

## OFFICE OF THE JUVENILE DEFENDER

**6 Baldwin Street, 4<sup>th</sup> Floor  
Montpelier, VT 05633-3301**

**Robert Sheil, Esq.  
Marshall Paul, Esq.  
Barbara Gassner, Investigator**

**Phone (802) 828-3168  
Fax (802) 838-3163**

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Senator Claire Ayer, Chair  
Senate Health and Welfare Committee  
Vermont State House  
Montpelier, VT

Re; S. 267

Dear Sen. Ayer,

Thank you and your committee for the opportunity for our office to comment on S. 267. Our office strongly supports this bill and feels it is very timely for such a study committee to be convened.

The Woodside Juvenile Rehabilitation Center is Vermont's only locked secure detention facility for youth. Its repurposing by the Legislature in 2011 and the numerous changes that have occurred in recent years with respect to the structuring and operation of staff secure residential programs for youth in Vermont merit review. The establishment of a study committee best suits this purpose.

The Legislature first established Woodside as a Juvenile Detention and Rehabilitation Center in 1983 and for a number of years after it opened there was an oversight committee that examined its operation. Subsequently, there were two evaluations of its operations and policies. The first was in 1988 and the second in 2006. Both were funded by the Department for Children and Families, and conducted by Dr. David Roush, a nationally recognized expert in the field of juvenile justice. There was also a report authored in 2006 by Vermont Protection and Advocacy (now Disabilities Rights Vermont) which addressed "threats to the health and safety of youth with disabilities" detained in what was then the detention wing of Woodside. Since its repurposing in 2011 there is no longer a portion of the building that is designated as a "detention wing."

Prior to its repurposing in 2011 no youth could be placed in the Woodside long-term treatment program who suffered from a severe mental illness. That restriction was removed when the facility and its programming were repurposed in 2011. This basic fundamental change introduced into the Woodside population youth with severe mental illness and has created real challenges for both the staff and other youth placed in the facility.

S.267 would require a study of the effects of the 2011 repurposing on "the population for whom the Department for Children and Families (DCF) is accessing Woodside "as well as the

“regulations developed by DCF regarding admission and treatment of minors” and their “rehabilitation, treatment, and due process rights.” These are all important issues to review in light of the dramatic programmatic changes that have occurred as a result of the repurposing statute.

One particular concern that was raised when the repurposing statute was being considered was that secure detention should be based on risk management and not treatment needs. This concern, at that time, was addressed by the inclusion in the bill that the DCF Commissioner ensure that a child placed at Woodside after the adoption of repurposing statute “has the same or equivalent due process rights as a child placed at Woodside in its previous role as a detention facility prior to the enactment of this act.”

It has now been three years since the repurposing statute’s enactment and a review of how this requirement is being met and the various regulations that DCF has adopted and is still in the process of adopting regarding admission criteria and treatment programming is ripe for review.

Staff secure residential programs in Vermont are less restrictive placements than Woodside. They are privately run businesses that contract with DCF and usually are smaller residential facilities that have 24 hour awake staff and alarms on windows and exterior doors. They also each have their own specific admission criteria and are usually at liberty to decline to accept any particular youth. This ability to reject a referral may create problems identifying an appropriate less secure placement than Woodside.

We are unaware of any prior studies of their operations, policies, and procedures, and especially none undertaken in the past five years. Furthermore the constellation of such programs has changed dramatically in that time period with several programs going out of existence and others being established. It is both timely and appropriate for them to be subject to the type of review called for in S. 267 and our office strongly supports this legislation.

Thank you for your kind attention to this matter. If you have any questions or we may be of any assistance with regard to this matter please do not hesitate to contact us.

Sincerely,

Matthew Valerio, Esq.  
Defender General

Bob Sheil, Esq.  
Juvenile Defender

