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**Report to  
Vermont Governor Phil Scott**

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**2020 Annual Report  
Children and Family Council for Prevention Programs  
Vermont State Advisory Group on Delinquency Prevention**

**In Accordance with 34 U.S. Code § 11133 [Sec. 223], 33 V.S.A. § 3302**

**Submitted to: Phil Scott, Governor  
Mike Smith, Secretary, Agency of Human Services  
House Judiciary Committee  
Senate Judiciary Committee  
Office of Juvenile Justice Delinquency Prevention, U.S. Department of Justice**

**Submitted by: Sean Brown, Commissioner  
Department for Children and Families**

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**Report Date: February 2021**

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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 V.S.A. 33: 33 § 3302, and the Juvenile Justice Delinquency Prevention Act (JJDP) 34 U.S. Code § 11133 [Sec. 223].

The Council consists of 21 members who shall be appointed by the Governor with the advice and consent of the Senate for three-year terms. Membership is based on experience with delinquency prevention, and guided by the Juvenile Justice Delinquency Prevention Act, as amended by the Juvenile Justice Reform Act of 2018 (JJRA). The JJRA requires that there be designated representatives from law enforcement, victim advocacy groups, members who have direct experience with the juvenile justice system, youth members and more. The Council is attached to the Department for Children and Families (DCF) for planning and administrative functions.

**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.

### **2020 Council Members:**

Maria Avila  
Stuart Berry  
Laurey Burris  
Hon. Amy Davenport  
Dorinne Dorfman  
Andrew Hathaway  
Donn Hutchins, Vice Chair  
Linda Johnson  
Michael Loner  
Christopher Lukasik  
Mackenzie Mazza  
Morgan Manning  
Holly Morehouse  
Adan Osman  
Kreig Pinkham, Chair  
Robert Sheil  
Matt Wolf

The Council and the State are required to maintain compliance with the JJRA, in addition to utilizing a three-year strategic plan of system priorities. Priorities of the Council's Federal Fiscal Year 2018-2020 plan are:

1. Reduction of racial disparities in the youth justice system,
2. Improved coordination and collaboration of all youth and young adult resources and responses,
3. Assist state agencies and community services in the implementation of legislative changes to the youth and young adult justice response.

**Section I:  
Monitor and Oversee Compliance**

The Council is charged with monitoring state compliance with the Juvenile Justice Delinquency Prevention Act, as amended by the Juvenile Justice Reform Act. For states to be eligible to receive a formula grant from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the state must satisfy the 33 state plan requirements. Four of those state plan requirements are classified as “core requirements,” and the OJJDP will reduce the state of Vermont’s annual formula grant if the state is out of compliance. The four core requirements are:

- Deinstitutionalization of status offenders
  - Status offenders are youth charged with offenses that would not be criminal if they were an adult, such as running away or truant behavior. These youth may not be securely detained.
- Separation of juveniles from adult inmates
  - Youth may not be subject to sight or sound contact with adult inmates while securely detained.
- Removal of juveniles from adult jails and lockups
  - Youth may not be detained in adult jails or police holding cells except to process and release for a limited duration of time.
- Addressing Racial and Ethnic Disparities
  - Youth of color are involved with the juvenile justice system at disproportionately higher rates than that of white youth. States are required to track these rates in the juvenile justice system and create and execute an action plan to address these disparities.

The Council funds a Compliance Monitor position using the OJJDP formula grant. This temporary state employee monitors violations of the core requirements and reports back to the OJJDP. OJJDP requires that all facilities with the ability and authority to hold youth securely are inspected on a three-year cycle in line with the Council’s three-year plan. In 2020, DCF’s compliance monitor finished the last of the necessary site visits for the three-year cycle and found no violations during those visits. In 2021, the Compliance Monitor will begin inspections on a new three-year cycle.

**Section II:  
Reduction of Racial Disparities**

The JJRA requires states to “implement policy, practice and system improvement strategies at the state, territorial, local and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas.” In order to do this, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) asks states to submit statewide data at key juvenile justice decision points where research has shown that racial disparities may occur; arrest, diversion, pre-trial detention, disposition commitments, and adult transfer. The available data has limitations, and the Council is charged with working to improve the data system. Since 2015, the Council has been following the identified trends of three years or more:

- Youth of color in Chittenden County are cited to court for delinquency at higher rates than their peers relative to the population.
- Youth of color in Chittenden County are sent to detention and the courts at higher rates than their peers.

From 2017 - 2020 the Council funded the Association of Africans Living in Vermont (AALV) in their work to reduce racial disparities. Over their three-year grant, AALV worked to address the disparities in many ways, including:

- Assisting New American youth and families navigate relationships with schools, courts, attorneys, DCF and other authorities and institutions that youth may encounter.
- Address behavioral issues that lead to involvement with the juvenile justice system and authorities through mentoring, parent and youth skill development, and more.
- Increasing resources that are culturally appropriate, welcoming, and provide opportunities for youth development.

The Council often provides funding for periods of three years, and the AALV grant ended in February 2020.

