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**Report to  
The Vermont Legislature**

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**2015 Annual Report on**

**Children and Family Council for Prevention Programs  
VERMONT STATE ADVISORY GROUP TO DELINQUENCY PREVENTION**

**In Accordance with: 33 V.S.A. 33 § 3302**

**Submitted to:** Governor Shumlin  
House Appropriations Committee  
House Health and Welfare Committee  
Senate Appropriations Committee  
Senate Health and Welfare Committee

**Submitted by:** Ken Schatz, Commissioner  
Department for Children and Families

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**Report Date:** January 1, 2016



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## Executive Summary

The Children and Family Council for Prevention Programs (CFCPP) is the governor-appointed advisory board for juvenile justice, delinquency, and primary prevention as required by V.S.A. 33: 33 § 3302, and Vermont's participation in the Juvenile Justice Delinquency Prevention Act (JJDP) 42 U.S.C. 5633 [Sec. 223].

The Council consists of 21 members appointed by the Governor with consent of the Senate. Members are selected for their expertise, guided by the Juvenile Justice Delinquency Prevention Act requirements; and represent the community, State, non-profit sectors, youth, and family voice. The CFCPP is committed to prevention of delinquency and other problem behaviors viewing prevention as more cost-effective and as supporting better social outcomes than incarceration. The Council has a strong history of funding youth justice system change efforts designed to improve youth service and practitioner effectiveness.

### 2015 Council Members:

Laurey Burris	Willa Farrell	Cheryl Elovirta
Jerome Kreitzer	Andrew Longhi	Robert Sheil
Michelle Kaczynski	Caprice Hover	Susan Kamp
Stuart Berry	Maria Avila	Linda Sullivan
Kathryn Brayton	Michael Reyes	Peter Hathaway
Honorable Amy Davenport	Linda Johnson	Michael Loner
Kreig Pinkham, Chair	Christopher T. Veal	Isra kassim

### ACTIVITIES:

The Children and Family Council has four primary functions:

- 1) **Monitor state compliance** with the Juvenile Justice Delinquency Prevention Act
- 2) **Advise** State and Federal legislative branches and administration on delinquency prevention and intervention
- 3) **Determine prevention priorities** for OJJDP delinquency prevention funds and Council advisory work
- 4) **Make grants** in partnership with the AHS Department for Children and Families that promote established priorities and target identified service gaps, including administration of the Vermont Children's Trust Fund

## Section I: Monitoring

**I. Monitor:** Vermont's compliance with the core requirements of the Juvenile Justice and Delinquency Prevention Act (JJDP). Core requirements:

- Status offenders (run away, truant) may not be securely detained in any facility.
- Youth adjudicated delinquent may not be detained in adult jails or police holding cells except to process and release.
- Youth may not be subject to sight or sound contact with adult inmates while securely held.
- The rate of minority race youth in contact with the justice system must be monitored to assess for disparity and promote equity.

Compliance with the JJDP serves two purposes:

- Protects youth and promotes their rights to due process.
- Ensures State eligibility for federal delinquency prevention funds.

## **2014 Status of Vermont Compliance with JJDP Core Juvenile Justice Protections:**

The JJDP compliance monitor reviews police youth holding logs, and conducts site visits and trainings as needed at all facilities that have the potential to securely hold youth per public authority. During 2014, Vermont maintained its full compliance with the requirements of the JJDP. There were five incidents resulting in violations, well within the allowed error rate. Four violations occurred when police or Woodside held ‘run away’ on-delinquent youth securely in conflict with federal regulation; one violation occurred when a youth was securely detained beyond the allowed six-hour limit at a police station. 2015 data has not been completed as of the writing of this report.

### **Disproportionate Minority Contact (DMC) status:**

Monitoring of disproportionate race contact at nine points of justice system has long been challenged by inadequate race data within the juvenile court database. In 2013, a new Family Court Rule was approved and implemented requiring that all delinquency referrals include law enforcement-generated race identification. This was an important step in developing an adequate monitoring system. Despite the rule, the rate of submitting the race of delinquent youth to courts has not improved to adequate levels. The rates of racial disparity and equity are based on the partial data set available.

When indicators of disparity are found at designated contact points, they are shared with decision makers in order to learn and plan for prevention as well as to change strategies. In 2015, we have identified the following trends of three years or more:

1. Youth of color in Chittenden County are cited to court (both Family and Criminal) at substantially higher rates relative to population, than White youth. The three-year rate of African American youth cited to court was five times greater than the rate for White youth.
2. Chittenden County youth of color are sent to detention by DCF and the courts at higher rates than are White youth, with a three-year trend showing nearly twice as many African American youth detained as their White peers.

