

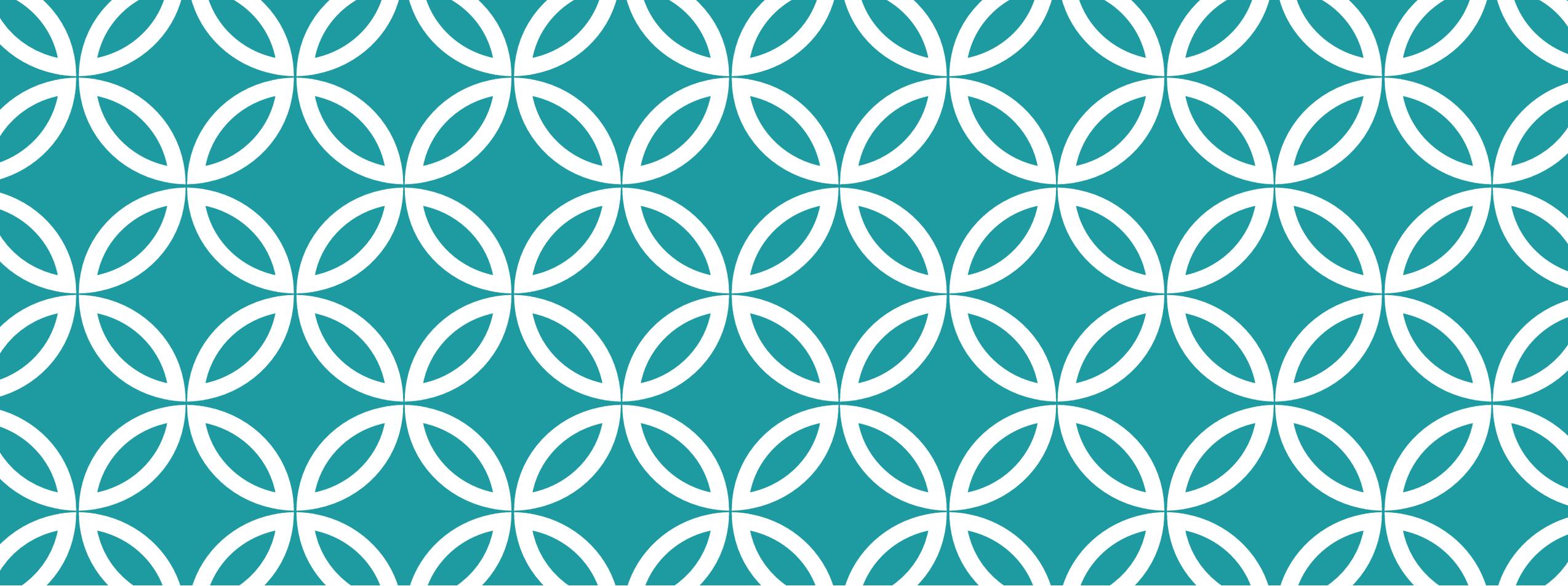
UPDATE ON JUVENILE AND EMERGING ADULT JUSTICE

May 30, 2019

Presentation to Joint Justice Oversight

Ken Schatz, Commissioner of Department for Children & Families

Karen Vastine, Senior Advisor to the Commission of DCF



BACKGROUND |

WHY IS VERMONT REFORMING ITS JUVENILE JUSTICE SYSTEM?

Young adults enter traditional, stabilizing adult roles at a later age

- Work and marriage help young males matriculate out of delinquency
- 45% of 18-24's were married in 1960; 9% in 2010
- Non-college median earnings down from \$40,000 ('73) to \$30,000 ('07) for young whites; \$34,000 to \$25,000 for young African Americans
- This prolonged transition to adulthood taxes ability to forgo immediate gratification and prolongs reliance on peers vs. family

WHY IS VERMONT REFORMING ITS JUVENILE JUSTICE SYSTEM?

Improve youth outcomes and public safety by keeping youth out of Adult Court so that they can avoid collateral consequences for behavior that they are likely to grow out of.

