

WOODSIDE JUVENILE REHABILITATION CENTER

Testimony of Vincent Illuzzi
On Behalf Of VSEA

Joint Justice Oversight Committee

August 20, 2020

Mr. Chair, Madam Vice-Chair And Members Of The Committee:

Thank you for the opportunity to make a presentation on behalf of the hard working professionals, the men and women who staff the Woodside Juvenile Rehabilitation Center in Essex. I'm proud to be here through VSEA on behalf of our members.

Woodside is an award winning, nationally certified juvenile rehabilitation program that offers comprehensive services to juveniles in a building secure facility. The Commission On Accreditation of Rehabilitation Facilities has accredited Woodside until 2021. CARF is an international, independent, nonprofit accreditor of health and human services organizations. It wrote about Woodside:

“Your accreditation is an indication of your organization’s dedication and commitment to improving the quality of the lives of the persons served. Services, personnel, and documentation clearly indicate an established pattern of conformance to standards.”

Part of the CARF certification process sought comments from juveniles who lived at Woodside. The testimonials were remarkably positive. Here is what some of them said. They fought to get back into Woodside. They knew they were cared about and it was a place in which they could succeed. They were allowed to participate at their own pace. They learned to be accountable and safe. They grew in the realization of their own strengths and learned to address their own needs.

You would never know it reading or listening to media reports since late last year.

A variety of factors have contributed to a very difficult year for Woodside: adjusting policies to meet the settlement agreement reached by the Scott Administration with Disability Rights Vermont (DRVT), three interim leadership changes, the absence of a clinical director, loss of staff and tremendous organizational shifts due to the announced closure, three de-stabilizing moves in a short period of time, and a pandemic, heightened youth behavior during such chaotic times, and the list goes on.

Some take the position that a child placed in the Northeast region should not be considered out of state. Whether or not you agree with that position, we are seeing the most volatile kids getting placed further and further from Vermont. In those out of state locations, some far outside the

Northeast, the juveniles have no community restorative work and no family visits. The only interaction those kids will have with Vermont will be by phone, and at the end or first of the month in person visit by a field social worker.

As of today, many months after plans to close were announced, there is no plan in place for these kids. Zoom meeting after zoom meeting has made clear that the Scott Administration has no alternative plan in place. Also, there are many "what if" points or concerns that have been raised since that announcement, but still no plan to address or answer them.

VSEA Requests Woodside Remain Open; There Is No Effective Alternative

Despite these issues, some of which are self-inflicted, and others which were unpreventable, we request you keep Woodside open. Yes, it will take general funds to fund a ten bed facility. But every state, including Vermont, has a core population that it cannot treat at an accessible, instate program.

Just like the Vermont State Hospital, the state must have a building secure facility that takes juveniles that cannot be accommodated at less secure and less intensive programs.

Woodside is a facility that offers the structure and security in which clinical and education services are offered to youths that the courts and child care professionals feel belong in such a program.

If Woodside closes, what happens to the children who need a building secure setting as part of their treatment? They end up getting isolated from family and community in lockups across America.

Scott Administration Has Created Chaos With The Woodside Program

The closure announcement and follow up actions or inactions have greatly contributed to the current problems at Woodside. Some staff left to find jobs elsewhere. State employees are no different than any of us – they need stable, secure jobs to support themselves and their families.

The Scott Administration then implemented rushed, not well considered alternatives to the secure Woodside facility. First, the Department moved kids to a facility in St Albans that lacked basic security which in fact allowed two kids to escape, creating a dangerous situation for them and the community. Second, as a result of that failed facility, the Department after multiple complaints moved the program to Middlesex, also to an inadequate facility which led to escapes. Staff sat in the hallways. Food supplies were brought in from the empty Woodside building in Essex. The water was contaminated. There was repeated and extensive physical damage to the building.

As the caravan travelled from Essex to St. Albans to Middlesex and back to Essex, the children were effectively warehoused. It was almost impossible to offer effective education and rehabilitation programming. That's probably why some juveniles caused significant property damage accompanied by violent outbursts that put them and VSEA staff members in serious danger.

What will be the next place at which the Scott Administration gambles with the well-being and safety of these young Vermonters and essential state employees? In the quest to close Woodside at any cost, there is concern that children in state custody won't be protected from themselves, the public will be at risk, and there will be inadequate programming to enable the children to successfully address their underlying issues and return to the community.

And the highly trained staff will dissipate, causing the state to lose a valuable human resource investment it has made over the past 35 years.

We are concerned the Scott Administration, in its continued push to privatize, will foist a last-minute "solution" on General Assembly, telling you there is no alternative and that you must act to resolve a crisis it in large part has created.

Recent History With Privatized Services

We've had no real success with privatizing services. We need look no further than the very Agency of Human Services. Privatized health care and private prisons haven't worked very well.

In Corrections, the Scott Administration's response has been to cancel a private prison health contractor and swap it for another private prison health contractor. Problem solved.

Then, the Scott Administration complained about the private prison contractor in Mississippi before announcing that after a brief visit, it is now, in the words of the DOC commissioner, "reassured." Tell that to the 147 inmates who tested positive for COVID-19 at a CoreCivic private prison in Mississippi.

