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Behind the Wire at Woodside: 'Juvie Jail' for Vermont's Delinquent Kids



A soccer ball is entangled in barbed wire that lines the outdoor recreation area at the Woodside Juvenile Rehabilitation Center in Essex, Vt., on November 10, 2014. (Valley News - Sarah Priestap)

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By Jim Kenyon
Valley News Staff Writer
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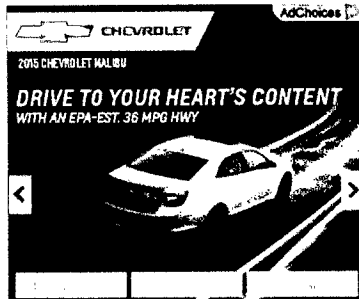
Essex, Vt. — On a mid-November day, a 14-year-old boy and his 15-year-old friend were loaded into a Randolph police cruiser and driven 60 miles north along Interstate 89. Earlier that day, the two teens had been taken into custody for allegedly making threats on Facebook against other Randolph Union High School students.

In Essex, the police cruiser veered onto an unmarked road flanked by thick woods. After going over a railroad crossing, the cruiser crept down a steep hill until reaching a dead end.

"Authorized Vehicles Only," a sign warned. The cruiser passed through an opening in a 12-foot high metal fence. Razor wire topped some sections of the fence.

The Woodside Juvenile Rehabilitation Center has been around for 30 years, but you won't find it on any state tourism apps.

Relatively few Vermonters even know it exists or what goes on there.



Run by the Department for Children and Families, Woodside is the state's only locked facility for kids who have been judged "delinquent." It also houses youths, such as the Randolph boys, who are awaiting their day in juvenile court, along with kids who have been convicted of crimes in adult court, but are too young to be held in the state's adult prisons.

While locked up at Woodside, juveniles go to school and, if needed, receive treatment for their mental illnesses and substance abuse problems.

But in spite of what DCF officials maintain, the 30-bed facility isn't just about rehabilitation, critics argue. "It's very much a prison-like facility," said Marshall Pahl, a lawyer with the state Defender General's Office who visits Woodside regularly to meet with his juvenile clients.

And just like prisons, Woodside historically has not been above using solitary confinement for lengthy periods as a form of punishment. (That's the topic for the second part of this series next Sunday.)

Known by some teens who have spent time there as "juvie jail," Woodside sees hundreds of adolescents, ages 10 to 17, enter its locked doors annually. Nine out of 10 kids sent to Woodside are boys. Their stays range from several days to a year or more.

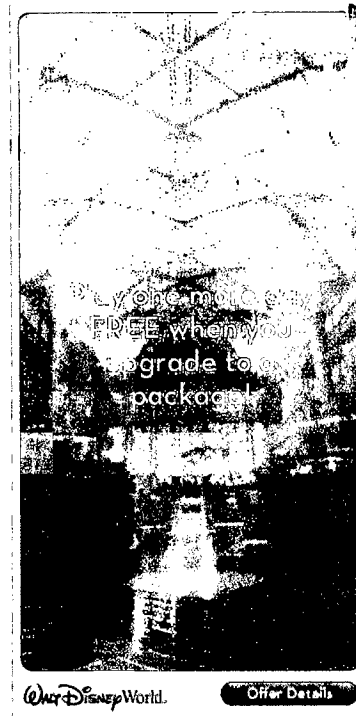
Some have assaulted relatives or teachers. Others have committed sex offenses or broken drug laws. An out-of-state teen, who was at Woodside when the Randolph boys arrived, had been caught trafficking in heroin. Drug dealers were using him as a "mule," said Jay Simons, Woodside's top administrator.

"We've had kids in here who have killed people," added Simons.

But it's not always serious offenses.

A teenage girl who was having difficulties in her foster home landed in Woodside after shoplifting a pair of sandals, said Pahl. "If you can be arrested for it, you can be put in Woodside for it," he said.

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On the weekend of Nov. 8-9, Randolph police heard from a parent who had come across worrisome Facebook "chat." Later, the weekly *Herald of Randolph* reported it had been rumored around town that the boys had created a "hit list," which included the names of several students and at least one adult. During a Sunday night search of the boys' homes, which was conducted with their parents' consent, police found several hunting knives.

Early Monday morning, Nov. 10, Randolph school officials used an automatic phone alert system to notify families that police were investigating the

alleged threats. About 65 students stayed away from school that day and Randolph Elementary School went into a temporary "lockdown." The next evening, roughly 100 people attended a public meeting to learn more about what had transpired. Residents were assured the boys were no longer in school.