Adolescent brain development – youth's brains are not fully developed until 25 which means:

- Social affirmation is prioritized
- Low Impulse Control
- Long-term decision making not completely on-line.
- More likely to respond to treatment

OVERVIEW OF VERMONT'S JUVENILE JUSTICE REFORM EFFORTS

Since 2016, Vermont has enacted statutory reforms critical to removing older adolescents and young adults from adult court including:

- Required all youth 16 and 17 to be adjudicated in family court unless charged with a “Big 12 offense”;
- Afforded 18-21-year-olds ‘Youthful Offender Status’ and allowed those cases to begin in the confidential family court;
- Created robust opportunities for formal and informal diversion;
- Strengthened the use of screening tools; and
- Enacted legislation raising the age of juvenile court jurisdiction to include 18 and 19-year-olds July 1st 2020 and 2022 respectively.**

STATES RAISING THE AGE

6



Vermont Policymakers passed legislation raising the age of youth court gradually over 3 years to include 18 and 19 year olds.



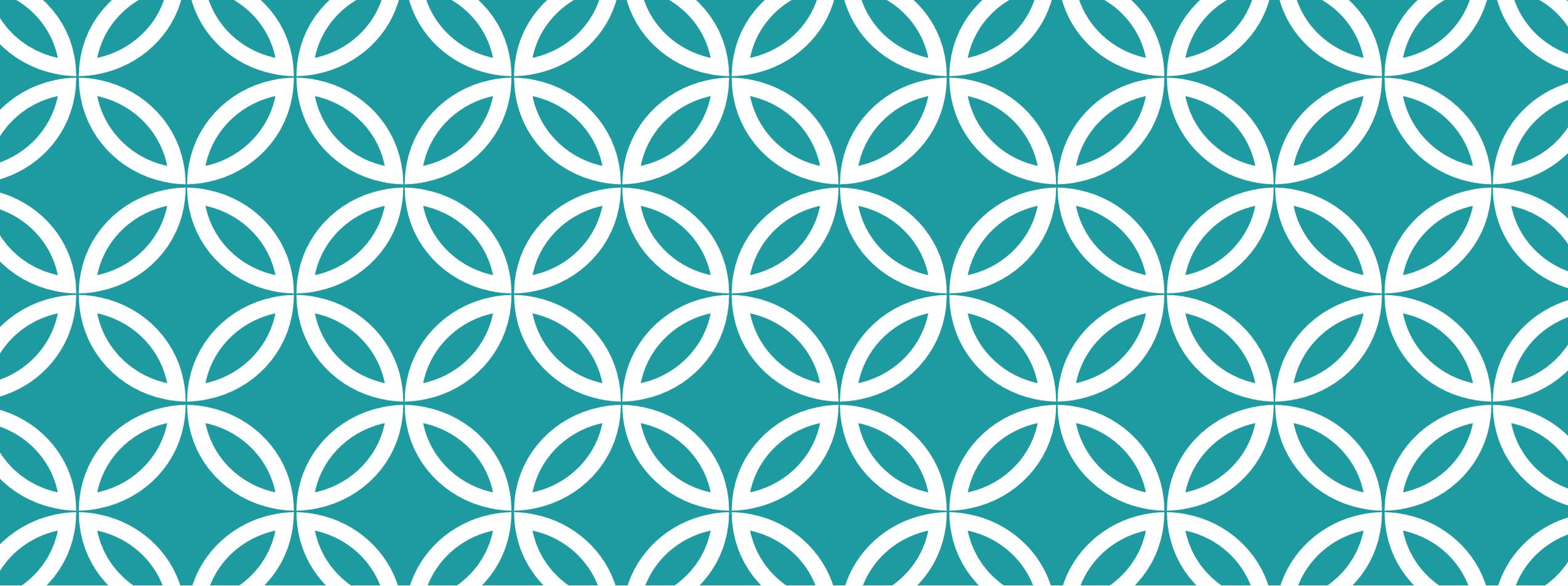
Connecticut Governor Malloy twice proposes 3-year phase-in to 21; strong Emerging Adult unit in adult prison



Massachusetts 4 bills filed last year; age raise to 19 passes Senate; Legislature created special Task Force to study issue



Illinois legislation to raise the age for misdemeanants to 21 passes out of committee; refiled this year



ACT 201 PLANNING AND IMPLEMENTATION



TIMELINE

Act 201, Section 20 requires that DCF prepare a report for the legislature on November 1, 2019 that includes:

