

# Protecting Public Safety and Improving Outcomes for Youth and Young Adults: System and Resource Implications of VT Act 153

## Key Findings and Recommendations

October 26, 2017

CSG Justice Center Presenters

Emily Morgan, *Director of Content Development*

Nancy Arrigona, *Research Manager*

# About the CSG Justice Center



National nonprofit, nonpartisan membership association of state government officials that engages members of **all three branches** of state government

**JUSTICE** ★ **CENTER**  
THE COUNCIL OF STATE GOVERNMENTS

Provides practical, nonpartisan research-driven strategies and tools to increase public safety and strengthen communities

A decorative graphic on the left side of the slide. It features a central white circular area. A thick gold arrow points downwards from the top edge towards this center. A thick light blue arrow points horizontally from the left edge towards the center. A thick grey arrow points horizontally from the right edge towards the center. Additionally, there are four smaller arrows pointing towards the center: a gold arrow from the top-left, a light blue arrow from the bottom-left, and two grey arrows from the top-right and bottom-right.

**01** Background

**02** Key Findings

- Capacity
- Decision Making
- Service Delivery

**03** Recommendations

Building on past reforms, in 2016 the Vermont legislature passed Act 153 to accomplish the following goals:

Goal

Protect public safety in Vermont

Goal

Connect youth and young adults to age-appropriate supervision and services

Goal

Prevent youth / young adults from being saddled with a lifelong criminal record

Act 153 made several key changes to how the justice system handles youth and young adults.

1

All cases involving a defendant younger than 18, except those involving youth who commit certain serious crimes (“Big 12”), must begin in family court.

2

Eligibility for Youthful Offender (YO) status extends up to age 21, and YO cases may be filed in either family or criminal court.

3

Young adult males ages 18–25 who are sentenced to incarceration will be housed separately from older adults.

To understand the potential impact of Act 153, the CSG Justice Center conducted an assessment focused on three questions:



**System Capacity:** What is the potential **impact on the court system and DCF caseloads** of absorbing more youth and young adults into the juvenile justice system?



**Decision Making:** Are there **clear and consistent criteria** for making diversion, charging, disposition, and supervision decisions for young adults and do these criteria support the goals of **Act 153**?



**Service Delivery:** Are **adequate and effective services available** to meet youth and young adults' needs and reduce their risk of reoffending?

Data from multiple sources inform the findings and recommendations presented today.

Data	Source
<b>Court case filing and disposition case level data (16- to 21-year-olds)</b>	<b>Administrative Office of the Courts (AOC)</b>
<b>Assignment case-level data (16 to 28 year olds)</b>	<b>Department of Corrections (DOC)</b>
<b>Aggregate arrest, caseload, diversion, and BARJ information, annual and other agency reports</b>	<b>Department for Children and Families (DCF), AOC, and DOC</b>
<b>Social worker survey and Woodside information</b>	<b>Department for Children and Families</b>
<b>Aggregate cost data and time study analysis information</b>	<b>DCF, National Center for State Courts</b>

The CSG Justice Center also conducted more than 25 individual interviews and focus groups with an array of system stakeholders.

- Legislators
- DCF leadership and staff
- DOC leadership and staff
- Family and criminal court judges
- Court staff
- State's attorneys
- Public defenders
- Victim advocates
- Juvenile social workers and supervisors
- Young adult probation officers and supervisors
- Balanced and Restorative Justice (BARJ) providers
- Diversion providers
- Youth development providers
- Justice system stakeholder group
- Education, employment, and vocational rehabilitation services staff
- Transitional services providers
- Juvenile Justice State Advisory Group
- Law enforcement



A decorative graphic on the left side of the slide. It features a central white circle. A thick gold arrow points downwards from the top edge of the circle. A thick light blue arrow points from the left edge towards the center. A thick grey arrow points from the right edge towards the center. A thick teal arrow points upwards from the bottom edge towards the center. The background is white with a vertical light grey line on the right side.