Loretta Stalnaker, the town's acting police chief, said a judge had issued an emergency detention order, allowing the boys to be held at Woodside for at least seven days.

Three months later, there's been no official word — and likely never will be — on whether the boys are still being detained at Woodside. Last month, the scuttlebutt in Randolph was that one of the boys had returned home.

That's because, as in most states, juvenile court records in Vermont are not open to the public. Unless a prosecutor, or in some instances, a judge, moves the case against a juvenile (anyone under 18) to an adult criminal court, public access to information is extremely limited. The names of juveniles, the laws they've been accused of violating, the court proceedings and the outcome of their cases are closely guarded secrets.

The argument is that kids shouldn't be saddled with the stigma that criminal court proceedings and a potential conviction can bring.

It's widely believed that juveniles "shouldn't bear the scarlet letter of a conviction every time they fill out a job application," said attorney David Cahill during testimony before the Vermont House Judiciary Committee earlier this month. Cahill, a former Windsor County deputy state's attorney, was recently appointed executive director of the Vermont Department of States Attorneys and Sheriffs.

Laws designed to shield kids who make youthful mistakes from the public eye seem more important now than ever before. "Because of the Internet, it's public forever," said DCF Commissioner Ken Schatz. "It will never go away."

But the desire to protect kids comes with trade-offs.

It means DCF, a state agency with more than 1,000 employees, conducts its business without much public scrutiny or oversight. "Confidentiality is so tight that the press doesn't have the benefit of shedding light on the system," said Cahill.

The system allows DCF to operate Woodside in the shadows. Frequently, not even the state's judges have a say in who comes and goes from the facility.

In closed-door hearings, judges simply rule whether a juvenile is "delinquent." But that doesn't give a judge the authority to send a kid to Woodside.

When a youth walks out of a juvenile courtroom judged a delinquent, he's placed on probation or in DCF custody. Within eight days of being sent to Woodside, a juvenile is entitled to a so-called administrative hearing. But that's often just a formality.

The state hearing officer who presides over the proceeding isn't required to have any legal training. And DCF is required to notify the Defender General's Office, which often represents troubled juveniles, only 24 hours in advance of a hearing. That's not a lot of time to prepare a case.

The result: The Vermont Department for Children and Families is allowed to detain kids at Woodside for lengthy periods, without a judge's approval, and without the public ever finding out.

In a matter still pending, the Defender General went to court last year in Chittenden County, Woodside's home county, seeking to curb DCF's detention powers. What DCF is doing amounts to "administrative incarceration," said Pahl, the Defender General lawyer. "We're saying it's unconstitutional for DCF, on its own authority, to be incarcerating kids without a judge's approval."

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State judges can send youths who have allegedly violated the law, as in the case of the two Randolph boys, to Woodside for short periods. Youths awaiting the outcome of juvenile court proceedings can have their stays extended for several months, providing a judge reviews the case every week or so.

Recently appointed Chief Superior Court Judge Brian Gearson, who oversees the state's trial judges, said holding a juvenile at Woodside is a serious matter. "If (a juvenile) goes there, their freedom is certainly curtailed," he said.

Gearson, a Superior Court judge since 2004, started his new job in January, after being selected by the state Supreme Court. He's already making arrangements for new judges to visit Woodside. "If you're going to send someone there (while awaiting court proceedings)," he said, "you need to see the facility you're sending them to."

Meanwhile, DCF remains Woodside's gatekeeper. And the gate swings both ways. Along with sending kids to Woodside, DCF frequently has the final say on when they are allowed to leave.

Currently, the average length of stay is 140 days, or slightly under five months. Some kids, however, stay behind the razor-wire fence much longer. As of early February, one teen had been held for 583 days.

The only sure way a teen can leave Woodside of his own volition is to have a birthday, or more precisely, his 18th birthday. State law requires DCF to release teens as soon as they reach legal age.

Pahl recalled a boy who declined Woodside's help in finding a place for him to live after he was deemed ready to leave. Woodside detained the boy for as long as it could. On his 18th birthday, he walked out the gate and over the railroad tracks. He hiked up to the top of the hill, where a car was waiting.

That happens from time to time, said DCF Deputy Commissioner Cindy Walcott. "We wish they didn't, but that's their prerogative," she said. "They are adults at that time."

DCF doesn't keep statistics on what happens to youths in the years after they leave facility.

Medicaid Infusion

Woodside is often the "last stop," said Simons, who has served as the facility's director since 2011. "Kids who get to Woodside have often had opportunities to fail in less restrictive settings."

