
Report to
Vermont Governor Phil Scott

2024 Annual Report
Council for Equitable Youth Justice
Vermont State Advisory Group on Delinquency Prevention

In Accordance with 34 U.S. Code § 11133 [Sec. 223]

Submitted to: Phil Scott, Governor

Jenney Samuelson, Secretary, Agency of Human Services

Christopher Winters, Commissioner, Department for Children and Families

House Judiciary Committee

Senate Judiciary Committee

Office of Juvenile Justice Delinquency Prevention, U.S. Department of Justice

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Executive Summary

The Council for Equitable Youth Justice (the Council) is the Vermont state advisory board for reducing racial disparities in the youth justice system, improving the youth justice system, and preventing delinquency in Vermont as required by 33 V.S.A. § 3302, and the Juvenile Justice Delinquency Prevention Act (JJDP) 34 U.S. Code § 11133 [Sec. 223]. The Council oversees a formula grant that the Department for Children and Families (DCF) receives annually from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a division of the federal Department of Justice. The purpose of these funds is to: improve the juvenile justice system, prevent “at-risk” youth from entering the juvenile justice system, and prevent juveniles with first-time and non-serious offenses from becoming more deeply involved with the juvenile justice system. To receive funding, the state of Vermont must abide by the requirements of federal law.

The Council consists of up to 25 members who are 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 federal membership requirements from the Juvenile Justice Delinquency Prevention Act (JJDP), 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 DCF for planning and administrative functions.

CEYJ Mission:

Our mission is to: prevent youth legal system involvement, shield youth from the adverse impact of a criminal record, eliminate racial and ethnic disparities, and reduce the risk of reentering the system.

Current Appointed Council Members:

Karen Vastine, Chair

Jessica Barquist, Vice Chair

Donn Hutchins, Secretary/Treasurer

Stuart Berry

Julia Brand

Peter Brown

Laurey Burris

Hon. Amy Davenport

Paul Groce

Hon. Kate Hayes

Linda Johnson

Mercedes King

Michael Loner

Katherine O’Day

Hudson Ranney

Zoe Souder

Henri Sparks

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. In 2024 the Council adopted a new three-year plan. The Council's priorities for the Federal Fiscal Year 2024-2026 plan are:

1. *Eliminate Ethnic and Racial Disparities (ERD) within the juvenile justice system in the State of Vermont by initiating and acting as a catalyst for a combination of direct intervention and primary prevention strategies that achieve this goal.*
2. *Ensure that Vermont's juvenile justice system has an appropriate response based on risk and need principles for youth, with a view toward dismantling inequities.*
3. *Promote active youth engagement in their communities and participation in initiatives and programs that promote civic participation, social responsibility, and community development.*

Section 1: **Monitor and Oversee Compliance**

The Council is charged with supporting the monitoring of compliance with the JJRA by DCF. For a state to be eligible to receive a federal formula grant, the state must satisfy 33 state plan requirements. Four of those state plan requirements are classified as “core requirements.” OJJDP will reduce the state of Vermont’s annual formula grant if the state is out of compliance with any of these core requirements. The Council uses a portion of its formula grant to fund a part-time Compliance Monitor position. This 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 which is in line with the Council’s three-year plan. The four core requirements are: (1) deinstitutionalization of status offenders, (2) sight and sound separation of juveniles from adult inmates, (3) removal of juveniles from adult jails and lockups, and (4) addressing racial and ethnic disparities. Vermont reports on three of these core requirements as part of the annual Compliance Monitoring report and reports on progress with its racial and ethnic disparities plan.

Definitions:

Deinstitutionalization of status offenders:

- Status offenders are juveniles charged with offenses that would not be criminal if they were adults, such as running away or truant behavior. These juveniles shall not be placed in secure detention facilities or secure correctional facilities. Vermont does not charge status offenders with delinquencies, unlike many states in the nation.

Sight and sound separation of juveniles from adult inmates:

- Juveniles may not be subject to sight or sound contact with adult inmates while securely detained.

Removal of juveniles from adult jails and lockups:

- Juveniles charged with a crime may not be detained in adult jails or police holding cells except for processing and release, and for a limited duration of time (6 hours for metropolitan and 48 hours for micropolitan facilities). NB: Vermont also has a state statute that bans juvenile delinquents (of any age) from being housed in DOC facilities.

Addressing Racial and Ethnic Disparities:

- Youth of color are involved with the juvenile justice system at disproportionately higher rates than white youths. States are required to track ethnic diversity and disparities in involvement and treatment in the juvenile justice system and to create and execute an action plan to address disparities.

