

AGENCY OF HUMAN SERVICES

DEPARTMENT FOR CHILDREN AND FAMILIES

DEPARTMENT OF CORRECTIONS

Juvenile Justice Commission Report

January 15, 2007

This report is respectfully submitted in accordance with Act 142 of the Adjourned Session of the 66th Biennial General Assembly requiring a report from the Juvenile Justice Commission

I. Summary

In 2002, an act of the Vermont General Assembly created the Juvenile Justice Commission. The Commission, made up of the Commissioner of the Department for Children and Families (DCF), the Commissioner of the Department of Corrections (DOC), and chaired by the Director of Juvenile Justice is primarily charged with the goal of creating a comprehensive system for youth under the age of 21 who commit delinquent or criminal acts.

The Department for Children and Families and the Department of Correction share the values of the Juvenile Justice Commission Legislation. They are expressed in the practices of Balanced and Restorative Justice—with a focus on accountability, competency development, and public safety—and in rehabilitation-based case management within the framework of a youth's developmental needs, family, and community. Partnership with the Children and Family Council for Prevention Programs, consultation with the Governor's Criminal Justice Cabinet, and expanded collaboration with other agencies have improved juvenile justice agendas for current services, for new approaches, and for broader planning. Increasingly, the potential for the juvenile justice system to both have beneficial impact on the lives youth, families, and communities and to play a more significant role in the intersection of social services and correctional Agency of Human Services' goals is being recognized and realized.

In the last year, the needs of transition aged youth both in the justice systems and in the foster care system have been a primary focus of the Agency of Human Services and of the Juvenile Justice Commission. Commission staff have coordinated the Governor's Task Force of Youth Aging Out of Foster Care, and the Commission is preparing to contract for a comprehensive study of justice system jurisdiction and the impact of changes. Both of these initiatives are first steps in addressing the larger issues of assuring an effective array of programs and services for Vermont youth as they enter adulthood.

Operationally, the Commission's agenda has included improving the juvenile detention system and instituting best practices for managing and serving delinquents. Woodside, the state's secure center for delinquents, was comprehensively assessed by a national expert, and the resulting program improvement plan is progressing to make a good program better. Pilot programs to support community detention are planned to reduce the need for short term residential placement. Youth assessment and screening tools are in development, and they will help assure that case planning and management meet best practice standards.

In other initiatives and collaborations, Commission staff play central roles in Treatment Courts and Juvenile Drug Courts, the improvement of substance abuse services, the improvement of Balanced and Restorative Justice resources, and the planning and support to the Children and Family Council for Prevention Programs.

II. 2006 Progress

Youth in the juvenile system: The Department for Children and Families

Juvenile Probation:

Juvenile probation provides supervision, restorative programs, and treatment plans for youth who commit delinquencies. It allows youth to take responsibility for their actions, restore victims and communities for the harm they have caused, and improve skills and participate in treatment to reduce the chance of further contact with justice systems.

Balanced and Restorative Justice (BARJ) Programs

The principles of Balanced and Restorative Justice are integral to juvenile probation in Vermont, and they are the complement to juvenile probation social work and case planning. The philosophy of Balanced and Restorative Justice is based on the concept of crime and delinquency as an offense of relationship against both victim and community. The offender has an obligation, to the extent possible, to restore or repair the harm done to those relationships. The Vermont Youth Justice System gives balanced attention to 1) holding offenders accountable to victims and community; 2) providing skill development and so that offenders can be positive members of the community; and 3) ensuring community safety and building community involvement.

Programs include:

- Streetcheckers: compliance with probation conditions; graduated and after-hours supervision and support
- Skill Building Classes and Activities
- Victim Impact Classes
- Juvenile Restorative Probation--Restorative Panels and Restitution Programs: define the harm of delinquent acts and create and supervise a plan to repair the harm.

Beginning on October 1, 2005, Balanced and Restorative Justice Programs, which had been federally funded for several years, were sustained by Vermont through the general fund. Services are provided across Vermont in each of the Agency of Human Services administrative districts through contracted partnerships with community agencies. Most often, the partnership is with the local Court Diversion program.