01 Background

02 **Key Findings**

- Capacity
- Decision Making
- Service Delivery

03 Recommendations

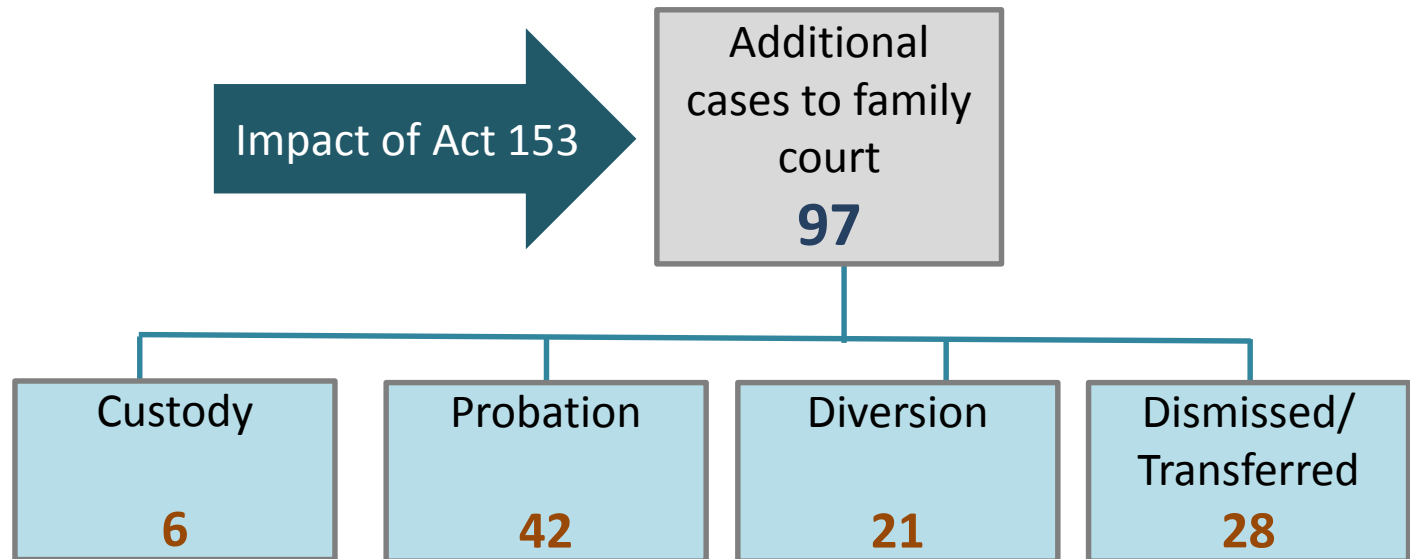


**System Capacity:** What is the potential **impact on the court system and DCF caseloads** of absorbing more youth and young adults into the juvenile justice system?

The implementation of Act 153 will result in an increase in cases handled in family court, especially for 18- to 21-year-olds granted YO status, which will lead to higher delinquency and YO caseloads, further straining family court judges and staff, as well as DCF social workers and DOC probation officers.

Family courts—already overwhelmed by child protective cases—will see a small but meaningful increase in case volume for 16- and 17-year-olds.

### FY2018 Impact of Act 153 for 16- and 17-Year-Olds



As a result of Act 153, between FY2018 and FY2022:

- An additional 370 cases will be handled in family court
- An additional 162 youth will be placed on probation with DCF

Family court case volume will also increase with expansion of YO status eligibility up to age 21.

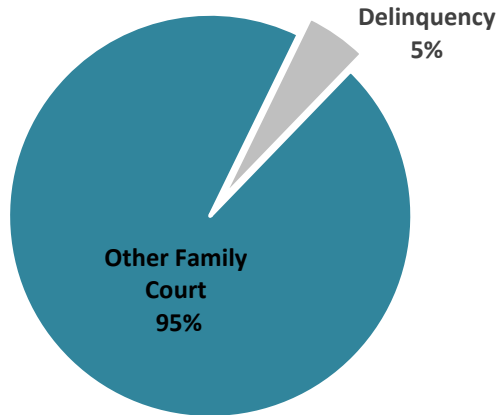
### FY2019 Impact of Act 153 for 18- to 21-Year-Olds



