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Vermont House Human Services Committee – April 22, 2026

S. 193 - An act relating to establishing a forensic facility for certain criminal justice-involved persons

Hello. My name is Max Barrows. I live in Worcester. I have been the Outreach Director for Green Mountain Self-Advocates for 19 years. I'm a person with an intellectual and developmental disability. I'm on the Autism Spectrum. I get Developmental Services.

Thank you for the opportunity to testify on S.193. My testimony is presented on behalf of Green Mountain Self-Advocates. We are a 501(c)(3) nonprofit organization run by and for people with intellectual and developmental disabilities. We are against placing people with an intellectual disability in a forensic facility.

Our organization was founded in 1994 — just one year after Brandon Training School closed its doors. Many of our founding members grew up in Brandon Training School. After leaving the institution, they got involved in self-advocacy. They understood something important: closing Brandon was not the same as ending segregation of people with intellectual disabilities. The beliefs and attitudes that allowed an institution like Brandon to exist did not disappear when it shut down — they remained in our communities, our systems, and our culture.

That is why our work continues today. People with intellectual disabilities have legal rights. But having rights on paper is not enough. Too often, people do not respect our rights and choices.

Green Mountain Self-Advocates was created to serve as a disability rights organization for people with intellectual disabilities. We advocate for systems change and we make sure our voices are heard in policy debates and in the halls of power. We also work to educate our communities and improve public perceptions of people with intellectual disabilities.

When new institutions open, people often say that they will be great places for people with disabilities. They will get the specialized treatment and therapy they need. But one way or another, our experience is that institutional settings end up hurting us. It's a vicious cycle. A cycle of institutions. A cycle of segregation.

In 2023, the history of Brandon Training School was reviewed by the Vermont Legislature when you passed your resolution to apologize for state-sanctioned eugenics policies. And in October 2023, Seven Days published an investigative report on the abuse that occurred at Woodside Juvenile Rehabilitation Center. AHS has never been held accountable for what happened at Woodside. To this day, it has offered no public explanation of how the abuse was allowed to occur, who was responsible, or what consequences, if any, happened. AHS should not be permitted to operate a forensic facility until these questions are answered. So here we are again. Institutions get opened, closed, remade, and opened again... and again.

One of my advocacy roles is serving as a member of the State Program Standing Committee for the Developmental Disabilities Services Division. Last week, we voted to send a letter opposing placing people with intellectual disabilities in the forensic unit created by S.193.

This forensic unit is designed for people with a mental health diagnosis who have committed a serious crime. The goal is "competency restoration" — using medication or therapy to help someone understand the court process and participate in their own defense, so they can stand trial.

This does not work for people with IDD.

Our disabilities are not caused by an illness or a mental health crisis. They are part of how our brains work. No treatment or medication is going to change that. We cannot be "restored" to something we never had.

Under S. 193, a person with IDD who is found unable to stand trial — and unable to be made ready for trial — could be held in this forensic prison unit for the rest of their life. They would never have been found guilty of a crime.

That is not justice. That is indefinite imprisonment.

People with IDD need a residential program that provides real support and keeps the community safe — not a forensic unit built for a population with a completely different set of needs.

S. 193 may violate the Americans with Disabilities Act.

The ADA requires that people with disabilities receive services in the most integrated setting possible — meaning in the community, not locked away in an institution. This is not just a guideline. It is the law.

In 1999, the U.S. Supreme Court made this even clearer in a landmark case called *Olmstead v. L.C.* The Court ruled that unnecessarily placing people with disabilities in institutions is a form of discrimination. States are required to serve people in community settings whenever possible.

S. 193 would send people with IDD to a forensic institution — not because a community option failed, but because no community option is being offered. That is exactly the kind of unnecessary institutionalization the ADA and the *Olmstead* decision were designed to prevent.

It's been 33 years since we closed Brandon Training School. We should be celebrating that we have been able to serve people — even those with challenging behaviors — in community settings for all of that time. We understand that our communities need to be safe. That's why we have Act 248. A civil commitment order issued by the Court often means a person must be under 24/7 supervision, but they receive treatment in a staffed apartment or group home — not in an institution.

Act 248 works. DAHL and its designated agencies have successfully provided people the treatment they need in community settings. When this bill was proposed and defeated in 2024, AHS estimated it would cost about \$3,400 per day to place one person in a forensic unit. That's more than a million dollars a year for a single placement.

Please do not spend \$3,400 a day to place a person with an intellectual disability in a forensic unit. That money is better spent building the community-based resources we know work.

One idea that DAIL hasn't tried yet, at least as far as we know, is for the state to ask for proposals (RFP) to develop a new therapeutic residential program in the community. This program would be designed to support people under Act 248 who have intense needs. DAIL should look into what other states like North Carolina and Indiana are doing to provide community-based supports for people with intellectual disabilities who also have mental health problems and are involved in the criminal justice system. These programs support people in community settings — including people who may try to leave their homes without permission.

We understand the need for safety deeply — people with intellectual and developmental disabilities experience abuse at far higher rates than the general population. But when someone is struggling and not getting the support they need, they act out. That is not a reason to lock them up indefinitely. It is a reason to get them better help.

We should be investing in community programs, not building new ways to segregate people with disabilities. We have already been down that road. Why would we go back?

We have supported people for 33 years without an institution. We want safe community-based options. **It is possible** to meet the safety concerns for people with disabilities and the community at large. Advocacy groups like The Arc have

been working for years on ways to improve services for individuals covered under Act 248. The Arc runs a National Center on Criminal Justice and Disability that could be a valuable resource for Vermont.

Finally, in federal law, we — people with disabilities — are protected by Protection and Advocacy agencies. They have the authority to go into any residential place the state puts us, to ensure we are treated with dignity and respect.

This bill, S. 193, does not identify what outside organization will be checking up on any new forensic facility. Your forensic working group that met in 2023 all agreed that if Vermont decides to build this facility, it's very important to have strong outside monitoring to do unannounced visits and have open access to the facility. S. 193 needs to include money to pay for this monitoring to ensure fair treatment.

Thanks so much for taking the time to listen.