The Community Support and Supervision (Streetchecker) outcomes are:

1. Youth are law-abiding while in the program.
2. Youth remain in appropriate, least restrictive placements while in the program.

3. Youth receive progressive responses appropriate to their behavior while in the program.
4. Youth are in school and/or participate in productive activities while in the program.

The Restorative Panels and Restitution Services programs outcomes are:

1. Youth complete restorative conditions of probation which may include:
 - Youth pay restitution
 - Youth complete community service
 - Youth participate in community panels of trained volunteer where victim input is integral
 - Youth complete restitution letters and other restorative actions
2. Victims report satisfaction with the restorative process.
3. Community is involved in the process.

During SF2005, youth in the programs completed 4,000 hours of community service and repaid victims nearly \$17,000.

Balanced and Restorative Justice Programs served the following numbers of youth:

Restorative Panels	Restitution Project	Community Service	Streetcheckers	Skills Building Classes
179	149	147	283	257

The additional supervision and support of the BARJ programs contribute to shorter probation periods, allows for placement at home or in the community, or for earlier, more successful reintegration from residential placement. Of the 330 youth on the probation caseload 65% have been on probation less than a year, and only 14% have been on longer than 2 years.

Youth Justice staff, in the role of statewide coordinator of BARJ programs, trains on the topic of balanced and restorative justice at the DCF New Employee Services Training, DCF Youth Services training, and the Youth Workers Conference. The coordinator holds regional meetings with BARJ program staff to provide consultation, training and opportunities to share resources and strategies.

The restitution collection process has historically been difficult due to local variations in practice and the fact that not all youth who pay restitution are BARJ program participants. Youth Justice staff is

collaborating with the Center for Crime Victim Services and Court Diversion to find new approaches.

In the upcoming year, meetings of agencies who are contracted to provide BARJ services will occur semi-annually for training, program development, and information sharing. Regional meetings and site visits will support program improvement and consistency.

Screening and Assessment, Best Practice, and Training

One of the strengths of the juvenile justice system in Vermont is its position within the Child Welfare system as opposed to the more traditional correctional or judicial context. Social workers trained in family dynamics, developmental issues, mental health and substance abuse treatment, and child abuse and neglect deliver a comprehensive approach to youth who offend. At the same time it presents challenges: high caseloads and a range of case types that include abuse/neglect and status offense preclude all but a few from specializing in delinquency. The result can be inconsistent practice based on various levels of experience and expertise in the unique demands of supervising delinquent youth. DCF's strategy to address the challenges centers on the implementation of a state of the art assessment tool and the extensive training in its principles and case planning.

Youth Assessment and Screening Instrument (YASI)

National best practice models of "What Works" in juvenile justice all point to the utilization of validated risk assessment to determine levels of supervision and care for youth involved in the juvenile justice system. Vermont is adopting the Youth Assessment and Screening Instrument (YASI) to assess risk, need and protective factors and to develop service plans for youth under probation supervision.

Through motivational interviewing, juvenile probation caseworkers collect information to be analyzed in the YASI system. A brief YASI Pre-Screen assists in early decision-making and in allocating case resources. Based on the results of the Pre-Screen, a full YASI assessment may be administered to aid in the development of a comprehensive case plan and service recommendations.

Using objective measurement techniques, YASI case planning is driven by the assessment of risk and by the identification of protective factors. The assessment will focus case plans to build on the strengths of the youth and family, and it targets areas of focus to develop new protective factors. The

involvement of the youth in the process and the inclusion of strengths results in a dynamic case planning process.

Customization of the assessment tools and training to the Vermont system is underway, and the completion of the initial training of all caseworkers and supervisors in the YASI approach is scheduled for June 2007.

Secure Detention and Treatment: Woodside

Assessment and Improvement Planning

In Vermont, there is a commitment to serve youth in the community whenever possible. Youth who offend and who need to be placed out of the home for intensive treatment or due to risks to public safety have the same continuum of services available to them as other children and youth in the custody of the Commissioner of the Department for Children and Families. Foster homes, multi-agency case planning, specialized case management, wraparound services, and residential treatment programs meet the needs of all but a small percentage of DCF youth adjudicated delinquent in custody. For those who present highest risk to self or others, Woodside is a secure placement setting that provides both a short term program and a residential component. Of the approximately 400 youth in custody as delinquents at any given time, fewer than 30 are in Woodside.