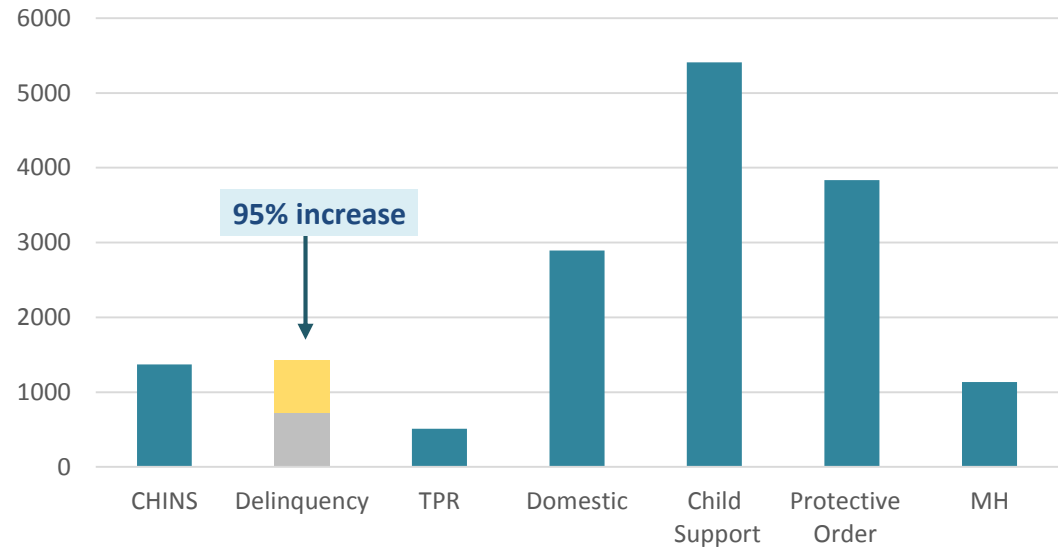
Between FY2019 and FY2022, an estimated 329 additional YO cases will be handled in family court as a result of Act 153. These additional cases will change the composition of current YO caseloads.

Transferred youth and YO cases will increase delinquency filings 95% and overall family court filings 4% by FY2022.

Family Court Filings, FY2016



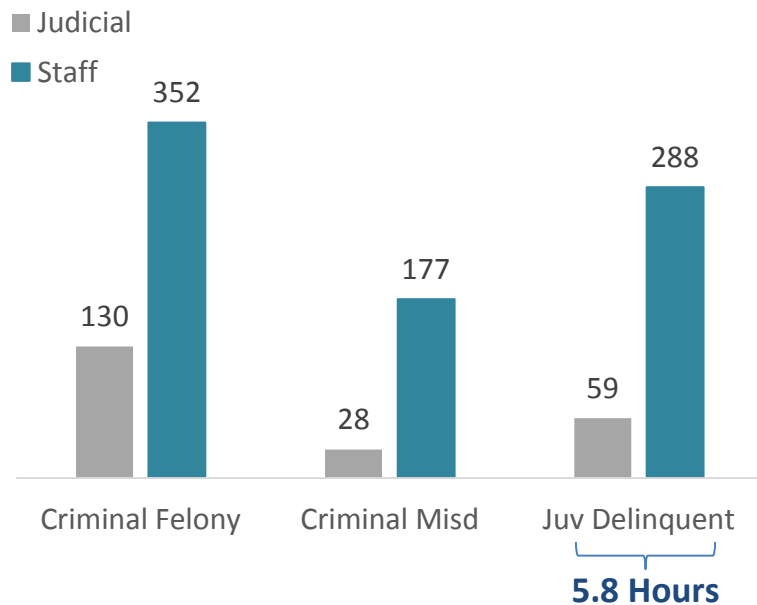
Estimated Family Court Filings by Type, FY2022



Historically, delinquency cases have made up only a small percentage of the overall family court docket. Implementation of Act 153 will impact both delinquency and overall family court filings.

Additional case volume to family court could necessitate increasing the number of judges and court staff to avoid case processing delays.

**Case Processing Time in Minutes by Court and Case Type, 2015**



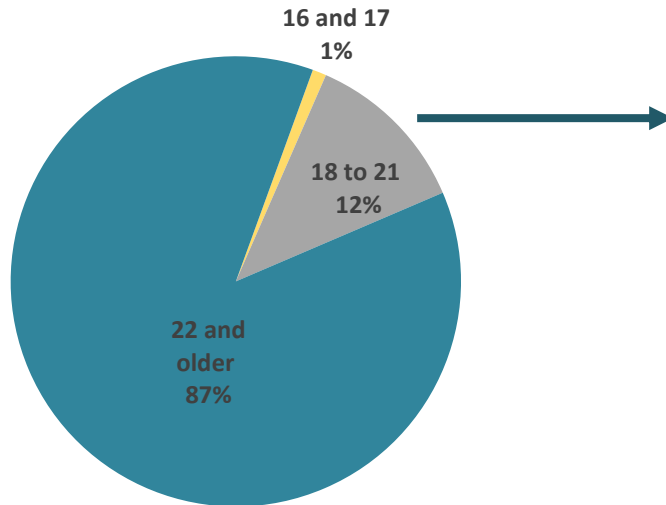
**Time Needed to Process Additional Cases to Family Court, FY2018–FY2020**