The Council has an Ethnic and Racial Disparity committee focused on addressing the disparities at these decision points and is made up of a variety of community members in addition to the members appointed to the state advisory group by the Governor. The Council's ERD committee now is made up of one-third CFCPP members and two-thirds community members. This pivotal change led to the release of a new Request for Proposal to address ERD in 2020.

In addressing racial disparities, committee members feel that it is important to not just address the result of disparities within the system with stakeholders, but to also provide prevention services and supports to at-risk youth. A request for proposal was to implement a school-based community response that addresses the systemic and institutionalized racism within school systems as a tactic to addressing the disproportionate arrests of youth of color was issued and awarded in 2020. Schools are a common area where all youth gather, learn, and grow which creates a unique opportunity to provide crucial supports to youth in a safe, healthy, and nurturing environment. Instead of using punitive measures that perpetuate systemic and institutionalized racism, interventions and programs such as School-wide Positive Behavior Interventions and Supports (PBIS), trauma-sensitive training, and Restorative Practices that aim to address root causes of student behaviors and provide needed services both on and off school grounds are a crucial approach to reducing Vermont's ethnic and racial disparities in arrests.

Two grantees were each awarded \$70,000 in December 2020 to address these issues: Burlington School District and Spectrum Youth and Family Services to do this work. In 2021, the Council and Department will work collaboratively with the two entities as they begin to implement their programs in Chittenden County.

### Section III: System Improvement of the Juvenile Justice System

The CFCPP is federally charged with advising the administration on juvenile delinquency needs and prevention thereof. The CFCPP advises on state and federal legislation that affect youth by engaging with governmental partners to advise on compliance with the JJRA. Historically, the Council has partnered with DCF and other stakeholders to implement state legislative changes in youth court jurisdiction such as the “Youthful Offender” option for 16- to 21-year-old youth and young adults.

In 2018, Vermont became the first state in the nation to raise the age of Juvenile Court Jurisdiction to 18- and 19-year-olds with the passage of Act 201n July 1, 2020, the law came into the effect for 18-year-olds and on July 1, 2022, 19-year-olds will also be included. The Council has and will continue to work with DCF as they work through the implementation of raising the age of jurisdiction in the Family Court Division.

- In 2020, the Systems Improvement Committee of the Council and DCF awarded the Crime Research Group funds to evaluate recidivism rates of 18 and 19-year-olds who were adjudicated in adult court prior to July 1, 2020.
  - This measurement would provide a benchmark that would allow Vermont at some future point to compare the recidivism rate for this population when criminal charges are processed in adult court to the recidivism rate for the same population when similar charges are processed in the juvenile court. As the first state to embark on this approach to young adults, Vermont needs to track data that can measure the outcomes for this population and how the outcomes for young adults processed in the juvenile system differ from the outcomes when that same population was processed in adult court. Recidivism is one of many ways in which outcomes can be measured. Others include quality of life factors including stable housing, education, employment and other factors that reduce the likelihood of further criminal activity. If Vermont can demonstrate positive outcomes associated with raising the age, it will increase the likelihood that other states will follow Vermont’s example.
- In 2020, the Council posted a Request for Proposal for a contractor to identify and evaluate a group of existing effective domestic violence intervention programs across the United States.
  - Based on the Contractor’s evaluation and analysis of these existing programs, the contractor shall provide recommendations which Vermont can use to build its own intervention program in accordance with the Vermont’s Statewide Standards for Domestic Violence Accountability Programs and subject to approval by the Vermont Council on Domestic Violence. Currently, there is no domestic violence intervention program for offenders in Vermont that considers the unique needs of the emerging adult.
  - When Act 201 comes into full effect, the Family Services Division will be working with 18 and 19-year-olds who are charged with intimate partner violence. Domestic violence charges involving juveniles under the age of 18 in Vermont are typically based on acts of violence against family members (parent, sibling, etc.). With the 18- and 19-year-old population, however, the alleged victim is more typically an intimate partner.
  - The Family Division is also working with 18, 19, 20, and 21-year-old Youthful Offenders who would benefit from this program. It’s important to note that there are other emerging

adults charged with Sexual Assault and other sex crimes. The development of other appropriate programs could lead to better outcomes for emerging adults s charged with Domestic Assault, Aggravated Domestic Assault, Stalking, Sexual Assault, Lewd and Lascivious Conduct, Prohibited Conduct, Disturbing the Peace by Phone, Disorderly Conduct, Simple Assault, Aggravated Assault, or a Violation of an Abuse Prevention Order.

- In 2021, DCF will execute the agreement.

#### **Section IV: Improved Coordination of Youth Resources and Responses**

In Vermont’s three-year plan, the SAG identified a top priority goal of youth and young adult service coordination and enhancement – specifically the promotion of evidence-based and developmentally appropriate youth service and justice responses. In 2020, members of the Vermont SAG identified increasing needs from youth serving organizations across the state due to the novel coronavirus pandemic. Youth at-risk of becoming involved with the justice system must still have access to services even as both schools and youth serving organizations move their services from in-person to virtual. In addition, as the virus’ impact on youth continues to change as the scope of the pandemic evolves, many youth serving organizations continue to face new and unprecedented costs in order to keep these youth safe, engaged and lower the risk of engaging in delinquent behaviors.