Woodside has had a reputation for providing quality, relationship-driven programming since it began in 1986. However, two issues became apparent over time. First, after 20 years, did the building fulfill the health safety, and programming needs of residents and staff? Second, had Woodside, as unique institution in Vermont, maintained best practices as they have evolved in the field of juvenile corrections?

DCF commissioned a comprehensive assessment and, in late January 2006, Dr. David Roush, a national expert in juvenile facilities, conducted an on-site evaluation of Woodside. His report, received in May, reaffirmed the quality and progressiveness of Woodside's approach to youth and the value of an experienced and caring staff. It also identified building and safety issues, some of which had been previously identified, and practice issues which required attention or review. His recommendations formed the basis for a comprehensive action plan.

Vermont Protection and Advocacy has identified many of the same strengths and areas that needed to be addressed, and DCF staff are working with VP&A through improvement planning.

Accomplishments and responses since receiving the Roush report:

Building and Safety

1. Air conditioning completed
2. Sprinkler system completed
3. Professional cleaning crew “deep cleaned” entire center
4. Full time janitor hired
5. Interior painting of the building has begun
6. An RFP for architectural study for increased classroom space posted December 2006.
7. American Correctional Association life safety standards: policy (which in large part simply formalized existing practice) to address nearly all standards are now in place
8. Defibrillator purchased; staff trained

Practice

1. Temp female staff put on shift to temporarily address the need for female staff on all detention shifts.
2. Position hired for permanent solution to female staffing December, 2007.
3. Increased room check procedure and documentation implemented; Guard 1 Plus electronic room check documentation installed
4. New room confinement policy drafted
5. Key staff visited Dupage, Ill. Program, cited by Roush as an excellent program
6. New Woodside Admission Policy specifies expectations for timely caseworker contact with Woodside staff and youth upon admission.

Training

1. Trauma informed service training provided to 25 staff
2. Focus group on suicide prevention and planning for further training led by clinical director
3. First Call, (Howard Mental Health’s crisis response program) scheduled to conduct MH intervention training
4. DCF-HRD chief, IVE/UVM Training Partnership and Woodside Managers met to begin training plan process
5. DCF-HRD chief has met with staff and begun collecting curriculum options/materials for review.

Quality assurance and review

1. Performance Based Standards program application made and accepted. **Performance-based Standards (PbS)** for Youth Correction and Detention Facilities is a self-improvement and accountability system used in 31 states

and the District of Columbia to better the quality of life for youths in custody. Developed and directed by the Council of Juvenile Correctional Administrators (CJCA), PbS sets national standards for the safety, education, health/mental health services, security, justice and order within facilities and gives agencies the tools to collect data, analyze the results to design improvements, implement change then measure effectiveness with subsequent data collections

2. Residential Licensing Unit is in the process of evaluating external review needs in addition to PbS and will make recommendations.

New Legislation

New legislation in 2006 placed additional limits on court ordered admissions to Woodside. DCF worked closely with the Court Administrators Office to train judges and field staff and to create policy and protocols to assure the implementation of the statutory intent. The new statute will increase DCF's ability to manage the youth population at Woodside by level of risk with the potential to shorten stays and reduce crowding.

Development of an "Alternatives to Detention" Continuum

In Vermont, alternatives to putting youth in secure detention at Woodside include a range of placements within the child welfare system of care including foster homes, group care and residential programs. The goal of detention is to assure public safety while keeping youth in safe and supportive environments where permanent connections can be maintained to the extent possible. DCF is developing a continuum of alternatives to secure detention that work in tandem to ensure that youth are detained at the least restrictive appropriate level, and that they receive the supports and services they need to be successful.

