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**Report to  
Vermont Governor Phil Scott**

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**2018 Annual Report**

**Children and Family Council for Prevention Programs**

Vermont State Advisory Group on Delinquency Prevention

In Accordance with: 42 U.S.C. 5633 [Sec. 223], 33 V.S.A. § 3302

**Submitted to:** Phil Scott, Governor  
Al Gobeille, Secretary, Agency of Human Services  
Ken Schatz, Commissioner, Department for Children and Families  
House Appropriations Committee  
Senate Appropriations Committee  
House Human Services Committee  
Senate Health and Welfare Committee  
Office of Juvenile Justice Delinquency Prevention, U.S. Department of Justice

**Submitted by:** Kreig Pinkham, Chair,  
Children and Family Council for Prevention Programs

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**Report Date:** January 2019



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## Executive Summary

The Children and Family Council for Prevention Programs (CFCPP) is the state advisory board for juvenile justice, delinquency, and primary prevention as required by 33 V.S.A. § 3302, and 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. The Council funds youth justice system change efforts designed to improve youth service and practitioner effectiveness, and contributes funds dedicated to primary prevention to the Vermont Children's Trust Fund which it oversees. The Council is grounded in prevention and works to ensure justice by building equitable and effective opportunities for children, youth and families to thrive in Vermont. The Council is attached to the DCF Commissioner's Office for planning and administrative functions.

The Council has four primary functions:

- Monitor state compliance with federal justice regulations;
- Advise state and federal government on delinquency prevention and intervention activities and priorities;
- Determine evidence-based prevention priorities; and
- Provide grant funding that supports these priorities.

## Introduction

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

The Council consists of up to 21 members appointed by the Governor with consent of the Senate. Members are selected for their expertise, guided by JJDP requirements, and represents the State, community non-profit sectors, youth and family voices. The Council funds youth justice system change efforts designed to improve youth service and practitioner effectiveness and contributes funds to the Vermont Children's Trust Fund which it oversees.

**CFCPP Mission:** The Council is grounded in prevention and works to ensure justice by building equitable and effective opportunities for children, youth and families to thrive in Vermont.

**2018 Council Members:**

Mona Abdelghani	Honorable Amy Davenport (ret)	Morgan Manning
Maria Avila	Linda Johnson	Elizabeth Morris
Stuart Berry	Andrew Hathaway	Adan Osman
Judy Brassard	Donn Hutchins	Kreig Pinkham, Chair
Laurey Burris	Karen Oelschlaeger	Matt Wolf
Amy Danielson	Michelle Kaczynski, Vice-chair	Michael Loner
		Robert Sheil

**Section I:**  
**Monitor and Oversee Compliance**

**Monitor Vermont's compliance with the core requirements of the JJDP**

Core requirements:

1. Status offenders (youth with run away, truant behavior) may not be securely detained.
2. Youth adjudicated delinquent may not be detained in adult jails or police holding cells except to process and release.
3. Youth may not be subject to sight or sound contact with adult inmates while securely held.
4. The rate of minority race youth in contact with the justice system must be monitored to assess for disparity. Where disparity exists, the Council and DCF work with decision-makers and community members affected to
  - a. Identify causes of disparity
  - b. Implement activities to reduce racial disparity
  - c. Build equitable and consistent responses for all youth

Compliance with the JJDP serves two purposes:

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

**2018 Status of Vermont Compliance with JJDP Core Juvenile Justice Protections:**

- During 2018, there were no violations of core requirements
- Status of the race disparity reduction work is reported separately within this document
- The Department and Council are responsible for monitoring and assuring that all projects funded with federal dollars are adherent to civil rights requirements

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

The rates of racial disparity are based on available data that has limitations. Indicators of disparity are monitored at multiple contact points in the justice system. When indicators of disparity are present, closer examination and discussion occurs with decision makers and affected parties to learn more about underlying causes.