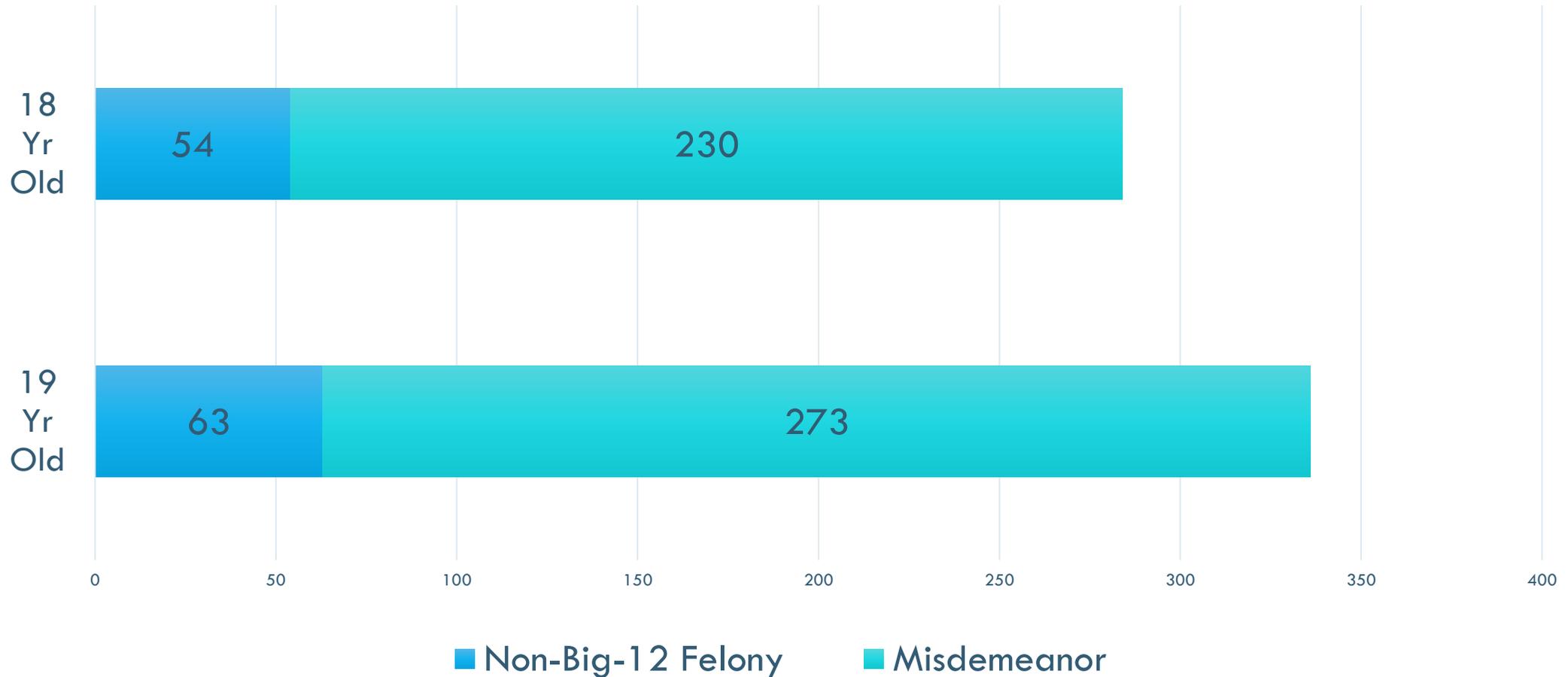
- (A) identification of and a timeline for structural and systemic changes within the juvenile justice system for the Family Division, the Department for Children and Families, the Department of Corrections, the Department of State's Attorneys and Sheriffs, and the Office of the Defender General;*
- (B) an operations and business plan that defines benchmarks, including possible changes to resource allocations; and*
- (C) a clearly defined path for geographic consistency and court alternatives and training needs;*

ANALYSIS OF COURT DATA

DCF contracted with Judge Davenport to provide the following data:

