



AGENCY OF HUMAN SERVICES

The mission of the Children and Family Council for Prevention Programs is to advocate for and promote healthy children, families, and communities, and to eradicate child abuse, delinquency, and other forms of violence.

2014 Annual Report Children and Family Council for Prevention Programs VERMONT STATE ADVISORY GROUP TO DELINQUENCY PREVENTION

The Children and Family Council for Prevention Programs (CFCPP) is the governor-appointed advisory board to juvenile justice, delinquency, and primary prevention as required by V.S.A. 33: 33, 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 believing that prevention is more cost-effective and supports better social outcomes than incarceration. The Council has a strong history of funding youth justice system change efforts that are designed to, and do become incorporated as improved youth service and practitioner effectiveness.

2014 Council Members:

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|-----------------|----------------------|---------------------|
| Laurey Burris | Willa Farrell | Mary Hayden |
| Jerome Kreitzer | Andrew Longhi | Robert Sheil |
| Kelly Coakley | Caprice Hover | Susan Kamp |
| Hannah Phillips | Drusilla Roessle | Katharine Celentano |
| Maria Avila | Linda Sullivan | Linda Johnson |
| Michael Loner | Keith Tallon | Peter Hathaway |
| Michael Reyes | Kreig Pinkham, Chair | Ken Schatz |

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 identified service gaps

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.

2013 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 2013, Vermont maintained its full compliance with the requirements of the JJDP. There were five incidents resulting in violations, well within the allowed error rate. The violations occurred when police held 'run away' non-delinquent youth securely for short periods of time. All five of the violations involved only two youth and occurred at multiple locations.

Disproportionate Minority Contact (DMC) status:

Monitoring of disproportionate race contact at nine points of justice system contact has long been challenged by inadequate race data within the juvenile court database. In 2013, a new Family Court Rule was approved and implemented that requires all delinquency referrals to include law enforcement-generated race identification for each case. This was an important step in developing an adequate monitoring system. Despite the newly-instituted rule, the rate of recording the race of delinquent youth submitted to courts has not improved yet. JJDP staff, in collaboration with State's Attorneys, are working to ensure that law enforcement enter this information with cases referred for court.

An assessment of youth contact in the justice system by race was conducted by the Vermont Center for Justice Research this year.

<http://humanservices.vermont.gov/boards-committees/cfcpp/publications/disproportionate-minority-contact>.

Overall, the study found that regardless of race, youth were referred to community pre-charge programs, Court Diversion, and adult court at rates appropriate to the population. One county showed fewer referrals of minority youth to some type of community diversion. State JJDP staff continues to share information with youth services and law enforcement in this county regarding interventions that may equalize rates of referral to alternatives to prosecution.

Though not the focus of the report, the study found that girls of any race were more likely to be referred to adult court and less likely to diversionary programs compared to boys charged with similar offences. Both findings – a) youth of color receiving fewer referrals for diversion, and b) harsher treatment of girls in youth justice response have been shared with decision-makers and community partners and are being considered for appropriate prevention and intervention strategies in Council planning.

JJDP staff conducts annual review of youth arrests by race / ethnicity and found that in a three-year period, one community arrested youth of color at higher rates relative to the population than white youth. A review of those arrests shows that the youth arrested were primarily from other communities, and most of those arrests were the result of retail theft. That community police department and Community Justice Center have agreed to inform the primary retail establishments of this disparity and to share the results of studies that show that people of non-dominant race background report being monitored disproportionately when they shop. Because most of the arrestees were from outside of the community but the community race population is used to determine equity or disparity, the finding can be categorized by OJJDP as 'attractive nuisance' – the community has many retail establishments that draw people from a wider region and population base. The Council appreciates that, despite this apparent opportunity to dismiss or minimize an indicator of disparate arrest, the community law enforcement has committed to address the issue proactively.

State DMC staff has conducted reviews beyond federal requirements at youth justice contact points. When indicators of disparity exist, they are shared with decision makers in order to learn more and plan for prevention and change strategies.