Fiscal Year	Additional Family Court Cases	Additional Judicial Time (hours)	Additional Court Staff Time (hours)
FY2018	97	95.4	465.6
FY2019	180	176.6	862.1
FY2020	159	156.4	763.2

Additional youth and YO cases coming to family court between FY2018 and FY2020 will take **54** days of judicial time and **261** days of court staff time to process.

Resources freed up in criminal court may not be sufficient to allow for the shifting of additional personnel to family court.

### Criminal Court Cases by Age, FY2016

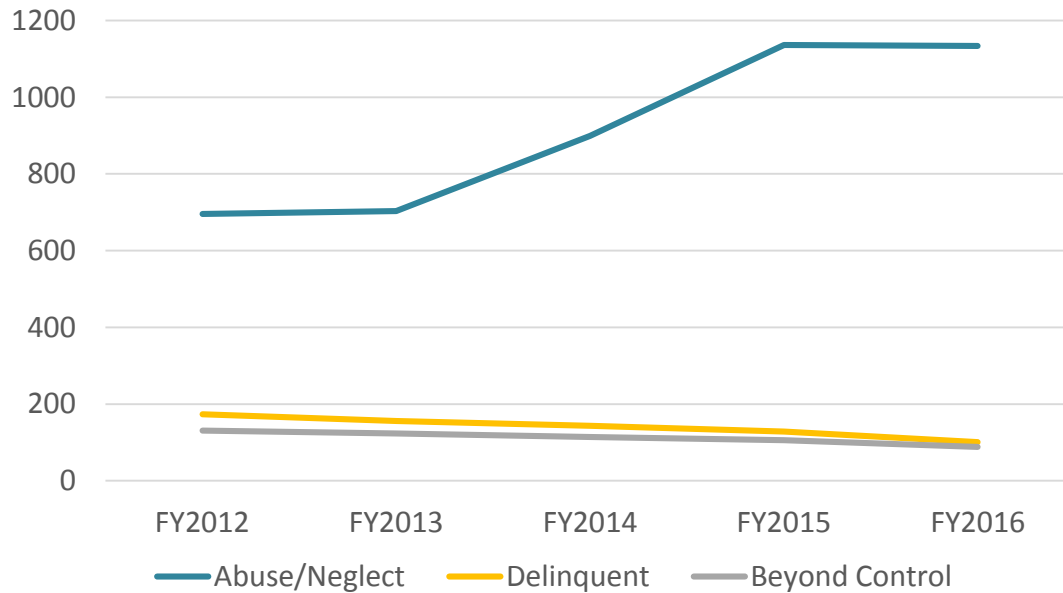


- All cases involving 16- and 17-year-olds who commit non-Big 12 offenses will be shifted from criminal to family court.
- Approximately 7% of cases for 18-to 21-year-olds will be shifted from criminal to family court.

The Vermont Supreme Court has set a 6 month disposition time standard for misdemeanor and felony cases. 82% of misdemeanor and 48% of felony cases met this standard in 2016.

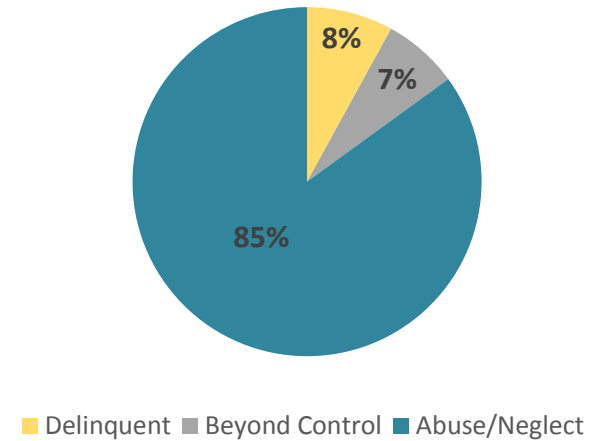
Child welfare custody cases have increased dramatically over the last five years and additional delinquency/YO cases will further strain DCF social worker caseloads.

