

Re-Envisioning Youth Justice in Vermont

Joint Justice Legislative Oversight Committee

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OCYFA Mandate

- “The Office shall promote reforms necessary to better serve Vermont’s children, youths, and families in a manner that addresses racial and social equity.”

33 VSA § 3202

OCYFA Mandate

- “The Office may: ... review current systems to assess to what extent children and youths placed in the custody of the Department ... receive humane and dignified treatment at all times, including ... to what extent the system protects and enhances the child’s or youth’s personal dignity, right to privacy, and right to appropriate health care and education in accordance with State and federal law.”

33 VSA § 3203(b)(1)

The Ask

- On behalf of the children, youth, and families that we serve, and based on extensive research, we ask that the State of Vermont re-envision its plan for a youth detention facility and create a new plan that is authentically youth and family-centered.

Essential Questions

- What do children, youth, and families need, and how can we as state actors support them?
- Does the current plan for the construction of a juvenile facility center young people?
- What are we willing to spend to support youth? What are we willing to spend to incarcerate them?
- Do we have data or evidence that a new secure facility will “relieve pressure” on the system of care?

Why Does Woodside Still Matter?

- Woodside still matters because the systems that led to the ongoing harm of children at Woodside have not been sufficiently altered.
- The GMYC design strongly resembles Woodside. The key exception is that GMYC will be run by a private provider rather than DCF.
- This change is touted as crucial, but we believe its impact is vastly overstated and that it will not prevent similar harms to children.
- DCF will still regulate itself under the proposed GMYC plan. For youth in custody, DCF will be the legal parent, the facility administrator, and the facility regulator.

The OCYFA Cannot Keep Youth Safe at GMYC

- DCF GMYC website: “...the independent Office of the Child, Youth, and Family Advocate (OCYFA) ... has statutory authority to visit residential programs and review records. This additional level of oversight will play a key role in ensuring that the needs of the youth staying at Green Mountain Youth Campus are appropriately addressed, and that the program's policies, procedures, and operations work to the benefit of the youth.”
- **This is untrue. The OCYFA cannot do this. We are not an oversight entity, and we lack the resources to prevent harm within GMYC.**

Why Invest So Heavily at the System's Deepest End?

- GMYC will be funded entirely through the General Fund.
- The true cost of GMYC has not been presented. It is likely \$10+ million per year when we include its full systemic effect.
- When Woodside was open and provided sufficient “beds,” systemic pressure was not improved. It was merely shifted onto the youth.
- Youth who were ready for discharge would stay at Woodside for weeks and months because there was no available stepdown.
- The issue was so pronounced that the VT DOJ became involved.

Is This Where We Want to Be?

DCF SFY18 Spending on Substitute Care	
Foster care	6,507,841
Specialized foster care	5,190,907
Emergency short-term residential	2,583,040
In-state residential	10,927,079
Out-of-state residential	6,015,715
Other caseload spending (transitional & independent living)	185,043
Woodside	5,814,369
Total SFY18	\$37,223,994

What Else Can We Do?

- Create secure facilities that are flexible and plan for zero incarcerated youth.
- For example, we could create two or three smaller facilities rather than a large campus. We are at a turning point that creates opportunity.
- Look at models that have been successful in other places that center youth and family while also promoting community safety.

What Else Can We Do?

- Interrogate our longstanding assumptions that youth are best “treated” or “healed” in institutions.
- New U.S. Senate Committee on Finance report called “Warehouses of Neglect” succinct summary: “The risk of harm to children in RTFs is endemic to its operating model.”
- Step back and recognize the extent to which our systems of care have become about “finding a bed” for a child or youth rather than centering the needs of young people.

What Else Can We Do?

- “States should use their existing authority to prioritize the availability and utilization of community-based services for children with behavioral health needs. States have historically inappropriately overused RTF placements as a ‘solution’ for children with complex behavioral health needs or nowhere else to go without investing in robust community-based services”
 - “Warehouses of Neglect,” U.S. Senate Finance Committee, 2024

This is a Turning Point and an Opportunity

- We are re-envisioning Vermont's juvenile justice system.
- New federal funding opportunities are opening up.
- We are constructing a new data system for DCF.
- DCF has two vacancies in top leadership positions that are crucial to investing in supportive programs for youth, using federal money.

Questions / Thank you

- Please reach out:
 - Matthew.Bernstein@vermont.gov
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- To make a complaint or referral:
 - [Make a Complaint / Contact Us | OCYFA](#)
 - 802-828-2828 - confidential voicemail
 - OCYFA@vermont.gov - confidential OCYFA email
 - Text to 802-312-1010 - confidential OCYFA text

Sources

- AHS & DCF, “[Woodside Juvenile Rehabilitation Center Report](#),” April 15, 2019.
- U.S. Senate Committee on Finance, “[Warehouses of Neglect: How Taxpayers are Funding Systemic Abuse in Youth Residential Treatment Facilities](#),” June 2024.
- Correspondence between U.S. Attorney Eric Miller and DCF Commissioner Ken Schatz, 2016.
- Vermont Truth and Reconciliation Commission, “[Statement Regarding Opening of Vergennes Juvenile Detention Facility](#),” May 2024.