Community Detention Monitors will be piloted in 2 or 3 communities in 2007. They will provide intensive supervision and monitoring of conditions of release for youth at risk of being detained at the commencement of delinquency hearings or violation of probation hearing. They will also be available to assist adjudicated youth who are struggling and are at risk of being placed in Woodside or staff secure programs outside their communities. In national models, community detention staff have face-to-face contact with a youth at least 3 times per week, at least some of those contacts occurring in the evening and on weekends. Additional phone contact occurs as well.

While it is important for youth to have face-to-face contact with supportive adults, monitoring technology can assist the social worker and the youth. Many youth in community placements and at home can succeed with a few supports such as a

wake up call for school, a check on school attendance, or a call to confirm compliance with a curfew. In 2007, *Voice Monitoring* programs using a telephone and a voiceprint of a youth will assist in providing community-based supervision. A social worker will be able to access voice monitoring through a web-based self-service application, enabling them to set up cases, change call schedules and intensity, and retrieve and check on results.

Not all youth placed at Woodside or one of the staff-secure short-term residential programs require such a high level of supervision; however, there may be no less restrictive placement available that can meet their needs. *Response Homes* will provide short-term, security enhanced placements in a community-based setting. A program of supervision, self-assessment, and planning will help youth examine and understand their current situation and improve decision making.

Funded as pilots by the Children and Family Council for Prevention Programs, these programs-- *Community Detention Monitors*, *Voice Monitoring*, and *Response Homes*-- are a strategy to reduce the need for youth to leave their communities when at-risk behaviors increase beyond the capacity of existing community resources.

ADAP's CSAT grant for Improving Adolescent Substance Abuse Services

In 2006, the AHS Department of Health, Alcohol and Drug Abuse Programs (ADAP) received a 3-year adolescent treatment grant from the national Center for Substance Abuse Treatment to improve the infrastructure for substance abuse services for youth involved in the juvenile justice system. The grant targets improving the referral process, improving access to treatment services, expanding adolescent substance abuse treatment services, and improving continuing care options. Family Services-Youth Justice collaborates as a member of the grant Steering Committee and participates in some of the project's workgroups.

The first year of the grant has supported the DCF in improving the screening process to identify youth involved in the juvenile justice system who may have a substance abuse issue.

Drug Courts

In 2006, the Franklin County juvenile court was awarded a federal Drug Court Planning grant to develop an adolescent drug court. Eight members of the Franklin county juvenile drug court team, including local DCF staff and Youth Justice staff, attended a week-long training in Boston to plan for a juvenile drug court. Follow-up training led by federal representatives also took place in St. Albans.

In early 2007, the Franklin county juvenile drug court team plans to implement the model that it has developed. The model will provide intensive judicial

oversight and probation supervision, treatment, case management, and intensive community supports to youth with repeated delinquencies and a substance abuse issue. A collaboration of court, DCF and local treatment providers will staff the Juvenile Drug Court approach.

The Franklin court will become the first adolescent drug treatment court in Vermont, and it will be an integral part of the continuum of drug treatment courts developing across Vermont. Youth Justice staff has worked integrally with the Court Administrator's Office in the development of all Vermont Drug and Treatment Courts. At this point, Vermont has 3 adult drug treatment courts, 1 mental health treatment court, and two family drug treatment courts in operation. All drug courts share the principles of intensive judicial oversight linked with closely managed treatment plans. Funding for these specialty courts has come from both federal and state dollars.

Services for transition age youth in both the juvenile and adult system

Justice System Jurisdiction Planning Study

The question of which young offenders should be served by the juvenile system and which should be served by the adult system has been debated since the inception of Juvenile Court over a century ago. Nationally, legislative movements in the 1990s responded to upswings of youth violence with expansions in the opportunity to process youth in adult systems. More recently, advances in adolescent brain development research has questioned the wisdom of this trend. In Vermont, jurisdiction boundaries have been largely unchanged since the early 1980s when, in reaction to a dramatic criminal incident involving youth, the legislature adopted major changes in the ability to charge youth as adults.

