public safety risk and detention rates vary substantially by district and youth demographics**, in part due to discretion in how youth are referred for screening and how the screening tool is used across districts.

2

**Lengths of stay in detention vary significantly based on judicial district and youth demographics**, with males, Black youth, and those involved with the child welfare system having the longest stays.

3

Districts are **not fully using SB94 to provide needed detention alternatives, and more generally, SB94 is not being used efficiently** to target specific youth and identify and address their needs. At the same time, youth who are detained are not receiving needed services.

## Best Practices in the Appropriate Use of Detention

- ❖ Reserve costly secure detention beds for youth who are a direct risk to public safety or flight risk.
- ❖ Establish specific criteria, policies, and training on the use of detention screening instruments, overrides, and secure vs. alternative vs. no detention.
- ❖ Establish a continuum of alternatives to detention supervision and services in the community matched to the risks and needs of youth.
- ❖ Limit the use of detention as a response to technical violations or failures to comply with supervision, unless youth are at imminent risk of harming themselves or others.
- ❖ Develop strategies to better understand and expressly address racial and other types of disparities in the use of and lengths of stay in detention.



## Justice Center

THE COUNCIL OF STATE GOVERNMENTS

01 IOYouth Assessment Process

02 Assessment Results

- Diversion
- Detention

03 **Next Steps**

# Immediate Next Steps

1

Establish working groups focused on diversion and detention to develop policy recommendations for full task force consideration **(July/August)**

2

Present assessment findings related to disposition, probation, commitment, and placement to the task force **(September 6)**

3

Establish working groups focused on disposition/supervision to develop policy recommendations for full task force consideration **(September/October)**

4

Reach consensus as a task force around policy options to translate into legislation **(October 31)**



# Diversion and Detention Working Groups' Timeline & Next Steps

## July 24

- In-person meeting to review findings, identify priorities, and begin discussing recommendations

## Mid-August

- In-person meeting to solidify recommendations for the full task force

## Week of August 27

- Conference call to prepare for the full task force presentation

## September 6

- Presentation of recommendations to full task force

# IOYouth timeline and next steps

