
**Report to
The Vermont Legislature**

Transportation of Children in State Custody

In Accordance with Act 180: Transportation of Individuals in the Custody of the State and Act 172: An Act Related to the Agency of Human Services

Submitted to: General Assembly

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Summary of Act 180

In 2006, the General Assembly passed Act 180 into law. That act directed the Commissioner of the Department for Children and Families (DCF) to ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner which:

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the child.

The act required that any professional who decides that secure transportation with mechanical restraints is necessary document the reasons for that determination in writing.

Further, the act required the commissioner to submit data by January 31, 2007 and January 31, 2008 regarding the transportation of children in the DCF custody by a sheriff or deputy sheriff, to include the number and gender of children transported to various locations and geographic distribution of the use of such transports. As part of Act 172, enacted on May 27, 2007, this reporting requirement was extended through January 2011. This is DCF's fourth report to the legislature.

Policy Framework

DCF policy and procedure, effective 1/17/2006, states that:

“Children and youth in DCF custody will be transported using the least secure method that can reasonably assure safety. In evaluating the most appropriate level of security, staff will consider:

- Immediate risk to run away or history of serious behavior on previous runaway;
- Other demonstrated behavior that the child may risk his or her own safety, or the safety of another person.

In most situations, children experiencing significant transitions should be transported by or under the supervision of a person they know and trust. In all cases, reasonable and appropriate efforts will be made to respect the privacy of the child and prevent physical and psychological trauma. Children will not be transported securely unless necessary to protect the child's health and safety, or the safety of another person.”

Documentation

All requests for secure transport are justified on a form that describes the child's behavior. The supervisor may approve secure transports only when there is:

- Immediate risk to run away or history of serious behavior on previous runaway;
- Other behavior that the child may risk his or her own safety, or the safety of another person.

Impact on Numbers

DCF policy was promulgated effective 1/17/06. The following table shows impact on monthly numbers of transports utilizing restraints, over the two year period. Figures for 2005 are shown for comparison purposes.

	2005	2006	2007	2008	2009
January	73	47	48	29	22
February	42	46	23	34	17
March	47	46	30	42	18
April	61	46	48	40	32
May	71	57	35	35	31
June	74	36	37	32	41
July	70	43	26	34	14
August	71	54	42	42	11
September	64	41	36	31	16
October	59	64	22	37	30
November	50	62	14	22	11
December	46	47	15	8	
Total	728	589	376	386	243

Overall, we have succeeded in cutting the number of transports with restraints by half, a pattern that has maintained over the last two years. Note that December data is not yet 100% complete.

As important as it is to evaluate the overall numbers, it may be even more important to evaluate the type of settings to which youth are being transported. The following table indicates only 13.7% of secure transports are to non-secure residential settings or to foster homes.

To:	2009
Non-secure Residential or Foster Home	25
Psychiatric Hospital/MH Screening	4
To Woodside/From Woodside to Court	162
Staff-secure Residential	53
Total	244

Gender of Youth Transported

Males were more often transported securely. In 2009, the difference was dramatic, as shown in the following table.

Gender	2007	2008	2009
Male	54%	68.39%	82%
Female	46%	31.61%	18%

Geographic Use of Secure Transport

The following table shows the use of secure transport by each district office, expressed as a percent of all secure transports for the year. For context, the percent of all children in custody that the district is responsible for is also shown. (Example: Barre had 20% of secure transports for 9% of the statewide custody caseload.) Use of secure transport generally tracks the percent of caseload. However, Burlington used less than would be expected and Barre used more. Looking specifically at Barre transports, 34 of the 50 transports were to or from Woodside and another 10 were to or from a staff-secure setting.

DCF Family Services District	2009	% of Custody Caseload
Barre	20%	9%
Bennington	6%	7%
Brattleboro	4%	6%
Burlington	14%	20%
Hartford	3%	5%
Middlebury	5%	5%
Morrisville	13%	8%
Newport	3%	4%
Rutland	14%	12%
Springfield	5%	7%
St. Albans	10%	10%
St. Johnsbury	2%	6%

Summary

Following the passage of Act 180, DCF has taken a variety of steps to establish policy and procedure and ensure smooth and appropriate implementation of the act:

- Consistent messages to internal managers and staff about the importance of this issue;
- Development of policy and documentation requirements;
- Attention to youth and staff safety;
- Expansion of transportation options, including new contracts and new agreements with sheriff's departments;
- Monthly compilation and reporting on data.

In the first two years following implementation of Act 180, we maintained a number of secure transports that was about half of what it was before implementation of the act. This year, with increased focus on decisions being made after hours, we were able to dramatically decrease the number of secure transports.

Two-thirds (66%) of children transported in restraints are transported to Woodside, or from Woodside to court. Another 21% were transported to staff-secure settings.