- In 2020, the Council allocated funds to a number of youth serving organizations to help them adapt to the new requests and costs from youth due to the pandemic and allow them to continue to provide crucial services to those youth.
  - This is instrumental funding for agencies across the state of Vermont to continue coordination and enhancement of youth and young adult service coordination during these unprecedented times. Subgrantees provided support and assistance to at-risk youth who experienced hardship because of COVID-19 in order to reduce the risk of engaging in delinquent behaviors. This assistance included assisting at-risk youth in accessing stable living environments, education, employment, physical health, mental health, and substance abuse treatment, and social and emotional supports.
- In 2020, the Council posted a Request for Proposal to support the coordination of youth leadership programs across the state as they work to strengthen youth resiliency, youth empowerment, healthy relationships and/or youth-adult partnerships and promote engagement in positive youth development.
  - The RFP emphasized that programs that demonstrate successful collaboration with multiple organizations throughout their local community will be preferred. The subrecipient shall support youth in establishing and maintaining youth leadership programs that are developmentally appropriate and effective at helping at risk or delinquent youth ages 10 to 23 achieve their full potential.
  - In 2021, the Council will work towards execution of these youth leadership agreements in the RFP.
- In 2020, the Council allocated funds to the Vermont Multilingual Communication Coronavirus Task Force.

- There is a current lack of multilingual information about social distancing and importance of practicing such to mitigate the spread of COVID-19, due to this there has been an increase concern and misunderstanding from immigrant/refugee communities. In addition, there are now laws and fines in place regarding social distancing. In many immigrant/refugee families, children are more proficient in English than their parents, and often act as translators. It is crucial that parents understand these laws and fines themselves and are not reliant upon their children. This will allow parents to appropriately monitor and enforce their children's social distancing. The task force's multilingual PSA informs immigrant/refugee communities of the rules and regulations so that such communities can avoid conflict with authorities as well as staying safe.

**Section V:  
Overview of Funding**

The Council's funding priorities are focused on their three-year plan and goals. Historically, the Council funds multi-year initiatives. There are several efforts they continued to fund throughout 2020 including:

- A Reduction of Racial Disparity Grant to the Association of Africans Living in Vermont.
  - In 2017, the Council entered into an approximately \$500,000 grant agreement with AALV to fund their work to address racial disparity reduction efforts until February of 2020. In 2020, the Council reimbursed AALV with approximately \$55,000 of funds and saw the end of the grant in February 2020.

The Council continued to fund the salary of the part time Compliance Monitor in 2020. While COVID-19 drastically reduced his work, the Council's dollars still paid him approximately \$6,590 for 2020 work.

The Council allocated \$34,212 to the Vermont Children's Foundation which in turn allocated the dollars to community-based primary prevention programs statewide.

The Council allocated approximately \$260,000 in new initiatives in 2020:

- \$95,000 in small COVID-19 Delinquency Prevention grants to the following entities:
  - Sarah Holbrook Community Center
  - Mentor Connector
  - Sunrise Family Resource Center
  - DREAM
  - Northeast Kingdom Youth Services
  - Washington County Youth Service Bureau
  - Youth Services, Inc.
  - Lamoille Restorative Center
  - Valley Court Diversion Programs
- \$5,000 to the Vermont Multilingual Communication Coronavirus Task Force and increase youth and family knowledge of local and state COVID-19 laws.
- \$70,000 to Burlington School District for work to reduce Ethnic and Racial Disparities within school discipline.



- \$70,000 to Spectrum Youth Family Services for work to reduce Ethnic and Racial Disparities within school discipline.
- \$20,000 for the Crime Research Group to perform an evaluation of recidivism rates of 18 and 19 year-olds when they were in criminal court (prior to July 1 2020).

## Conclusion

In 2020, the Council continued to focus on their goals as outlined in their federal fiscal year 2018-2020 three-year plan as stated below:

1. Reduction of racial disparities in the youth justice system.
2. Improved coordination and collaboration of all youth and young adult resources and responses;
3. Assist state agencies and community services in the implementation of legislative changes to the youth and young adult justice responses.

In 2021, the Council will evaluate the above goals and create a new three-year plan for FFY 2021-2023 for the Office of Juvenile Justice and Delinquency Prevention.

Key 2020 Outcomes:

- The Council 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.
- Maintained compliance with the core protections of the JJDP through monitoring all facilities authorized to hold youth securely.
- Continued to fund and work with community partners to reduce the rate of overrepresentation of youth of color in the juvenile justice system by strategically bringing community members to the Council.
- Worked in partnership with the Children's Trust Foundation to administer state wide community-based primary prevention funds, and fund communities throughout the state for delinquency prevention.

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