**Children in DCF Custody by Type, FY2012–FY2016**



The number of children and youth in DCF custody for abuse/neglect has **increased 63%** since 2012

**DCF Children in Custody Caseload, FY2016**

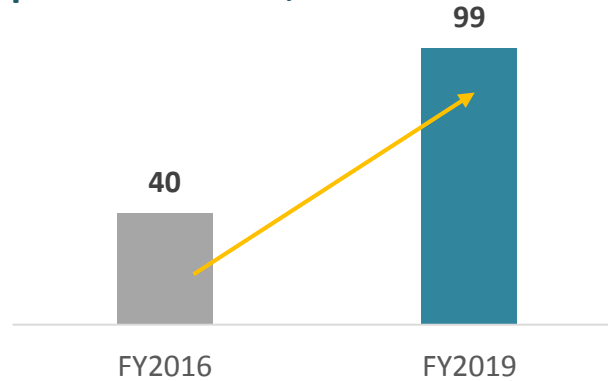


58% of DCF social workers surveyed had **1 to 3 delinquents** in custody on their caseload

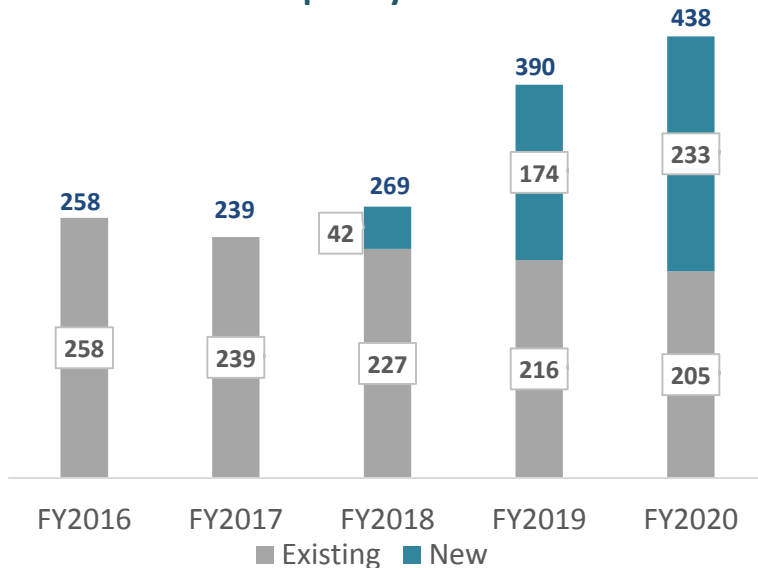


Delinquency and YO caseloads are expected to double by FY2020, presenting challenges for DCF social workers and DOC officers.

**YO Supervision Starts, FY2016 and FY2019**



**Estimated Impact of Act 153 on DCF Juvenile Delinquency Caseloads**



**DCF and DOC Youth/YO-to-Direct Staff Ratios**

DCF/DOC staff to YO	1:25
Social worker to families	1: 17
DOC officer to probationer/parolee	1:45 to 1:350



**Decision Making:** Are there **clear and consistent criteria** for making diversion, charging, disposition, and supervision decisions for young adults and do these criteria support the goals of Act 153?

Vermont lacks clear criteria for YO status designation and supervision decisions for youth and young adults are not guided by risk, impacting charging decisions and the use of the YO statute.

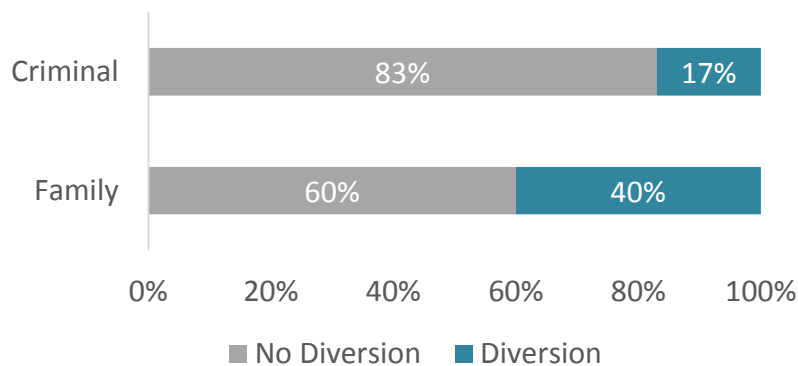
The unclear criteria, benefits, and structure of YO status have led to confusion and underutilization historically.