In 2013 a review of youth detained at Woodside Rehabilitation Center showed higher than expected rates of youth of color detained from Chittenden County, and from Burlington, in particular. A review of five years of cases involving secure detention at Woodside was conducted and showed very similar causes for detentions of youth from all race backgrounds, the primary behavior being assault on a family member. The rate of these assaults and detentions for youth of color who may be considered 'new Americans' were considerably higher than the rates for white youth, possibly indicating cultural transition issues across generations. Another point of difference between white youth and youth of color was that white youth detained had higher rates of prior involvement with DCF prior to their delinquent status. This informal review and findings will be monitored and considered for further formal assessment and recommendation.

The CFCPP awards grants to non-profit and State partners to prevent delinquent behaviors, and to create systemic improvements where needed. A clear expectation of cultural competence and equity in all grant-making is intended to prevent any group of youth from having more contact with justice intervention points than youth with any privilege status, including the privilege of dominant race or ethnicity.

Staff and membership of the CFCPP are fortunate in having community, State, and law enforcement partners that are keen to track data and train the workforce to assure development of equitable and culturally competent justice responses for all youth.

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 JJDPFA.

III. Fund and monitor grants: The Council prioritizes funding strategies based on documented need, and requests from State and community. It awards and monitors a continuum of prevention and early intervention grants that are funded using 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 2014 Grants:

The Council distributes funds across a continuum of primary prevention, early intervention, and system improvement projects and initiatives.

The Children and Family Council committed delinquency prevention funds of \$300,000 per year for two years to the **Strengthening Families Demonstration Projects** in three counties with high rates of child maltreatment cases. This is an intensive family support program serving high risk families involved with DCF Family Services and in danger of having their children enter State custody. The delinquency prevention funding enabled 1.5 additional staff positions to family support work in each region. During 2014 a total of 77 families were served with 59 children under age three and 164 children over the age of three. Fifty-one of those families were involved with the Department of Corrections, and 69 families had a substance abuse problem or mental health challenge. Fifteen children from nine families entered state custody for a brief period of time but were reunified with their families. Twenty-five of these 77 family cases were closed by DCF.

Community supports to student success: Four community and school based programs were funded to promote student engagement and community involvement of high school students, and to reduce truancy by providing community mental health services, mentoring, State and community justice partner collaboration, and protocol development with schools.

System Improvement The final year of a four year project that established practice and performance standards for all Court Diversion programs to increase effectiveness was completed. The county-based Diversion programs incorporated restorative justice, youth, family, and victim engagement, evidence-based risk and need screening, and a self-sustaining model for quality improvement standards. \$60,500

Children's Trust Fund \$153,000 in OJJDP delinquency prevention funds was braided with State, Tax-check off, and Children's Trust Foundation funds to support academic, arts, violence prevention, health promotion, pro-social learning opportunities and skill development for children and youth; supports to young mothers; and parent training in substance abuse prevention.

An estimated \$591,400 from the Juvenile Accountability Block grant that has now been unfunded by Congress were used for the following efforts:

Workforce training to improve youth justice response and reduce recidivism:

- Training on restorative justice, and risk / need screening, assessment, and case management for DCF Family Services, court, and Court Diversion staff.
- CFCPP was one of many sponsors of the 9th Annual Working with Youth Conference that offered 27 workshops to 253 attendees from a variety of community and State youth serving agencies.
- A youth justice conference focused on the impact of trauma on system-involved youth, and four trainings specific to the juvenile justice population were completed for 212 attendees, including DCF, Court staff, Judges, Legal Counsel and Guardians ad Litem.
- Dialogue Education & Sure-Fire training focused on effective youth justice collaboration, planning, and service implementation among community stakeholders was provided to DCF Family Services and community youth justice partners. Twelve staff were trained as trainers to enable on-going utilization of these methods.
- Youth Assessment Screening Instrument (YASI) training was provided to DCF Family Services, Court Diversion, and Balanced and Restorative Justice staff.
- YASI software is currently being upgraded to ensure compliance with recent statutory changes and ensure better data collection.
- Guardian ad Litem training to volunteers.
- Youth violence prevention and effective youth engagement training was provided to community organizations.
- A UVM youth justice training partnership provided training and case facilitation around the State for cases referred for 'Restorative Family Group Conferencing', a restorative justice approach to resolving complex child welfare and youth justice situations. Consultation, Motivational Interviewing training, and restorative justice training were provided to youth justice staff.