Federal Definition of Juvenile:

Federal law does not specify the upper age limit of a “juvenile” covered by the core protections. The upper age limit is whatever state law says it is. On July 1, 2020, Vermont became the first state in the nation to raise its upper age of juvenile jurisdiction to include 18-year-olds. This means that, with the exception of the most serious violent crimes referred to as “the Big 12,” youth accused of breaking the law when they are 18 years old are charged and adjudicated in the Family Division as delinquents rather than in the adult Criminal Division. Supervision and coordination of services are provided by the Department for Children and Families (DCF), rather than the Department of Corrections (DOC). Youth accused of breaking the law at age 19 will be similarly included in the juvenile justice system on July 1, 2027, making the 20th birthday the upper age of juvenile jurisdiction in the state.

Thus, 18-year-old youth are now covered by the core protections of the JJRA.

Applicability of the Core Requirement to Juveniles Charged as Adults

The JJRA expanded the federal core requirements to include juveniles charged as adults in addition to juveniles charged as delinquents. Juveniles charged as adults cannot be held in an adult jail or lockup or have sight or sound contact with adult inmates, unless the court finds after a hearing and in writing that it is in the interests of justice to do so [34 U.S.C. § 223(a)(11)(B)]. If the Court determines that it is in the interests of justice to hold the juvenile in an adult facility, that finding must be reviewed and renewed every 30 days (or 45 days in rural areas) until the juvenile is moved out of the facility. The Judge must continue to make this finding every 30 (or 45) days. This change came into effect on December 21, 2021.

In 2022, Vermont law was amended to require an Interest of Justice (IOJ) hearing for juveniles charged as adults and held in an adult lockup or other secure adult facility. 33 V.S.A. § 5294 provides as follows:

“Not later than the next business day after a juvenile who is awaiting trial or other legal process and who is treated as an adult for prosecution in the Criminal Division is taken into custody, the court shall hold a hearing and determine whether to issue a written order, pursuant to 34 U.S.C. § 11133(a)(11)(B), that it is in the interests of justice to hold the juvenile in a jail or other secure facility for adults owned or operated by the Department of Corrections and, if such an order is issued, whether to allow sight or sound contact with adult inmates. Hearings held and orders issued pursuant to this section shall conform with the requirements of 34 U.S.C. § 11133(a)(11)(B), including the criteria set forth therein.”

Compliance with the 6-hour requirement for an IOJ hearing is difficult in a small, rural state like Vermont. Vermont courts are not open on weekends, holidays or in the evening. Thus, if a youth is charged with an offense on a Friday night, the

earliest opportunity the Court can hold an IOJ hearing is Monday morning, days after the federal law requires it to have occurred. There is a “rural removal exception” which extends the 6-hour requirement for the hearing to 48 hours for facilities in rural micropolitan areas. This is helpful for our less populated counties but does not cover Chittenden, Grand Isle, and Franklin counties, which are defined as metropolitan by the Office of Budget Management.

OJJDP has announced that it will collect baseline data regarding IOJ hearings from states for the first two years before making compliance determinations. As a result, Vermont’s funding has not been reduced for failure to hold an IOJ hearing in a timely fashion. This two-year period has been an opportunity for states to evaluate and identify where and how improvements can be made in their justice systems with the goal of preventing and removing all juveniles charged as adults from adult jails and lockups. The Council is educating OJJDP and our Congressional delegation on the implication of the 6-hour hearing requirement, particularly for small rural states.

Court staff received training on the federal and state IOJ hearing requirements in February of 2025.

2024 Reported Violations: In 2024, DCF reported to OJJDP violations that occurred during the Federal Fiscal Year 2023 (October 1, 2022 – September 30, 2023) as follows.

Juveniles charged as adults:

- Vermont reported 9 jail removal violations for juveniles lodged at DOC facilities. (Three of these violations were for juveniles lodged before the federal law changed on December 21, 2021, and there was no mechanism to order IOJ hearings for youth who were already in DOC custody.)
- 9 juveniles were not sight and sound separated from adults in DOC custody in violation of federal law. Of these, two were lodged before IOJ hearings were required.
- Most juveniles were 18 at the time of arrest; one was 17.
- The rural removal exception was used in 7 instances.

Juveniles charged as delinquents, status offenders, or non-offenders:

In 2024, Vermont reported no violations that involved status offenders, or non-offenders. However, there was a sight/sound separation violation for one juvenile charged as delinquent. The rural removal exception was used in three cases.