- Criteria for YO status differ by age and no clear criteria exist for who should qualify for YO status among older youth and young adults.
- Prosecutors and defense attorneys differ in how they recommend and use YO status, and risk assessment results do not inform filing decision across the state.
- Unclear benefits, longer court times, and more intensive/longer supervision make YO status unappealing to youth/young adults, and young adults over age 18 do not have access to Guardian Ad Litem (GAL) assistance to help weigh these decisions.
- Expunging records for sex and motor vehicle offenses obscures information that could be helpful in determining disposition decisions if youth/young adult commits a subsequent offense.

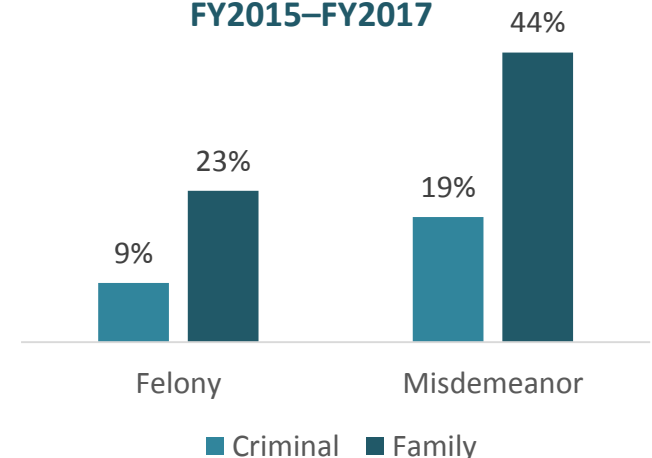
# The use of court diversion varies across the state which may limit diversion opportunities for young adults.

- Criminal and family courts use diversion differently and risk screens are often not used to inform these decisions.
- Concern about diverting older youth, as they may age out of the system prior to completion, impacts use of diversion in family court.
- No data is collected on the availability and outcomes of diversion programs.

**Average Percentage of Cases\* Referred to Diversion by Court Type, FY2015–FY2017**



**Average Percentage of Cases\* Referred to Diversion by Court Type and Offense Level, FY2015–FY2017**



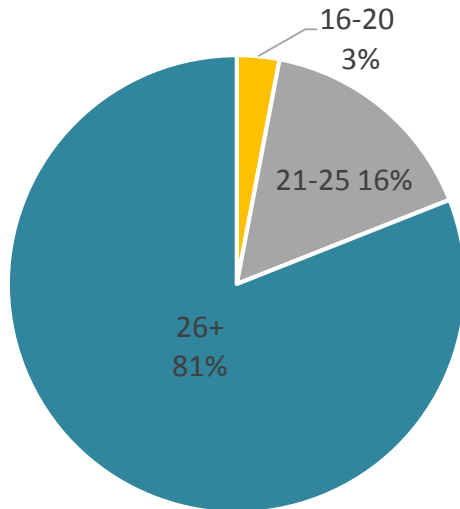
\* Cases for youth and young adults age 21 and under

While S. 23 provided some clarification on roles, YO supervision is complicated by the joint decision making and differing approaches among DCF/ DOC staff managing these cases.

- Dual supervision requires consensus among DCF/DOC officers, which creates inefficiencies.
- New YO population will be made up primarily of young adults 18 to 21, necessitating more involvement by DOC in supervision.
- Different risk and needs assessments and supervision approaches are used by DCF and DOC, complicating service decisions and case planning.
- No clear offense, risk reduction, or treatment progress criteria exist for determining lengths of supervision or case termination for YOs.
- Electronic data is not collected for youth/young adults, especially in the DOC system, so little is known of YO supervision, length of stay, or outcomes.
- DCF/DOC supervision officers lack systematic training on young adult development and tailoring supervision to meet their needs.

DOC may experience challenges to effectively meet the needs of young adults under the age of 25 who require time in a facility.

### DOC Age of Inmates, FY2014



- Location of facility and specialized needs of young adults makes providing appropriate services/opportunities a challenge.
- If young adult population grows higher than capacity, DOC will need to create additional capacity, potentially displacing older adults to out-of-state facilities.
- Youth under 18 in DOC custody will continue to be housed in the DCF Woodside facility.



**Service Delivery:** Are **adequate and effective services available** to meet youth and young adults' needs to reduce reoffending?

Opportunities exist to build system capacity to meet young adults' specific needs and better ensure that limited resources are used to provide youth and young adults with effective services.