Privatizing Impact On Children

It's interesting that in the move to close – some would say to destroy the Woodside Program – and privatize those functions, there has been no discussion about the effect it will have on the juveniles and their families and friends. Former Corrections Commissioner Joe Patressi recently wrote about the bad public policy of "banishing" Vermont's adult inmates to out of state prisons:

"But what is happening in Vermont today in corrections with its out-of-state inmate population is akin to large scale banishment. Banishment is what the British did long ago with its inmates by sending them to Australia. Or what the French did with its penal colonies in South America.

“Banishment is a practice we backed into but nevertheless own. It has grown exponentially. Banishment is a total exclusion from the community. It excludes visits from families, community volunteers, state based in-house programs, and any manner of direct contact with pro social community based networks. It isolates and aggravates an already alienated population.

“We hired a for-profit prison corporation to house them so many miles from home they might as well be on the moon. Private, for-profit prisons have become a growth industry.”

https://vtdigger.org/2020/08/10/joe-patrissi-vermonts-out-of-state-prisoner-placement-was-originally-a-last-resort/?u=%7CUNIQID%7C*&utm_source=VTDigger+Subscribers+and+Donors&utm_campaign=66a26130d4-EMAIL_CAMPAIGN_2020_08_11_05_20&utm_medium=email&utm_term=0_dc3c5486db-66a26130d4-25682361

If moving adult inmates out of state is bad public policy, then isn't it as bad if not worse to move juveniles out of state if Woodside closes. There will be more out of state placements because there will be nowhere left for children to go in Vermont who need building secure intensive treatment.

The governing standard for DCF is “best interest of the child.” This should apply to all youth in its custody -- even the most troubled.

Lawsuit

In response to a lawsuit, involving one case out of the hundreds of juveniles who have been successfully served at Woodside, the Scott Administration stipulated to certain conditions, some of which are difficult to attain and for which there has been no effective training. The front line staff was not consulted in reaching the stipulated settlement.

For example, it is difficult to train on new restraint methods to which the Scott Administration stipulated while Woodside has been a traveling roadshow, housing juveniles in inadequate facilities like St. Albans and Middlesex. Now, five DCF employees are suspended, apparently for not using a restraint for which they have received little or no training.

Finding A Private Contractor

No private contractor will accept any juvenile at any time. No private contractor is able or is willing to take every juvenile in need of care in a building secure facility. In fact, many of the programs with which the state has contracts in the past always had the opportunity to send juveniles to Woodside that they could not handle or who became violent or unmanageable.

Abrupt Shift In State Policy

Until the fall of 2019, the Agency of Human Services repeatedly recognized that Vermont needs a building secure facility to house juveniles who are a danger to the public or to themselves, or both. Like our progressive adult correctional facilities, the Woodside Program always has provided education and rehabilitation opportunities to the juveniles who reside there.

Although some advocated for constructing a new building to better serve the evolving needs of the juvenile population, no one proposed closing Woodside until Secretary Smith came along.

The Need For Woodside Today

The need for Woodside today is greater than it was in 1981, when plans were developed to construct a building secure facility to house up to 30 juveniles in Essex. The state's previous juvenile detention facility, Weeks School, had closed in 1979. Youths were moved into foster care, group homes and in some cases to out-of-state facilities. Then the unspeakable occurred.

I was a member of the 1981 General Assembly. In the spring of that year, 39 years ago, two 12 year old girls on their way home from school were raped and stabbed. Louie Hamlin, age 16, and Jamie Savage, age 15, left the two girls for dead. One girl was dead. But the other sixth grader lived and identified the juveniles.

Part of the state's response to the crime was construction of Woodside. It is a building secure facility deemed necessary for some juveniles who commit delinquent acts.

Conclusion

Woodside has been doing a good job for over 34 years. A number of events, some unwanted and some planned, have occurred since last fall.

We encourage you to keep Woodside open and invest in a more modern building to allow the professional staff to better serve the needs of the juveniles placed there. Below are two alternatives for you to consider that have been put together by a couple of our members. One is a 10 bed short term stabilization facility. The other is a dual purpose facility for long term use. These are not concrete proposals formally adopted by VSEA. Rather, they help outline the services needed by juveniles who need to be in a building secure facility. **See Attachments 1 and 2.**

If you decide to close Woodside, there will be a lot of unforeseen problems – unintended consequences in legislative parlance -- that will arise with its closure. Children increasingly will be in less secure programs and areas, including being supervised in houses or hotel rooms by DCF case workers and deputy sheriffs. I'm not sure a progressive state like Vermont would consider such confinement "in the best interest of the child."

There will be no programming or education in such temporary locations. Successful escape attempts will likely increase and the public and the juveniles will be endangered.

Most agree that moving adult inmates out of state is bad public policy. How has this become an acceptable solution with Vermont's trouble youth?

In the recent past, and in preparation for Woodside's closure, Vermont's youth have been sent to locked facilities in Arkansas, Texas, Pennsylvania, Florida, Utah, and more.