Chances are they have come up through the state's juvenile justice system. They moved from living with their families to foster homes to residential treatment centers for troubled youths. Along the way, they were placed in DCF custody.

But regardless of how a youth ends up at Woodside — through DCF or a judge — the cost of keeping him or her behind locked doors makes private colleges seem like a bargain.

Taxpayers spend roughly \$225,000 a year — or \$615 a day — to keep a youth at Woodside.

After three years of representing juveniles for the Defender General's Office, Pahl facetiously suggests that as an alternative to Woodside, DCF could put kids out to sea for a year on a Disney cruise ship. "They'd be out of the way, and it would be much cheaper."

Woodside's high costs can partly be attributed to its relatively small size. Although several hundred kids move in and out of the facility during the year, only 20 or so of its 30 beds are filled on any given day.

In 2014, it cost state and federal taxpayers nearly \$4.7 million to keep Woodside's doors open — or shut, as the case might be.

Because they come from low-income families or have mental health problems that the state says require residential care, many of the kids held at Woodside qualify for federal Medicaid funds. Last year, it collected more than \$2 million in federal Medicaid payments.

The large infusion of federal cash is relatively recent. Prior to 2012, Vermont taxpayers were footing much of the bill — \$3 million a year or more.

That was until a plan was concocted in Montpelier to shift most of Woodside's costs from state taxpayers to federal taxpayers. In government lingo, Woodside was "repurposed." As the National Juvenile Justice Network in Washington, D.C., explained on its website, this enabled Vermont to reap millions of dollars in Medicaid funding.

Almost overnight, Woodside went from being primarily a detention center to a "residential treatment facility that provides in-patient psychiatric, mental health and substance abuse services in a secure setting for adolescents who have been adjudicated or charged with a delinquency or criminal act," wrote the Juvenile Justice Network. "By making this change, (DCF) is now able to draw down Medicaid funding for youth placed at its facility; such funding is usually prohibited for incarcerated youth."

With Medicaid dollars pouring in, DCF claims that Woodside has gotten out of the detention business. For much of its history, Woodside was divided into two wings. The "D" wing was for detention and another wing was for treatment.

"Woodside has changed a lot over the years," said Simons. "It's become a cost effective alternative to (psychiatric) hospitalization. This is definitely not a youth prison."

Still, the razor-wire fencing, the metal bars covering a lounge skylight, and 26 security cameras mounted inside the facility give Woodside the look and feel of a penitentiary.

Each juvenile is assigned his or her own room with cinder block walls and a small rectangular-shaped window that not even Houdini could squeeze out of.

At night, youths are locked in their rooms. To let a staff member know they need to use the bathroom, they bang on the room's metal door.

Disability Rights Report

In 2006, a member of the Woodside staff attempted to physically restrain a 14-year-old boy with severe intellectual disabilities. The boy ended up with a broken wrist. Woodside waited three days before taking him to a doctor.

Shortly thereafter, a federally funded organization now called Disability Rights Vermont (in 2006, its name was Vermont Protection and Advocacy), launched a year-long investigation into Woodside. Disability Rights, based in Montpelier, is part of a national network created by Congress to investigate abuse, neglect and serious rights violations of people with disabilities.

In 2006 and 2007, the nonprofit organization released two reports detailing poor conditions at Woodside and inappropriate uses of force by its staff. The first report told of a teenage girl who was placed in leg irons and handcuffs for an hour until she consented to a strip search.

The facility's "D" wing had no air conditioning. "With the door closed (and locked) at night, I often have to sleep on the floor because the floor is colder at night," a teen wrote in the December 2006 report. "I know we are not the best kids in the world but I think we at least deserve cold air in the rooms that we sleep in."

In response to Disability Rights' findings, state officials said they were "absolutely committed to improvement in all areas."

In the eight years since the investigation, Disability Rights' chief staff attorney, A.J. Ruben, who helped lead the inquiry, has spent a fair amount of time visiting juvenile clients at Woodside. The state has made much-needed improvements, including the installation of air conditioning, said Ruben. Educational offerings to students with special needs have also been expanded, he said.

Still, Ruben doesn't consider Woodside a true rehabilitation center. He cited a need for additional mental health and substance counselors. Special education services, in areas such as speech therapy, are also lacking.

"We're not done yet," he said.

In September, Schatz, DCF's commissioner, was brought in by Gov. Peter Shumlin to head up the embattled agency. After two toddlers in its care died last year, DCF is under pressure from lawmakers to improve child protection services.