Since 2015, we have followed these trends:

- Chittenden County youth of color are arrested and cited to court for delinquency offenses at substantially higher rates than white youth relative to the population. This is a trend that has been increasing.
  - During the 2016 – 2018 period, Chittenden County youth of color were arrested or referred to court an estimated five times more often than their white peers relative to their population.
- Those same youth of color are sent to secure detention by DCF and the courts about 1.5 – 2 times more often than expected for their population.

The Association of Africans Living in Vermont (AALV) has been working to prevent and intervene in this trend in the greater Burlington area through direct case management, supports, and community training. Creating change at the system-wide level has been much slower and more difficult than anticipated. The Council will continue to fund AALV through 2019 while looking to broader community interventions beginning in 2020.

Contributing factors commonly found within this overrepresentation of new American youth are:

- Underutilization of language interpreters, failure to understand the necessity, or ability to devote the time or funds necessary to assure best practice in communication with non or new English-speaking people. Affected parents are sometimes ‘left in the dark’ regarding school or law enforcement issues with their teen-aged youth. Without information, the parents are unable to participate in holding youth accountable and advocating for their equal treatment and pro-community engagement.
- Significant cultural differences between service providers, authorities, and new Americans exist and can create barriers for children and families. For example, fear of authorities, cultural norms for children, or the accepted age of maturity for young people may create a challenge in assuring best responses to new American families.

## Section II: Advise and Inform

The Council, as State Advisory Group to the JJDP, is to advise government in delinquency prevention. The CFCPP attends to state and federal legislation affecting children and youth, engages with government partners, and advises on compliance with JJDP.

- Upon receiving recommendations from the Council of State Governments regarding implementation of state jurisdiction change for youth cases, the Council responded by providing legislative testimony and proposing findings. The Council’s written findings established statutory purpose and were codified in 33 V.S.A. § 5101-5102.
- In December of this year, albeit more than a decade overdue, the Juvenile Justice Reform Act of 2018 (the newly named JJDP) passed Congress and was signed in to law as the **Juvenile Justice Reform Act**, <https://www.congress.gov/bill/115th-congress/house-bill/6964> . Within this legislation, at least two other important federal youth justice provisions were reauthorized – beginning 2020. The ‘Title V’ community-based prevention project, and the Juvenile Accountability Block Grant (JABG). These programs fund community-level early prevention, and accountability measures for youth involved in state intervention, and the systems that serve them.

### Other advisory efforts this year included:

- The Council partnered with DCF and other stakeholders to further implement state legislative changes in youth court jurisdiction including the expansion of the state ‘Youthful Offender’ option. The majority of offenses committed by young people are relatively minor and repairable, often resolved effectively in restorative community response without court referral.
- The Council’s priorities are in helping the state to fully implement the new legislation by:
  - a) assuring sound developmental approaches with youth,
  - b) assuring equity across jurisdictions for all youth regardless of race or ethnicity, and
  - c) providing a focus on training and practice change for youth justice decision-makers and service providers.

## Section III: Fund and Manage Grant Programs

The Council prioritizes funding strategies based on documented need, best practices, and competitive requests from the community and State. It awards and oversees a continuum of prevention and early intervention grants with federal, State, and private dollars including the Vermont Children’s Trust Foundation and the Vermont Children’s Tax Check-off. Where youth

justice or service interventions need improvement, the Council seeks community partners to design and implement long-term changes.

### **FY 2018 Grants:**

In 2018, \$490,000 in JJDP funds were allocated to community or state programs:

- \$110,000 to the Vermont Children’s Trust fund, that, combined with State Tax Check-off, DCF Child Development funds, and foundation funds allowed for nearly \$500,000 to be allocated to community-based primary prevention programs.
- \$380,000 to system change and racial disparities reduction efforts including:
  - o Validation of a detention screening tool to create a more objective and evidence-based admission criteria that reduces minority race over-representation
  - o A study for the Joint Legislative Justice Oversight Committee and the DCF regarding legislative change recommendations for youth justice jurisdiction
  - o Monitoring all public authorities who may hold youth securely to assure core protections
  - o Developed a statewide, on-line Youth Resource Map to provide resource access and help improve coordinated youth services <https://dcf.vermont.gov/youth/resource-map>
  - o Funded the Association of Africans Living in Vermont (AALV) to work in the Chittenden County population centers to identify causes and solutions to racial disparity in youth justice