Since the administration seems to be proud that they have reduced the number of youth in locked programs in Vermont, it's telling that they have not touted the number of youth they have sent to lock ups across the country.

Should Woodside close, this pattern of using out of state lockups will be exacerbated, as the only option for some of these youth would be to be shipped and housed out of state.

One recent case involved one youth being staffed by four sheriffs and rotating social workers in a hotel, until the youth could be sent to a lockup out of state. This is not a sustainable solution, and will only hurt the child's chance of succeeding.

One can't imagine a juvenile in Utah getting many family visits from his or her family in Vermont.

It's time to keep Vermont kids in Vermont, where they can stay more connected to their families and resources.

I would like to now defer to Matt Messier to present staff suggestions on how the state should address its juvenile delinquent population that needs a building secure facility in which to be provided education and rehabilitation.

Thank you.

Attachment No. 1

Rationale for a 10 Bed, Short-Term Stabilization Facility

1. Why Woodside and not someone else
 - a. Vermont needs a no-eject/no-reject facility for justice-involved youth/youth charged in adult court.
 - They may come in the middle of the night and arrive with little advance notice.
 - Woodside is guaranteed to immediately take qualifying youth at any time.
 - When a placement is not immediately available, stand-by FSW must supervise youth. Unsafe situation as youth may have recently used violence and would meet the criteria for Woodside.
 - Youth pose safety risk to community and themselves; cannot be placed in less secure settings until stabilized. Once stabilized, can be placed in appropriate treatment setting
 - Risk of re-offense higher in less secure placements; running away, dangerous acts
 - Shields youth from increased criminal record
 - A placement option for OOS youth through interstate compact on juveniles (ICJ).
 - Last time no secure option for youth, the 1981 homicide occurred
 - Get quality medical, dental, other types of care, sometimes for the first time in their lives.
 - b. Woodside recognition - Praise from:
 - The US Department of Justice
 - Performance-based Standards
 - Prison Rape Elimination Act
 - The Council of Juvenile Justice Administrators
 - The Commission on Accreditation of Rehabilitation Facilities.
 - c. Education improvement
 - In 90 days youth avg increase 1.5 grade levels in math and literacy largely due to the stabilizing effects from emotional support throughout the building
 - d. Available capacity
 - e. Our 2.5 day shift model allows caretakers present for an extended period, similar to a family
 - f. Can provide 1:1 staffing for youth in need
 - g. Can offer two distinct programs
 - One stabilization unit and one long-term treatment program
 - h. Avoid placements out-of-state:
 - Exacerbate workload for FSW by visiting youth out-of-state
 - Reduce family visits/participation in treatment
 - i. Experienced and trained staff familiar with current facility
2. Improvements made/measures taken

- a. Welcomed a Woodside Quality Assurance and Special Investigator from RLSIU and attained a favorable licensing report
- b. Retained expert consultant for de-escalation, restraint and seclusion recommendations
- c. Restraint and seclusion reduction

Year	Restraints	Seclusion
2015	116	320
2018	36	98
July 2019 – Present	7	?

3. While placements are low, a secure facility is still needed

- a. Woodside Total Bed Days

2016 - 4960
 2017 - 4613
 2018 - 4281

- b. Average LOS and number of bed days remains high despite drop in the # of admissions
- c. Decrease in the # of other licensed residential beds in VT - From 2010 to 2/19, from 302 to 161

(Attachment No. 2 follows on the next page)

Attachment No. 2

Rationale for a Dual-Purpose Facility (For Longer Term Use)

1. It will save the state money
 - a. Last year there were 29 delinquent youth placed out of state;
 - b. It often costs more to place youth out of state than it does to place them at Woodside
 - daily out-of-state rate = \$1,161.44
 - c. Increased travel costs for DCF staff travelling out of state= \$20,000
 - d. Increased cost to DOC to house minors with sight and sound separation and equal access to programming (estimates two youth out-of-state for a full year) = \$330,000

2. Reasons for additional Treatment Program
 - a. Obstacles in placing youth out of state
 - Out-of-state programs not an option for youth in pre-adjudication phase.
 - Court may not approve plan for out-of-state placement
 - Out-of-state placements take time for approval due to requirements in the interstate compact on the placement of children, court approval of the out-of-state placement, and the CRC process.
 - c. DOC issues
 - DOC can't place youth out-of-state as they have to provide education for youth w/o high school diploma
 - DOC have to dedicate space for sight and sound separation from adults as required by federal law
 - Additional DOC staff for adequate care, programming and supervision of youth
 - Multiple displaced adults for every youth placed at DOC
 - DOC youth can need years of care
 - Under 16 DOC youth have to stay in hotels – huge overtime costs
 - d. Hard to find other successful in-state options
 - For residents with multiple unsuccessful placements, history, significance of behavior
 - Other programs are reluctant to accept older teens because they can't complete their program before 18.
 - e. Youth need addition time for stabilization than just the short-term program at Woodside can provide
 - f. Better care than just short term
 - Clinical and educational services reduced
 - Increase in restraint and seclusion without clinical de-escalation,
 - Longer term needed to address risk needs

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