## Barriers to service access and quality may limit the effectiveness of services to reduce recidivism for youth and young adults.

- Judges, court staff, and attorneys are often unfamiliar with appropriate services available in the community.
- There is a lack of availability and quality of services for youth and young adults across the state.
- More developmentally-tailored services are available through DCF than DOC, but currently DCF is not able to provide services to young adults over age 18.
- Conditions of probation often require YOs to participate in fee-for-service treatment that must be completed prior to supervision termination.
- There is a lack of data and reporting on service quality, availability, and outcomes.



Cross-system forums exist to improve outcomes for young adults, but they are not being fully leveraged to create a seamless, efficient system of supports.

- Cross-system collaboration is taking place through mechanisms such as the youth and young adult working group, youth in transition groups, and state/local interagency teams.
- Existing groups are not focused on addressing the distinct needs of young adults in the justice system.
- Age-based cut-off points for care are not aligned across the justice, behavioral health, child welfare, and education systems.
- Mental health/substance use and education/workforce providers lack information about the needs of youth and young adults in the justice system.

In summary, key findings include:

- Implementation of Act 153 will result in a **95% increase** in family court delinquency cases and the **doubling** of the DCF delinquency caseload by FY2022.
- There is a **lack of clear, consistent criteria for making YO and other supervision decisions.**
- The current YO dual-supervision model appears to be **inefficient and offers unclear benefits.**

In summary, key findings include:

- Despite a significant increase in the number of YO cases over the next several years, only **7% of criminal cases for 18- to 21-year-olds** will be impacted, leaving the remainder of this group with a criminal history.
- There is a **lack of developmentally appropriate services** to meet the needs of young adults through both DCF and DOC.
- Current data collection practices will **not allow for the evaluation of the impact of Act 153** on the state's justice system or on the outcomes of youth and young adults under supervision.

A decorative graphic on the left side of the slide. It features a central white circle. A thick gold arrow points downwards from the top edge of the circle. A thick light blue arrow points from the left edge towards the center. A thick teal arrow points upwards from the bottom edge towards the center. A thick grey arrow points from the right edge towards the center. The background is white with a vertical light grey line on the right side.

01 Background

02 Key Findings

- Capacity
- Decision Making
- Service Delivery

03 **Recommendations**

Vermont has the opportunity for policy, practice, and resource changes that can improve public safety and outcomes for youth and young adults.

### **Recommendation #1**

Right-size the system and minimize the long-term consequences of criminal behavior by establishing clear criteria for YO and disposition decisions.

### **Recommendation #2**

Ensure that resources are used efficiently to provide appropriate and effective supervision to youth and young adults.

### **Recommendation #3**

Provide developmentally appropriate services for all youth and young adults, regardless of involvement in the juvenile or adult system.

## Right-size the system and minimize the long-term consequences of criminal behavior—potential legislative changes:

1. Establish clear criteria for YO status consideration (prior to Act 153 implementation) based on youth's assessed risk level and offenses.
2. Extend family court jurisdiction to include all 18-year-olds, with the exception of Big 12 offenses.
3. Create a specific deferred status that allows young adults sentenced in criminal court access to specialized services, masks admission of guilt, and leads to immediate sealing of records upon completion of supervision.
4. Require that youth/young adults receive a risk and mental health screening at intake and that these tools are used to guide diversion decisions.
5. Consider encouraging/requiring diversion for youth/young adults screened as low risk and/or who commit specified offenses.
6. Require that youth/young adults receive a risk assessment prior to disposition, the results are shared with the court, and that the court consider the results to inform disposition decisions.
7. Further evaluate the need for additional family court judges and staff to accommodate growth in delinquency and YO cases.

## Ensure that resources are used efficiently to provide appropriate and effective supervision to youth and young adults—potential legislative changes:

1. Eliminate the current dual supervision status for YOs.
2. Establish minimum and maximum lengths of time youth/young adults can be placed on community supervision and in facilities based on the severity of youth/young adult's offenses and assessed risk to reoffend.
3. Require that case-level data be collected electronically on all youth/young adults under supervision, including YO designation, supervision intensity, length of stay, service participation, and outcomes.
4. Require DCF/DOC to report on trends for YO status youth and young adults including risk levels, length of stay, services provided, and outcomes at least annually to state policymakers.
5. Further evaluate the need for additional resources for DCF leadership and staff to absorb additional delinquency and YO cases.
6. Further evaluate the need for additional resources to collect, analyze, and report on DCF and DOC data.