Race disparity in the justice system is cumulative. For example, when youth of color are detained at Woodside twice as often as White youth relative to those cases with court involvement, the court involvement is already disproportionate. If detention rates were to be viewed relative to population, they would become much higher.

State DMC staff has begun conversations with community decision makers and service providers about these disparities and their perspectives about why this may be happening. There is much agreement among community members about why the disparity may be happening; this identification leads to designing intervention and prevention strategies for correcting the inequities. There is still more work to fully determine causal factors. Decision makers, service providers, community and family want to ensure equitable justice and prevention responses for all youth, regardless of race or ethnicity.

**Cultural competency and meeting the needs of all youth:** the Council is focused on equitable and effective responses to all youth, regardless of race, gender, sexual, or gender orientation; and for those youth who are at risk due to trauma, or disabilities. Two strategies are prioritized regarding cultural competency:

1. Assure that all Council work and its Requests for Grant Proposals are culturally competent and that all grant recipients perform their work with cultural competence.
2. DMC staff is engaged with technical assistance, Council, and the UVM Child Welfare Training Partnership to integrate cultural competence training within the Foundations training curriculum for all social workers, foster and kin care providers. This timely re-working of core training will help to support the unique needs of children and youth who are of minority race, LGBT, and youth with other special needs.

## Section II: Advise and Inform

**II. Advise and inform:** CFCPP is required by the Juvenile Justice and Delinquency Prevention Act to advise government in delinquency prevention. The CFCPP attends to state and federal legislative issues affecting children and youth, engages with government partners in dialogue or correspondence, and advises on compliance with JJDPA. For example, the Council and the DCF are engaged in promoting adherence to a 2013 Family Court Rule requiring race data on delinquency cases be submitted to the Family Courts. This data is required to maintain compliance with race monitoring within the courts by.

## Part III: Fund and Monitor Grant Programs

**III. Fund and monitor grants:** The Council prioritizes funding strategies based on documented need, best practices, and requests from the State and community. It awards and monitors a continuum of prevention and early intervention grants with federal, State, and private dollars including the Vermont Children's Trust Fund and the Vermont Children's Tax Check-off. Where youth justice interventions need improvement, the Council seeks community partners to design and implement long-term changes.

### FY 2015 Grants:

The Council distributes funds across a continuum of primary prevention, early intervention, and system improvement projects and initiatives. In 2015, more than \$750,000 was provided to community and State services for children, youth, and families.

**System Improvement:** \$184,000 was allocated to community programs as follows:

- Crime Research Group conducted a recidivism study of youth adjudicated and convicted in a five-year period and found significantly lower rates of recidivism for those youth processed in Family Courts.
- Contractor to work with State's Attorneys towards compliance with the 2012 juvenile court proceedings changes requiring youth to have the opportunity for a risk and needs screening prior to court appearance; compliance with the 2013 Family Court Rule requiring race data be included with juvenile petitions; and support to State's Attorneys in developing protocols to promote filing of youth charges in Family, rather than Criminal Court.
- Youth Thrive training to a broad spectrum of community members in five communities. Youth Thrive is a positive youth development approach to working effectively with youth focusing on strength and well-being.
- An award to Vermont Legal Aid (VLA) to work with youth and families in instances of school suspension and expulsion to ensure continued access to education and school re-entry; to work with schools towards creating practice and protocol designed to keep youth in school and avoid push-out. This award coincides with the 2015 VLA report showing that youth of minority race status and those with disabilities are disproportionately suspended and expelled from school.
- Funded a contractor to monitor and train law enforcement and secure facilities that have the ability to securely detain youth. This monitoring is an essential component of federal delinquency prevention funding to the State.
- Funded Woodside due process detention hearings, and PREA (prison rape elimination act) compliance preparation.
- Upgrade of DCF youth risk and needs assessment software.
- A truancy intervention project that includes case management, family and child supports, and restorative responses. The project has been sustained by the community following two years of funding.
- A high school youth-driven community-based learning project that promoted and celebrated the positive impact of youth.

**Children’s Trust Fund** \$153,000 in OJJDP delinquency prevention funds was braided with State, Tax-check off, and Children’s Trust Foundation funds totaling \$404,000 that provided community support in the categories of

- Early child care and enrichment,
- Children’s safety and wellness,
- Parenting education and supports, and
- Youth prevention activities and enrichment.