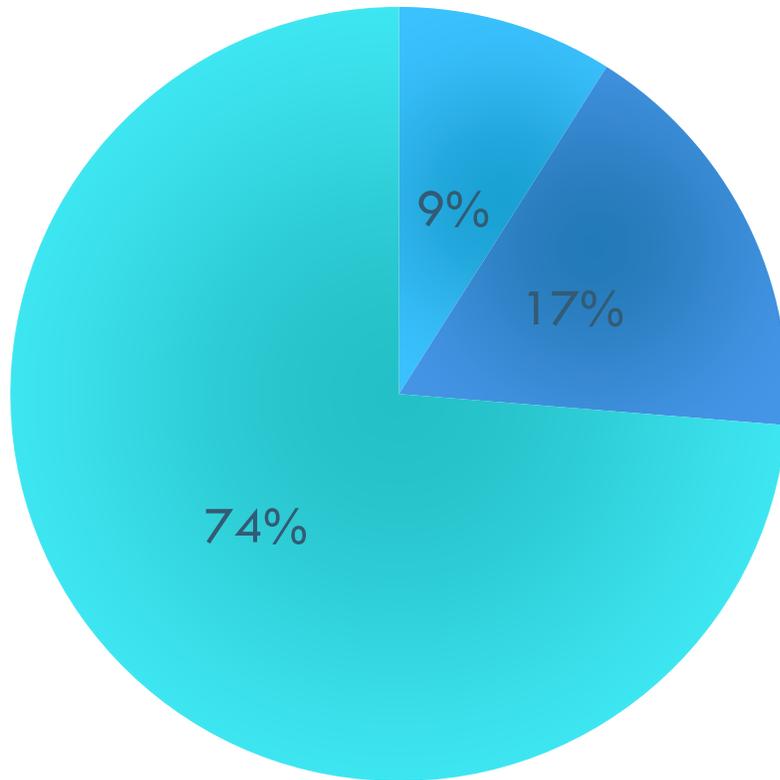
- Number of cases involving 18/19-year-olds in 2017 and 2018
- Types of charges
- Outcomes with respect to case disposition
- Comparison to juvenile delinquency