### **Section IV:**

#### **Evidence-Based Priorities to improve opportunities and accountability for youth**

The Children and Family Council utilizes a three-year strategic plan of system priorities as required by the JJDP. Current priorities include:

#### **1. Increase effective youth services and increase collaboration among providers through:**

- a. Youth voice and leadership
- b. Connecting youth to resources
- c. Youth Resource Map

This year, the Council was able to recruit a strong contingency of young adults with diverse experience and skills to bring their voices to the table. Members welcome young adults and long-time professionals or retirees offering balance and cross-training opportunities among members. Some members, whether youth or adult, have personal experience with the justice,

child welfare, or corrections systems – this voice is needed and can be a reminder of important foundations such as providing strong relationship opportunities for young adults.

The web-based Youth Resource Map will be maintained and expanded as a long-term resource.

Youth members of the Council will have opportunities to learn, teach, lead, and engage in beneficial personal and professional relationships.

## **2. Jurisdiction reform:**

Following decades of advocating to increase the upper age of juvenile court jurisdiction to age 18, the legislature enacted change that brings most under-age youth under the jurisdiction of the Family Court and DCF where there are delinquency charges. In addition, the legislature has enacted change to bring 18 and 19-year olds under juvenile jurisdiction in 2020 – 2022. There are still options and mandates for youth charged with serious felonies to be held under the adult court and corrections jurisdiction.

These changes are expected to improve both public safety and the future trajectory of youth in their employment, education, and community integration.

In 2018 and 2019, the Council has, and is continuing to support the implementation of these legislative changes by funding consultation and implementation assistance in state systems. In 2019 the Council will sponsor a training conference for all decision makers and key service providers in partnership with the Vermont Law School that will provide training and best practice models for working with older youth.

Eligibility for the ‘Youthful Offender’ (YO) hybrid response that bridges Family and Criminal court and probation responses was expanded during 2018 resulting in much higher referrals of these cases to courts and DCF. The Council has been able to fund resources to the State’s Attorneys and the Family Services Division that are grappling with the new wave of referrals. It is important for this new legislation to be implemented consistently and fairly across the state.

There is scarce research on the most effective practice in delivery of young adult justice as a distinct category of youth or adult justice practice. Eighteen and nineteen-year-olds have unique developmental tasks that need to be considered in any criminal rehabilitative response. Vermont justice and service systems will be charting new territory in creating the most appropriate response to these young people that will improve public safety and youth outcomes.

## **3. Reduction of racial disparities in the youth justice system:**

Collaborative work as previously described.



#### 4. Primary prevention:

The CFCPP will continue to partner with the Children’s Trust Foundation to administer community prevention grant opportunities aimed at creating conditions for children and youth to thrive.

### Conclusion

#### 2018 outcomes:

1. Administered the requirements of the Juvenile Justice Delinquency Prevention Act (JJDP) and 33 V.S.A § 3301-3307 in partnership with DCF and other State departments, law enforcement, and community programs.
2. Monitored all public authorities able to hold youth securely. Maintained compliance with the core protections of the federal JJDP legislation and Vermont policy and procedures.
3. Continued to fund and partner with youth workers and authorities to reduce the rate of over-representation of youth of color in justice and to increase opportunities and effective collaboration that benefit youth of color and their families.

Parallel to the prevention work, community agencies and DCF–Council staff are seeking effective ways to intervene earlier with at-risk youth to prevent their initial arrest and referral to court.

4. Administered the Vermont Children’s Trust Fund. Partnering with the Vermont Children’s Trust Foundation, the Council distributed grant funds throughout the State for primary prevention programs benefiting communities and youth.
5. Funded the development of a web-based interactive Geographic Information System map for youth and young adult resources that will be a planning resource and tool for community members and providers.

For more information please email:

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