



Green Mountain Self-Advocates
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Hello. My name is Max Barrows. I live in Worcester with my parents. I have been the Outreach director for Green Mountain Self-Advocates for 16 years. I'm a person with an intellectual and developmental disability. I'm on the Autism Spectrum. I get Developmental Services.

Thank you for the opportunity to comment on S. 192. My comments are about NOT placing people with an intellectual disability in a forensic facility. These comments are presented on behalf of Green Mountain Self-Advocates. We are a 501(c)(3) nonprofit organization run by and for people with intellectual and developmental disabilities.

We started in 1994, one year after Brandon Training School closed. Many of our founding members grew up in Brandon Training School. When they got out of the institution, they got involved in self-advocacy. They knew that just because the institution closed, the attitudes that built the institution still existed in society. Today people with disabilities have rights, but people do not always respect our rights and choices. Green Mountain Self-Advocates was created to serve as a Vermont grassroots disability rights organization for people with intellectual disabilities. We advocate for systems change and make sure that our voices are heard in policy debates and the halls of power. We also work to educate communities and improve public perceptions of people with intellectual

disabilities. We believe people with disabilities should have equal access to employment, education, housing, transportation, public accommodation, and, of course, health care.

One of my advocacy roles is, I am a member of the State Program Standing Committee for the Developmental Disabilities Services Division. I want to remind you that the State Program Standing Committee for Developmental Services opposes placing people with intellectual disabilities in the forensic unit created by S. 192.

It seems to us that the main purpose of developing this forensic unit is for people with mental health diagnosis who commit a serious crime - this is a place where they will go, to give the state time to figure out if the person can stand trial. And given mental treatment, like medication and therapy, a person's ability to participate in their defense can change. The idea is to restore them to competency so they can participate in their criminal defense.

This logic does not necessarily apply to people with IDD. You can't give us medication or treatment that is going to change our cognitive abilities. It is not a realistic goal that for a person with IDD you will restore them to competency. You are not going to change our ability to cognitively participate in a trial. So it seems to us that putting people with IDD in a place where the primary purpose is to decide if they can stand trial - does not make sense.

People with IDD need a residential program that keeps everybody safe, not a forensic institution.

It appears that S. 192 goes against the Americans with Disabilities Act (ADA) because it unfairly treats disabled individuals who are at risk of immediate institutionalization. The ADA has a rule called the "integration regulation", which says that public services, programs, and activities should be provided in settings appropriate to the needs of qualified individuals with disabilities."

The US Supreme Court stated clearly in its important decision, *Olmstead v. L.C.*, that people with disabilities have a legal right under the ADA to receive services in settings that best suit their needs and help them be a part of the broader community. When a state relies too much on institutions, even if not directly intended, it leads to segregating people with disabilities from the rest of society.

It's been 31 years since we closed **Brandon** Training School. We should be celebrating that we have been able to serve people, even those with challenging behaviors in community settings for the past 31 years. We understand that our **communities** need to be safe. That's why we have Act 248. A civil commitment order issued by the Court often means that a person must be under 24/7 supervision, but they live in a home-like setting, such as a staffed apartment or group home, not in a large institution.

Since we have had Act 248, DAIL and its designated agencies have successfully provided people the treatment they need in community settings. Building and running a forensic facility for a few people under Act 248 is estimated to cost one and a quarter million dollars per person each year. Now some of our community providers are struggling to hire and train staff to work in existing community programs for people under Act 248. Vermont should instead use the millions of

dollars they would spend on a forensic facility to support the designated agencies serving people committed under Act 248. This way, the designated agencies get enough resources to address the workforce crisis and they are able to provide high-quality treatment by hiring and training permanent staff.

We definitely understand the need for safety since people with intellectual and developmental disabilities experience abuse at higher rates than other groups of people. But if someone is having a hard time, and they are not getting the help they need, they act out. We do not want one of the options on the table to be to "lock people up." This means, put our energy into investing fully inclusive programs, not going back to programs that segregate. Why go back to those days?

Finally, in federal law, we, people with disabilities, are protected by Protection and Advocacy agencies. They have the authority to go into any residential place the state puts us, to ensure we are treated with dignity and respect.

This bill, S. 192 does not identify what outside organization will be checking up on any new forensic facility. The Forensic working group that met in the summer and fall, all agreed that if Vermont decides to build this facility, it's very important to have strong outside monitoring to do unannounced visits and have open access to the facility. And S.192 needs to include money to pay for this monitoring to ensure fair treatment.

Thanks so much for taking the time to listen.