FY18: NON-BIG 12 FELONIES AND MISDEMEANORS FOR 18 AND 19 YEAR OLDS



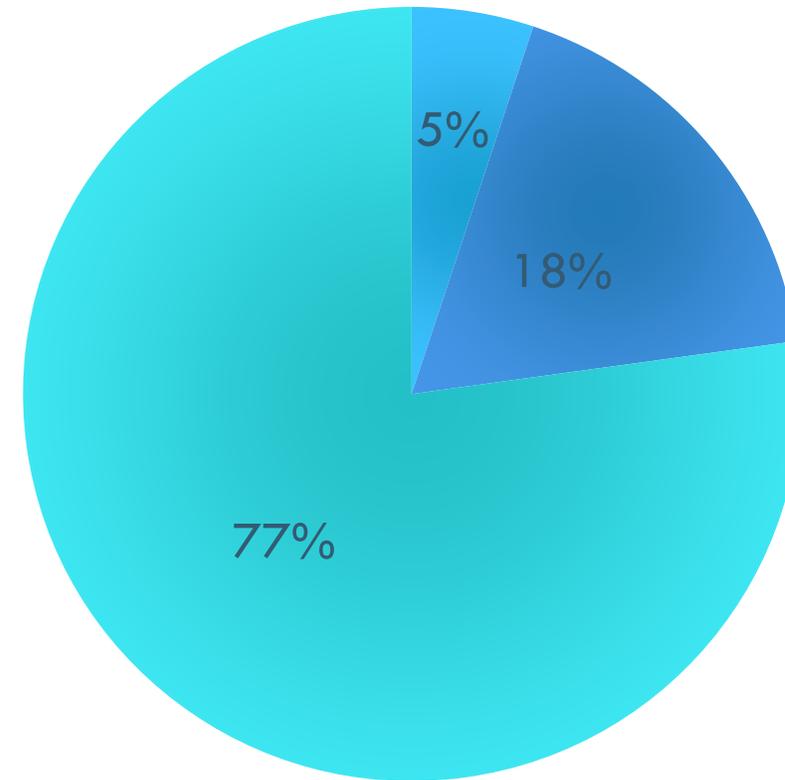
OFFENSE LEVELS IN FY18