Woodside supports:

- Performance Based Standards (PBS) technical assistance and outcome measurement for Woodside Youth Rehabilitation Center and three community residential settings for youth: The standards provide a blueprint for best practices in detention and residential care. Coaching, consultation, and web-based training methods are utilized.
- A contracted hearing officer, and staff support to DCF social workers for Woodside retention hearings held on or before eight days of youth placement.
- Trained Woodside Staff in Motivational Interviewing and Cognitive Behavioral Therapy.

Community programs and research:

- Restorative Family Group Conferencing – program funding in one community; State-wide consultation and facilitation to resolve complex DCF-involved cases.
- A study of Disproportionate Minority Contact of youth in contact with Court Diversion and community justice alternatives to court, and assessment of youth who are processed in adult or juvenile courts by race. This study found that overall, excepting one community, youth of color and white youth had equal

opportunities for some type of diversion from court involvement and that cases referred to adult rather than youth court were equitable in regards to race and offense type.

- A youth drug court in one county that showed reductions in substance use among participants.

What's next?

The Children and Family Council has been working on a new strategic plan of system priorities due to the OJJDP in early 2015. A preliminary look at the direction the Council is heading with this plan includes the following priorities:

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 there is a Family Court process allowed by statute. Youth that begin adulthood with criminal records are most likely to have poor outcomes in 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 the Family Court one, and sometimes, because of a belief that older youth should have 'adult consequences', or a belief that the 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%, but that rate has not changed 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. It is costly to prosecute youth in the adult courts and according to the Office of Juvenile Justice and Delinquency Prevention, "allowing one youth to leave school for a life of crime and drug abuse costs society \$1,700,000 to \$2,300,000 annually" (<http://www.ojjdp.gov/about/jidpa2002titlev.pdf>). 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. Indeed, in some Vermont counties with higher rates of older youth referred to Criminal, instead of Family Court, there are higher rates of crime prosecuted than in counties that rely 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.

Consistent **best practice model of youth service and justice response**. 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. The Council will partner with State and communities to develop a template of best practice in youth service and justice responses and to use this template and federal funds to incentivize systems change by region.

Youth employment and education opportunity The CFCPP wants to collaborate with State and community partners to develop more jobs and job training options. Youth and young adults need jobs and all youth need education and career opportunities to instill a sense of hope for a positive future as young adults.

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. The Council will stress cultural competence and the expectation that youth should be left better off after any intervention by authority.

Cultural competence and trauma-informed care Youth from all sectors – race, color, gender, sexual orientation, abilities, and economic backgrounds - should be met with staff and systems that are responsive to their particular needs. It is clear that youth from non-dominant economic, race and ethnic background, and sexual orientation are frequently at higher risk of negative life outcomes than those from backgrounds of privilege and dominant culture.

Young people who have been exposed to traumatic life experiences need to be met with responses that are healing and avoid re-traumatization. Life-long consequences of early life traumas are costly to individual, family, and communities' quality of life. While traumatic life events are well-known to be detrimental to young children who do not have sufficient language or coping skills to manage, it has been found that as children and youth age, if they do not receive effective treatment and skill development, they experience the effects of cumulative traumas. Youth need to understand their experience and learn skills to cope with the effects. Adults who interact with youth need to understand and help to ameliorate these trauma impacts.

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.

For more information:

Children and Family Council for Prevention Programs

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

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