**JABG (juvenile accountability block grant)** funds in the amount of \$164,000 were allocated to:

**Workforce training to improve youth justice response and reduce recidivism (\$71,000):**

- Restorative Justice and Responsive Regulation Conference for DCF-FSD staff
- Judicial participation in national Coalition for Juvenile Justice Conference
- Sponsorship of the annual Working With Youth Conference
- Training for guardians ad litem
- Effective teamwork and meeting training for DCF-FSD staff and community partners
- Annual Youth Justice Summit
- Violence prevention training in the Rutland region

**Woodside and residential care facilities supports (\$49,400):**

- Performance Based Standards (PBS) technical assistance and outcome measurement for Woodside Youth Rehabilitation Center and three community residential settings for youth.
- A contracted hearing officer and staff support to DCF-FSD social workers for Woodside due process hearings to determine placement.
- A contracted staff position to assist Woodside and three residential facilities for youth in preparing for PREA (prison rape elimination act) compliance.

**Community programs and research (\$43,400):**

- Two community truancy intervention programs
- One juvenile drug court

**Part IV:  
Evidence-Based Priorities for State Improvements**

**IV. Determine evidence-based priorities for state improvements and use of federal funds:**

The Children and Family Council completed a new three-year strategic plan of system priorities including the following priorities:

- 1. Jurisdiction change** The Council has invested significant federal funds and partnered with State agencies and decision makers to highlight the injustice and ill effects of youth cases being filed in the Criminal Court when a Family Court process allowed by statute. Youth that begin adulthood with criminal records are most likely to have poor outcomes in the social, occupational, educational, and financial aspects of their lives. The vast majority of youth charged in Criminal Court in Vermont are not referred there because of the severity of their crime, but because of the ease of that court process relative to Family Court. There is also a belief that older youth should have ‘adult consequences’, or a belief that youth probation services are not effective (<http://humanservices.vermont.gov/boards-committees/cfcpp/publications/jurisdiction-court-and-supervisory-jurisdiction-of-sixteen-and-seventeen-year-old-youth-accused-and-convicted/>).

The percentage of older teens referred directly to Criminal Court for minor offenses compared to referrals to Family Court dropped over the last decade from 80% to 40%. This rate has not changed significantly in over five years despite recent system changes designed to promote youth cases being processed in community justice settings and Family Court. The Council finds that referring older youth to Criminal Court is not in the best interests of affected youth, Vermont’s economy, or communities.

Multiple studies have shown that youth who are prosecuted in adult criminal courts have significantly higher rates of recidivism than do youth whose cases are brought to juvenile court. Vermont counties with

higher rates of youth referred to Criminal (instead of Family) Court have higher rates of crime prosecuted than in counties relying more on Family Court and community justice alternatives for youth.

While counties continue to work towards improved youth delinquency responses, charging decisions will remain inconsistent for youth throughout the State without new legislative guidance. Vermont should follow evidence-based best practice regarding youth delinquency, thereby ensuring public safety, meeting victim needs, and promoting offender rehabilitation.

2. Determine and fund effective community prevention interventions to **reduce the disparate contact of youth of color** referred to court and detention.
3. Collaboration across all youth service and justice responses that promote **best practice and youth development**. Much is known about what is effective in holding youth accountable for delinquent behaviors, guiding them to repair harm they have caused, and to build skills so that they can avoid further offending. Every youth, no matter where they live in the State, should have the same opportunities to learn from their mistakes; effectively address reasons underlying those mistakes where appropriate; have an opportunity to understand and repair the harm they have caused; and continue to mature with increased skill at handling conflict and other stressors. State and community employees who serve youth should have access to the same training and tools to provide effective youth service.

**Promotion of youth as community resources:** The Council will seek out partner(s) to create a public education campaign about youth development.

**Positive youth development:** Youth and their families must be partners in addressing the social and emotional needs that are most pronounced in youth when they have contact with services and justice responses, especially those with mental health and substance abuse issues. Youth develop more positive trajectories and are more invested in change when they help to create their own plans during mandated or voluntary interventions. A youth justice response is most effective when it is perceived as fair.

**Primary prevention:** The CFCPP will continue to partner with the Children's Trust Foundation to afford community grant opportunities that will create conditions that help children and youth thrive.

## Conclusion

The State Advisory Board to delinquency prevention, in partnership with DCF and other State departments, law enforcement, and community programs, has administered the requirements of the Juvenile Justice Delinquency Prevention Act during 2015. Primary outcomes have been:

- 1) Monitored all public authority that has the ability to hold youth securely and has maintained compliance with the core protections of the federal JJDP legislation.
- 2) Began to address disparate referrals to the justice system of youth of color in spite of challenges with full data collection. The Council and staff are working to engage community partners in finding resolution to the disparate referrals of young Black youth to the justice system.
- 3) Distributed grant funds to communities throughout the State for primary prevention, early intervention, and systemic improvement projects to benefit youth and communities.
- 4) Developed a new three-year plan to guide work priorities and grant funding.

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Children and Family Council for Prevention Programs

<http://humanservices.vermont.gov/boards-committees/cfcpp/>