18 year olds



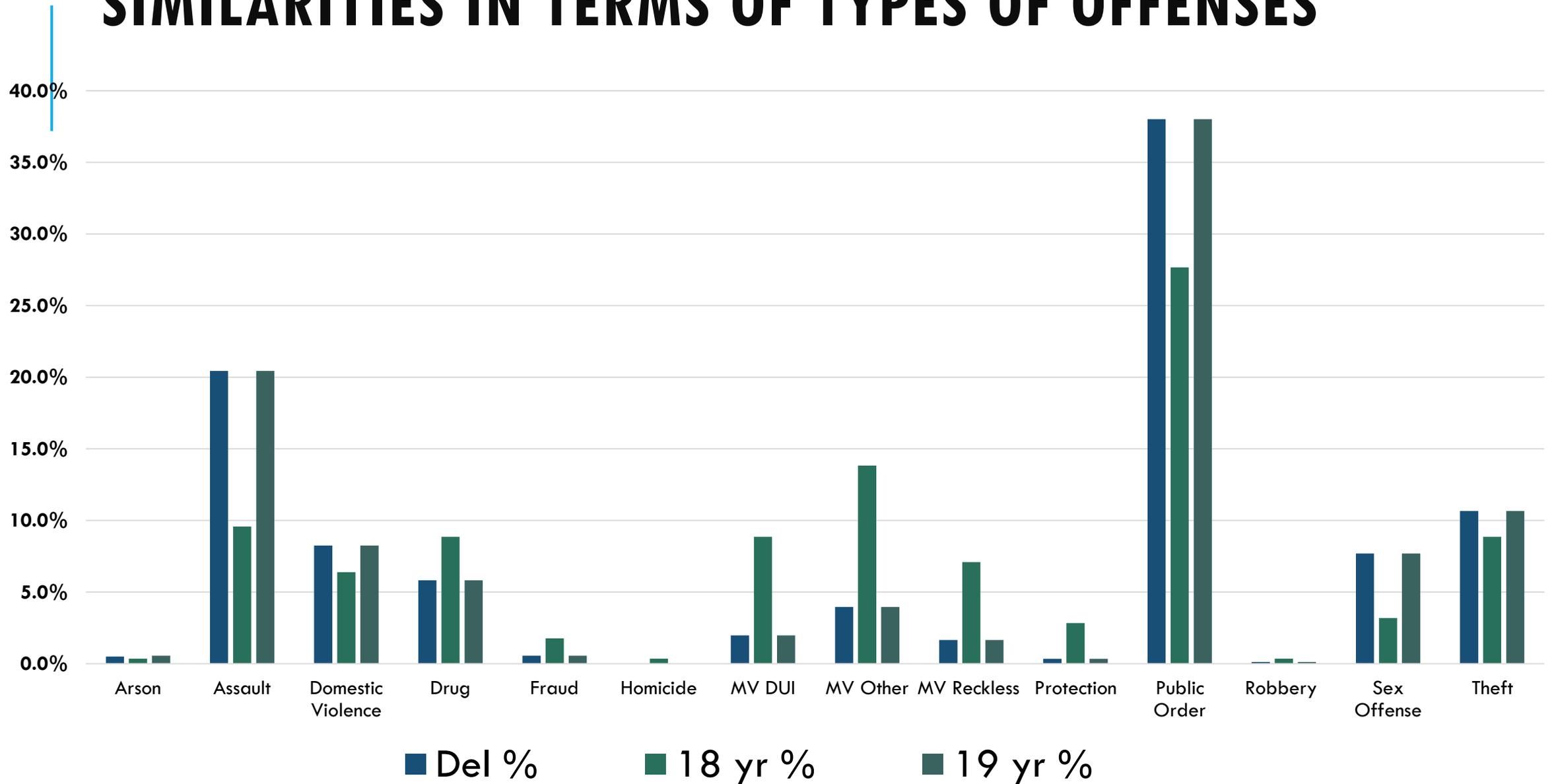
■ Big 12 ■ Felony ■ Misdemeanor

19 year olds

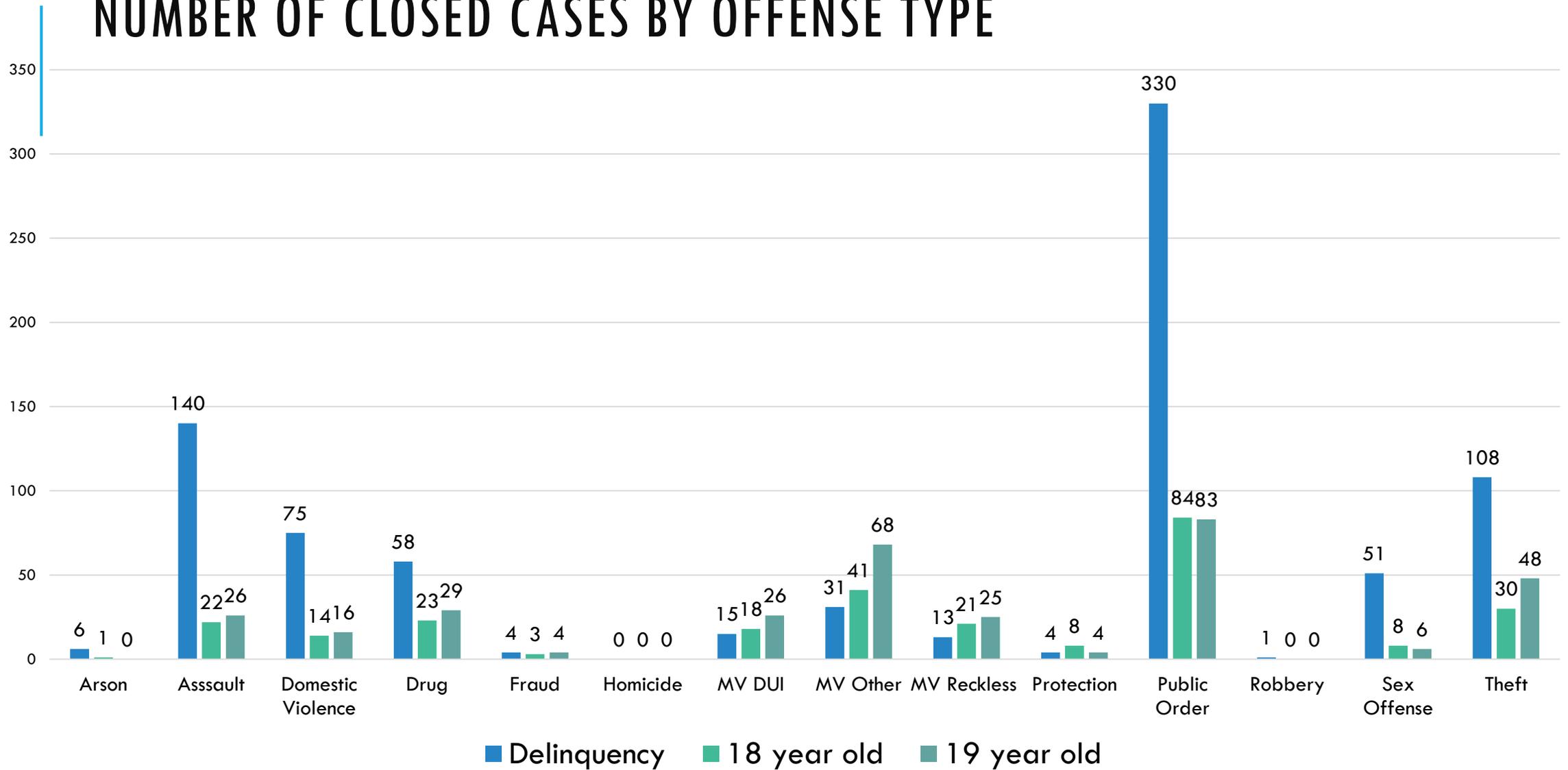