Follow Up on the 2022 Reported Violations during the Federal Fiscal Year 2021 (October 1, 2020 – September 30, 2021):

As the Council previously reported, Vermont incurred seven sight and sound violations in FFY 2021 involving 18-year-olds charged as delinquents in the Family Division. The violations occurred over a five-month period immediately following the implementation of

Act 201. For a more detailed discussion of the violations, please see the Council's 2023 Report.

At the beginning of calendar year 2021, DOC implemented practice changes and developed policy to prevent any more 18 -year-old delinquents from being admitted into adult facilities. In July of 2021, DOC released a policy memo to their staff detailing the charges required for a juvenile to be charged as an adult versus a delinquent. In Federal Fiscal Year 2022, there were no subsequent incidents of juveniles charged with a delinquency being held in adult facilities. There has been a significant improvement in DOC practice regarding these requirements, and when any infraction occurs, DOC has been quick to flag and resolve it.

Due to the five sight and sound violations at DOC facilities in FFY2021, Vermont was over the sight or sound threshold set by OJJDP and the formula grant was reduced by 20%. This reduction of approximately \$120,000 resulted in a grant award of only \$483,139. Of this amount the Council is required to spend at least \$241,570 to address the problems that gave rise to the violations.

The Council spent significant time in 2024 planning how to expend the \$241,570 of FFY 21 funds that must be used to address the problems that gave rise to the violation. On August 30, 2024, the Council proposed to OJJDP that these funds be applied to fund two projects: (1) the hiring of a national consultant to assist DCF and the Facility Planning for Justice Involved Youth Stakeholder working group with planning DCF's High End System of Care which describes the therapeutic provider network that serves youth with intensive needs; and (2) the development of training for DOC staff on working with adolescents and adolescent brain development.

On September 19th of 2024, OJJDP formally approved Vermont's proposal and the Council will move forward with these two projects in 2025.

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.” 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, secure confinement, and adult transfer. While Vermont’s race/ethnicity data is incomplete for most of these decision points, there is reason for concern based on the data that we do have.

- A substantial number of juvenile court case filings do not have race or ethnicity data recorded. During the last 6 months of 2024 (7/1/24-1/8/25), race was either left blank or listed as “unavailable” in 46% of the cases, and ethnicity data was left blank in 87% of the cases. Given the increase in missing race/ethnicity data (10% more than the previous FFY), addressing the issue of completeness in racial and ethnic data collection continues to be a number one priority for the council.
- Youth of color are arrested at higher rates than white youth. Across the state, black youth made up 7% of the total delinquency petitions filed in FFY2024. When reviewing the juvenile cases files, 4.14% of the total black youth population had a case filed in FFY2024, a ratio of 4.05 (4.14%/1.02%) in comparison to white youth. This ratio means that in comparison to white youth, black youth are 4.05 times more likely to be charged with a delinquency.

As indicated in the introduction, the Council spent a significant portion of 2024 working on the development of goals and objectives for a new 3-year plan as required by OJJDP. The ERD Committee proposed the following goal which was adopted by the full Council:

Eliminate Ethnic and Racial Disparities (ERD) within the juvenile justice system in the State of Vermont by initiating and acting as a catalyst for a combination of direct intervention and primary prevention strategies that achieve this goal.

To implement this goal, the ERD Committee developed the following objectives which were subsequently adopted by the full Council:

1. *Focus on anti-racism by committing to learning about systemic racism and reviewing operations to ensure that eliminating racial and ethnic disparities is a primary goal.*
2. *Improve accuracy of Vermont’s race data collection in delinquency filings by the courts and juvenile arrest intake forms by law enforcement.*
3. *Fund community-based programs designed to reduce racial and ethnic disparities in the Juvenile Justice System and ensure opportunities for youth to provide feedback.*

In furtherance of the first goal, the ERD Committee developed an RFP for a racial equity

consultant to work with the Council to educate members and ensure that the Council's policies and programs align with this goal. After a robust process that included video interviews with the three top applicants, the Council selected Mathematica. Training sessions for the full Council commenced in October of 2024 and will continue into 2025.

In furtherance of the second goal, the Council and DCF are working with the judiciary and law enforcement agencies to improve race and ethnic data collection at each contact point in the juvenile justice process.