In Vermont, for youth under 18, the decision of whether to file a delinquency or criminal petition in juvenile or adult court is—with a few statutory guidelines for serious crimes— at the discretion of the State's Attorney. Over 80% of the petitions filed on 16 and 17 year olds commence in adult court. While there is a waiver process to transfer a case to juvenile court, it is not used frequently. The result is that most of these youth remain in the adult system with adult sentences and records.

Statutory changes that would alter current filing practices and result in more cases of this age group in juvenile court would have major impact on DCF resources. Given the Department of Correction's minimal response and services provided to under-18- year-old, low-level offenders, the opportunity to shift resources is limited. Beyond resources, the legal mechanisms for DCF to serve youth beyond the age of 18 must be addressed to allow for meaningful accountability and case planning. There would also be significant impact on the Court system since juvenile proceedings tend to be more complex and include parents and guardians ad litem.

Low-level offenders with no history in the juvenile system create a class of probation client in the adult system that swell caseloads and receive little service. Anecdotally, it is precisely this lack of attention which is an incentive for youth to “choose” the adult system. In the juvenile system, all probationers are more likely to be assessed for services and supervised according to overall need rather than to seriousness of the offending incident.

With the assistance of Children and Family Council for Prevention Programs, the Commission has begun a study and planning process to evaluate the impact of potential changes to statute regarding the filing of charges on 16 and 17 year old youth.

The initiative seeks to provide planning alternatives based on data and qualitative inquiry. The impact of different statutory or practice options on key systems and agencies—DCF, DOC, Courts, prosecutors, defenders, residential and local service providers---and on communities will be detailed to provide a basis for informed decision making. Opportunities for system improvement and new approaches to serve youth will be inherent in the planning.

Late in the 2006 legislative session, a study of Title 33, Chapter 55, Juvenile Proceedings, was added to S.194. Jurisdiction for charging offences in the juvenile or adult system is a part of this statute. Administrative Judge Amy Davenport, chair of the Chapter 55 committee, and the committee have agreed to collaborate with the Commission study on jurisdiction issues. Pertinent members of the Chapter 55 committee were integrated into the Study Design Advisory Group.

The Study Design Advisory Group, made up of key administrators, legislators, and stakeholders, met in late October to discuss the issues and to ask the critical questions in ways that will provide the best information for planning across systems. A Request for Proposals to conduct the study will be posted in January. It is intended that the Study will be completed in 2007.

Blended Sentence Research

Vermont, through a collaboration between DCF, DOC, and the Court Administrators Office, is participating in a national study of Blended Sentencing conducted by the National Center for State Courts (NCSC). NCSC has been studying how different states implement different versions of blended sentencing, an approach in which youth charged as adults are given an opportunity to be served by the juvenile court system.

This evaluation is in its final stages, with the final data being collected in Vermont. The results of the study which will help Vermont to identify what is working and what is not working in our current Youthful Offender/Blended

Sentencing statute and to offer insight into other approaches. As a result of the research, the Vermont collaboration hopes to identify adjustments to statute and/or practice that will expand the use of blended sentencing to help youth be successful in the juvenile system, and thus avoid further contact with the legal system in the future. An effective, well-utilized Blended Sentence option has the potential to provide a central strategy in Vermont's approach the serving young offenders. This study will serve as a valuable complement to the Jurisdiction Planning Study.

Data Sharing

The Agency of Human Services (AHS) has just launched CSME, the data warehouse which will eventually allow for the integration of information between AHS departments and programs. CSME will be able to answer questions such as: How many juvenile justice youth receive vocational rehabilitation services? How many families with youth in the juvenile justice system are also receiving economic services supports? Information about youth and families from CSME will better inform case planning for families and youth, as well as provide cross referenced data and information to management to determine resource allocation, best practices, and program planning efficiencies.

In addition, CSME has collaborated with the Court Administrator's Office to share data. Updates of court data will be integrated with CSME. A new electronic edition of Juvenile Justice Sourcebook will be developed and it will be capable of producing reports about charges as well as individuals.