■ Big 12 ■ Felony ■ Misdemeanor

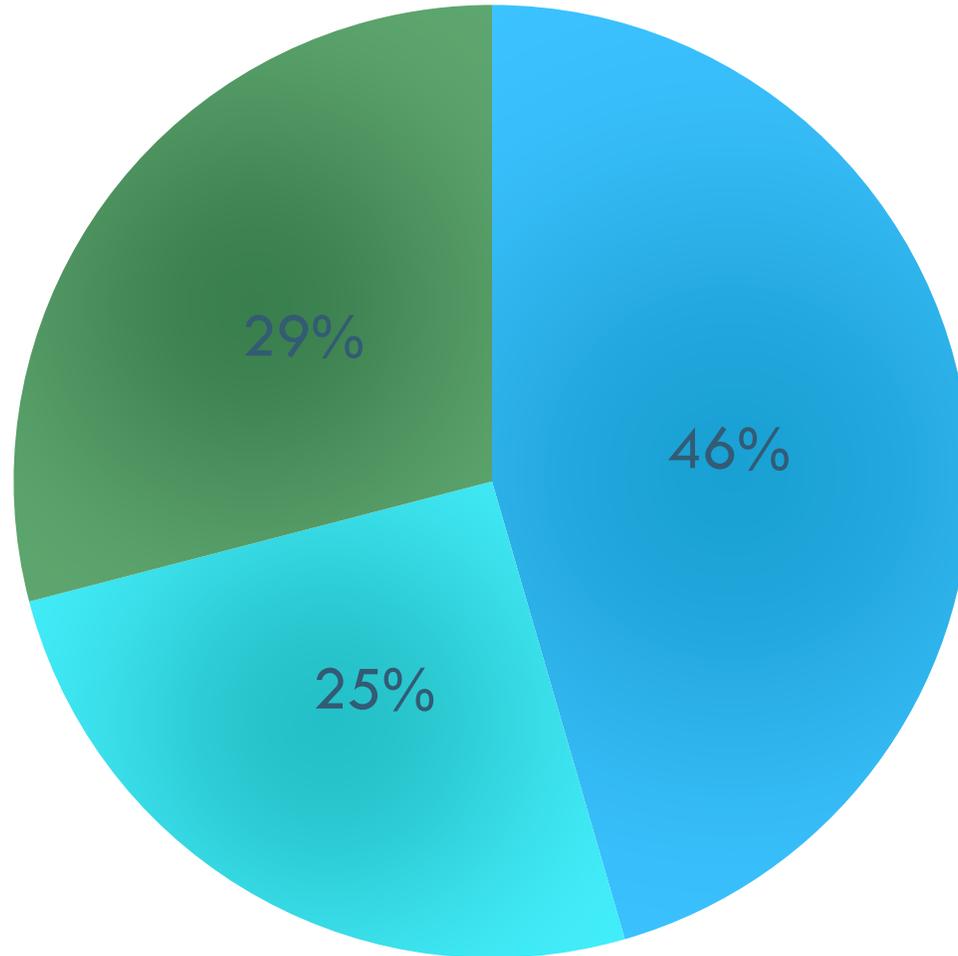
SIMILARITIES IN TERMS OF TYPES OF OFFENSES