## Provide developmentally appropriate services for all youth and young adults, irrespective of which system supervises them—potential legislative changes:

1. Require a cross-system working group to examine available services for young adults across the state, related funding streams, cut-off points for care, and collateral consequences, and make recommendations to the legislature for improvement.
2. Establish performance-based contracting provisions that hold service providers accountable for providing effective services and assess quality of services annually. Services found to be ineffective should not receive continued funding.
3. Further evaluate the need for additional resources to ensure that appropriate services are available for youth and young adults in both the juvenile and adult criminal justice systems, potentially through the creation of a funding stream specifically for this purpose and shared by DCF/DOC.



# Thank you

To receive newsletters on juvenile justice and other announcements, please visit our website:  
[csgjusticecenter.org/subscribe](https://csgjusticecenter.org/subscribe)



**JUSTICE ★ CENTER**  
THE COUNCIL OF STATE GOVERNMENTS  
*Collaborative Approaches to Public Safety*

*This material was prepared for the State of Vermont. The presentation was developed by members of The Council of State Governments Justice Center staff. Because presentations are not subject to the same rigorous review process as other printed materials, the statements made reflect the views of the authors, and should not be considered the official position of the Justice Center, the members of the Council of State Governments, or the funding agency supporting the work.*

## Appendix A: Assumptions for impact analysis methodology and data limitations.

### Assumptions for Analysis:

- The impact analysis is based on case filing data provided by the Office of Court Administration.
- The projected number of court cases is based on filing trends for FY2012–FY2017 and reflect a decline in the expected number of filings for all age groups.
- Estimates are based on the actual flow of cases in FY2015–FY2017 for youth and young adults aged 21 and younger.
- It is expected the Big 12 offenses will remain in criminal court for all age groups.
- Youthful Offender estimates for the 18 to 21 age group are based on court reported YO status designation for 17-year-olds in FY2015–FY2017.
- Time impact for family and criminal courts are based on analysis provided in National Center for State Courts study *Vermont Trial Court System Judicial Officer and Court Staff Weighted Caseload Study, 2015*.

# Appendix A: Assumptions for impact analysis methodology and data limitations.

## Data Limitations:

- Characteristics of youth under DCF custody and supervision, type/intensity of supervision, and length-of-stay on supervision were not available for the analysis.
- Service participation and outcomes for youth and young adults are not captured.
- Youth sentenced under the YO statute are not identified in either the DCF case management or the DOC tracking systems.
- Caseload and work time estimates for DCF social workers was limited to survey responses received from 27 social workers.
- Electronic court records do not have unique person numbers to enable the tracking of youth transferred from criminal to family court.
- DOC records do not include information on sealed/expunged cases.
- General cost estimates were available but could not be matched to specific populations or services.

## Appendix B: Additional recommendations to right-size the system and minimize the long-term consequences of criminal behavior.

- Explore the possibility of establishing specialized juvenile justice/YO caseloads for state's attorneys.
- Establish protocols for law enforcement officers to clarify when to cite youth and young adults to family or criminal court.
- Review diversion practices, clarify eligibility for youth and young adults for diversion options, and explore opportunities to share services between family and criminal court diversion programs.
- Map existing diversion opportunities across the state, and expand offerings for low-risk youth and young adults based on screening and assessment results.
- Develop educational materials for youth and parents, and provide training for attorneys and other stakeholders on the value and purpose of risk and needs screens, alternatives to court, and YO status.

## Appendix C: Additional recommendations to ensure that resources are used efficiently to provide appropriate and effective supervision to youth and young adults.

- Supplement risk and needs assessment results with an interview protocol designed for older youth.
- Encourage the development of delinquency/YO-specific caseloads for DCF.
- Examine responses to violations and make clear the availability of graduated responses to judges, state's attorneys, DCF/DOC staff, and other stakeholders.
- Establish performance measures related to supervision, recidivism, and other outcomes for youth and YOs under DCF/DOC supervision.
- Institute requirements around information sharing and record availability for the purposes of research and recidivism analysis.

## Appendix D: Additional recommendation to provide developmentally appropriate services for all youth and young adults, irrespective of which system supervises them.

- Conduct a scan of available services for youth and young adults across the state.
- Explore opportunities to share services for young adults through both DCF and DOC.
- Provide specialized training to all program staff working with young adults, including how to engage and build intrinsic motivation for young adults.