Youth under the Jurisdiction of the Department of Corrections

Subsequent to sentencing in adult court, the Vermont Department of Corrections provides an array of services to youth ages 16 – 22, placed on probation or intermediate sanctions or given a sentence of incarceration. The intensity and range of services provided by the DOC are aimed at mitigating risk to re-offender and are based on the specific characteristics of individual youth. The Department first determines severity of offense and utilizes validated risk assessment to determine the level of service need.

This initial assessment process allows the DOC to identify youth, placed on probation, who are not in need comprehensive risk management services. Many of these youth participate in the reparative probation program, supported by DOC staff and staff of local Community Justice Centers. These youth meet with citizens who assist the youth in determining appropriate restorative justice activities in order to mitigate the harm to victims and the community. Other youth participate in the Community Restitution Program, a program or organized work, which supports the needs of local communities. Other youth receive the services of probation officers to assist them in complying with Court ordered conditions of probation.

Youth who are placed on probation, but present a higher risk to community or victim safety, receive the following interventions: case management services, correctional supervision, risk control strategies (electronic monitoring, substance abuse testing), and referral to treatment programs. For other youth in the community posing more significant risk, services are provided in specialized, statutorily limited caseloads. These youth may receive the following interventions: case management services, intensive correctional supervision augmented by community correctional offices, and residential and community treatment as appropriate. Some of these youth are placed in intermediate sanction status and received intensive substance abuse treatment.

For youth charged with or convicted of serious crimes, incarceration provides a last resort. For youth who have not reached the age of majority, incarceration is to those charged with felonies. For youth over 18, there are no such restrictions and incarceration is more common for this group when convicted of serious crimes.

The good news is that the numbers of both youth (16-17) and young adults (18-22) under Corrections supervision or custody have declined substantively in the past few years. As an example, the number of 16 and 17 year olds in Corrections is half what it was five years ago. There are only four (4) 16-17 year olds in prison, down from 19 in 2001. On June 30, 2006 there were only 140 16-17 year olds on probation, down from 246 on the same date in 2000.

Community High School of Vermont

All youth (under age 22) , in custody (incarcerated or on furlough in the community) who lack a high school diploma are required to participate in the education program of the Community High School of Vermont (CHSVT). There are CHSVT programs in all nine correctional facilities in the state. In addition, the Department of Corrections has school sites located in designated classroom space at nine probation and parole offices. The Community High School of Vermont offers a high school diploma and credit that is transferable to other high schools around the state. During fiscal year 2006 CHSVT offered 197,200 hours of instruction; 135 youth received high school diplomas through the program.

Placement Alternatives for Youth in the Department of Corrections

New Agreement on Department of Corrections Access to Woodside

While Woodside is intended to serve youth adjudicated delinquent and in the custody of the Commissioner of DCF, under certain circumstances it is appropriate to utilize vacancies in the Woodside Detention program for youth who are the responsibility of the Department of Corrections (DOC)

- At times, youth sixteen or seventeen years of age are placed in the custody of the Department of Corrections during the pendency of

misdemeanor criminal proceedings. Federal and state laws prohibit the housing of youth who have not been convicted of a felony or who are not currently charged with a felony in facilities used for the incarceration of adults; DOC must make alternative arrangements for the detention of these minor detainees. Last year 3 females and 11 males under 18 years of age were held in alternative detention settings under DOC supervision. The 14 youth were held an average of 77.9 hours each. This represents a reduction from 15 youth held for an average of 82.3 hours in FY2005.

- Infrequently, youth under the age of 16 are charged or sentenced in adult court for serious felony crimes. These youth may not be housed in adult facilities.

In 2006, the Memorandum of Understanding between DCF and DOC that defines access to Woodside for DOC youth was amended and clarified. In FY2007 to date, the DOC has housed three (3) youth at Woodside, for a cumulative total of 30 bed-days.

Contracts with Staff Secure Programs

The DOC contracts with Sand Hill, a DCF licensed residential placement facility for girls. There have been no (0) placements since the contract was made.

The DOC also contracts with 206 Depot, a residential placement facility for boys. Eight of the 11 DOC minor misdemeanants last year were placed at this facility.

This report is respectfully submitted by the members of the Juvenile Justice Commission:

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