NUMBER OF CLOSED CASES BY OFFENSE TYPE



OUTCOMES IN DELINQUENCY CASES



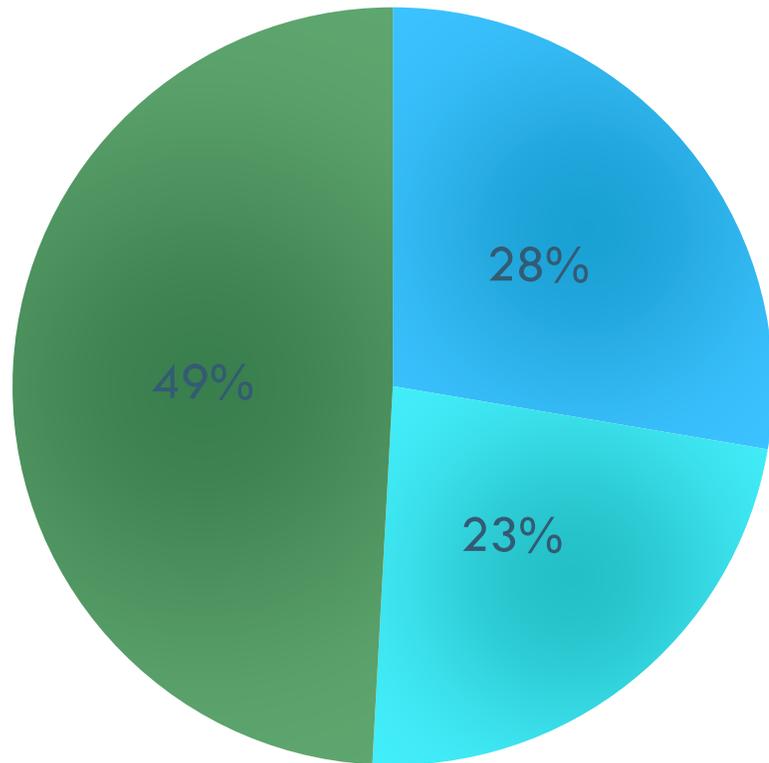
■ Dismissed or Withdrawn

■ Diversion Complete

■ Delinquency Adjudicated

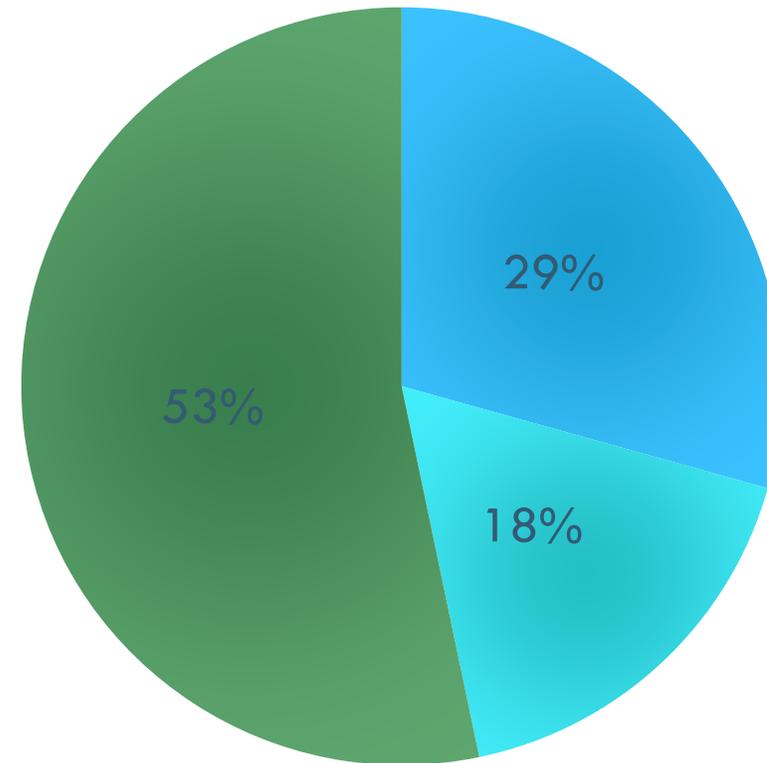
OUTCOMES FOR 18 AND 19 YEAR OLDS

18-year-olds



- Dismissed or Withdrawn
- Convicted non-Big 12
- Diversion Completed

19-year-olds



- Dismissed or Withdrawn
- Convicted non-Big-12
- Diversion Complete

FINE ONLY SENTENCES FOR 18/19-YEAR-OLDS

“Fine Only” is the most common sentence in the criminal division for 18 and 19-year olds

- ❑ For 18-year-olds: 43% of non big 12 sentences were “fine only” in FY 17 and FY 18
- ❑ For 19-year-olds: 45%

UNDERSTANDING DCF CAPACITY: MINIMIZING IMPACT ON CHILD PROTECTION

DCF Family Services Division handles Child Protection, Juvenile Delinquency and Juvenile Probation.

- Using best practice recommendations for juvenile probation reform, DCF is analyzing its approach to supervising youth on probation, specifically:
 - Streamlining services
 - Enhancing term limits
 - Strengthening Risk-Need-Responsivity

UNDERSTANDING CAPACITY IN THE COMMUNITY

- DCF's Juvenile Justice Lead Investigator is conducting meetings of the stakeholders in each of the districts to analyze capacity, available resources, strengths and gaps.
- Initial findings from the meetings conducted as of *May*:
 - Strong community based restorative justice
 - Desire to address issues further up-stream
 - Anticipated unevenness in availability of some types of services



COLUMBIA UNIVERSITY JUSTICE LAB

Vermont is contracting with the Justice Lab to map out an operations plan that builds upon the strength of the juvenile justice stakeholder collaboration and takes into account:

Robust diversion (pre-charge and pre-arrest) of youth and young adults who are low-moderate risk from the system;

Ensuring the right 'dosage' of supervision;

The role of informal and formal community-based restorative justice;

Gaps in programming;

Geographic discontinuity;

The appropriate allocation of resources across the system;

The need to reserve the most significant services and supervision for those youth who are the highest risk to re-offend;

Training of all stakeholder partners;

The political landscape; and

Other policy changes to support this transformative change.

JUSTICE LAB AND POLICY QUESTIONS

- The age of 18 applies to multiple topics in statute, which of these will need to be adjusted or modified?
- DCF custody currently means 'legal custody', how will we define physical custody for 18 and 19-year olds under DCF supervision?
- How should those 18 and 19-year olds who would receive a fine only in adult court proceed in the new system?
- How can diversion (including pre-filing) and alternatives to court continue to be developed and enhanced for this population?
- What structural changes need to happen to support the shifts in policy within both DCF and other aspects of the system?

JUSTICE LAB AND PROJECT

Description of and Update on Work:

-Uses Action Research Methodology to gather information and communicates analysis as it is unfolding.

--- Example: Victims' Rights: How does the juvenile justice system treat victims as compared to the adult system? How does this need to shift or be strengthened with the addition of 18 and 19-year olds?

Steps: Justice Lab and DCF conducted meetings with victim advocates; researched Vermont's policies and compared to national best practices; presented draft recommendations in a follow up meeting with advocates; received feedback; and now are working on next draft for review.

NEXT STEPS

- Complete community group meetings in the remaining districts and counties.
 - Provide analysis of resources and gaps.
 - Use analysis to inform operational and policy recommendations.
- Work closely with the Justice Lab through the summer.
- Continue to convene Juvenile Justice Stakeholder Group.
- Prepare for multi-disciplinary conference in late September.