In a brief interview at the Statehouse earlier this month, Schatz, an attorney by trade, acknowledged that he wasn't yet up to speed on the inner workings of Woodside, but was familiar with the "active efforts to make it into a rehabilitation treatment facility."

Woodside remains a secure facility, he added, "but there's no question that it's evolved."

Bringing 'Structure'

After the 2006 broken arm incident and Disability Rights' investigation, people familiar with Woodside agree that it became a less "rough and tumble" place. There was even talk in some juvenile justice circles that, following the 2006 revelations of mistreatment, Woodside had swung too far in the opposite direction. That it had gone "soft on kids."

Enter Simons.

After growing up on a dairy farm in the Northeast Kingdom, Simons spent 18 years with the Vermont Department of Corrections. He started out as a prison guard and climbed his way up to superintendent of the 425-bed Northern State Correctional Facility in Newport.

In 2011, Simons left the corrections department for DCF to oversee Woodside, which has three dozen employees. When asked why he made the move, Simons said, "I believe we can turn kids' lives around here."

A couple of times a year, Woodside surveys its youths and staff to get an idea of what management should focus on. When the survey was conducted four years ago, at the time of Simons' arrival, 60 percent of the staff and 40 percent of kids indicated they didn't feel safe inside the facility.

During an interview in November, Simons pulled out a box of items that the staff had confiscated in recent years.

The hand-made weapons included a toothbrush handle that had been sharpened into a shiv.

"Kids and staff who don't feel safe, don't do good work," he said.

In recent surveys, the percentage of staff and youths who don't feel safe has dropped into the "single digits," said Simons.

Scott Green, a counselor who has worked Woodside for 18 years, said Simons is an "effective communicator" who has "brought structure" to the facility.

Chelsea lawyer Dan Sedon has been inside Woodside numerous times. His law firm serves as Orange County's public defender, which requires him to visit the facility on occasion to meet with juvenile clients.

"The idea of incarcerating kids is troubling, but in a small percentage of cases, it's appropriate," Sedon said, adding that he believes Woodside should remain small and the stays there brief. "My impression is that it's a well-run facility, given the mandate that it has."

When a *Valley News* reporter showed up without an appointment last summer, Simons invited him to his office. "It's too bad you didn't get here earlier," he said. "You could have had lunch."

Simons, who is in his mid 40s and earns \$88,000 a year, is proud of the meals, prepared by a former restaurant chef, that Woodside offers. "It's healthy, fresh foods," he said. "Nothing compares."

On the day in November a *Valley News* reporter and photographer returned for a tour of the facility, lunch included chicken salad, seafood chowder and fresh fruit.

Some of the fresh vegetables used in preparing meals come from a small garden tended by youths inside the 12-foot-high fence.

When Woodside opened in the 1980s, kids were seldom allowed outside the building. Now, they have outdoor basketball hoops and space to play flag football. In the wintertime, they build igloos. About a decade ago, the state built a gymnasium, featuring a full-length basketball court.

On the day of the *Valley News*' visit, Woodside held 22 youths, including two girls, between the ages of 13 and 17.

Roughly 90 percent of the kids who end up at Woodside have dealt with some sort of trauma, Simons said. Many were abused, or witnessed their mothers and siblings being abused. "Substance abuse is also huge," he said.

Mental illness is frequently another common denominator. Woodside's medical staff includes a psychologist and two psychiatric nurses. Shortly after kids arrive, Woodside attempts to wean them from their psychotropic medications to get a better understanding of what can trigger their violent behavior.

"I can dope a kid up, so they're calm, but when they leave here they aren't any better," said Simons.

Under state law, Woodside doubles as a school. Classes are small, with teachers working with three to five kids at a time.

The curriculum includes a life-skills class that covers everything from "birth control to balancing a

checkbook," said Simons.

When not in class during the day, youths participate in individual and group therapy sessions, where the focus is often anger management.

On weekends, some kids go skating, skiing and hiking with counselors. A 17-year-old boy's room has photos of him holding a large fish he caught on a Lake Champlain excursion.

Weekends are also a time for visitors. Kids make phone calls for free. Woodside springs for bus tickets and motel rooms for families to visit. "A few kids have never had a visitor," said Simons.

While giving the tour in November, Simons remarked that the razor wire, or ribbon as it's known in the prison world, is scheduled to come down this year. "I don't like the use of razor ribbon in an institution like this," he said.

The state will replace the 12-foot-high fence and razor wire with a 16-foot-high fence.

Next Sunday: The use of seclusion, or solitary confinement, has evolved at Woodside. The facility now uses what is called an Intensive Stabilization Unit.

□

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Thursday, February 19, 2015

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