In furtherance of the third goal, the ERD Committee has continued to oversee the Burlington school district school discipline project described in the Council's 2023 Report. The Burlington School District has been funded for 4 years with the project ending on September 30th, 2024. This funding was for work to reduce ethnic and racial disparities in school discipline in the school system. The ERD Committee has discussed moving forward with a recommendation to eliminate disparities when conducting youth threat assessments.

Section III: System Improvement of the Juvenile Justice System

The Council is federally charged with advising the administration on juvenile delinquency needs and strategies for prevention. The Council advises on state and federal legislation that affects youth by engaging with governmental partners and advising 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 RTA legislation described earlier and the hybrid “Youthful Offender” option for 16- to 21-year-old youth and young adults.

The Council’s System Improvement Committee monitors state and federal legislation related to juveniles and recommends funding for programs related to improvement of Vermont’s juvenile justice system. In 2024, the Committee monitored legislation in the Vermont Legislature related to the expansion of the Family Division’s jurisdiction to include 19-year-olds (the second phase of the Raise the Age legislation) and legislation related to youthful offenders. Furthermore, the committee set forth policy recommendations for the federal delegation to address including issues in the JJRA. One was noted earlier in this report regarding the timeframe for IOJ hearings, and a second relates to the formula used by OJJDPs to determine the number of allowable violations. For low population states like Vermont, a threshold adjusted for population that is less than one is effectively zero. (This year, Vermont’s allowable number of sight and sound violations was .6 youth.)

During 2024, the System Improvement Committee assisted in the development of the three-year plan. Specifically, the Committee proposed the second goal adopted by the Council:

Ensure that Vermont’s juvenile justice system has an appropriate response based on risk and need principles for youth, particularly through a lens of dismantling inequities.

The Committee then proposed the following objectives to implement this goal:

- 1. Identify current programs available to justice system-involved youth and ensure they are in compliance with OJJDP requirements and provide appropriate services that help youth thrive.*
- 2. Ensure that juvenile justice system data in Vermont better reflects the system and the youth that are involved, so that it is possible to monitor progress towards a more equitable system.*
- 3. Educate legislators on research, best practice and policy to serve youth involved in the justice system and to help youth thrive.*

These objectives were adopted by the full Council as part of the Three-Year Plan for 2024-2026.

Emerging Adults and Intimate Partner Violence:

In 2024 the System Improvement Committee continued its work to develop a program designed to address intimate partner violence involving older youth who are emerging adults as distinct from domestic violence incidents involving juveniles and a parent or family member.

- In 2022, the Council funded Bennington College to identify and review any existing effective domestic violence intervention programs across the United States and then provide recommendations which Vermont can use to build its own emerging adult intervention program. Currently, there is no domestic violence intervention program for offenders in Vermont that considers the unique needs of the emerging adult. Please see their report [HERE](#). The proposed program design was required to be in accordance with Vermont's Statewide Standards for Domestic Violence Accountability Programs and approved by the Vermont Council on Domestic Violence.
- In 2023, the Council posted a Request for Proposal for a community provider to start a pilot program based on Bennington College's recommendations. The successful bidder was the Windsor Community Justice Center.
- In 2024, The Hartford (Windsor) Community Restorative Justice Center (HCRJC) designed and implemented a pilot to provide domestic and sexual violence accountability programming for youth under the age of 22. The project contemplated and planned for the ability to expand to youth under the age of 26 in the event youth justice jurisdiction is extended for delinquency and youthful offenders. The pilot is referred to as "JDVAP" or "Pilot". The program fills a gap in services for youth who engage or have engaged in domestic violence, sexual violence, or power and control behaviors in intimate-partner relationships. Currently there are no programs in Vermont to address these issues when they involve emerging adults. JDVAP enables targeted programming for Court Diversion, Balanced and Restorative Justice (BARJ) programs, and Probation. The target population is primarily court-adjudicated youth between the ages of 16-22 who exhibit problematic sexual behaviors, dating violence, or non-assaultive behaviors related to power, control, and intimidation in intimate relationships, and may also include non-adjudicated youth who are at risk of exhibiting such behaviors and violence.

Section IV: Reducing Delinquency through Youth Services

The Council's Youth Services Committee focuses on programming for youth and the development of youth voice. The Committee proposed and the Council adopted the following goal for the 3-Year Plan related to youth services:

Youth are actively engaged in their communities—participating in initiatives and programs that promote civic participation, social responsibility, and community development.

The Committee subsequently developed the following objectives to implement this goal:

1. *Justice system-involved youth and youth at risk of justice system involvement have the tools to develop meaningful relationships with their communities.*
2. *Create a structure for youth who are justice system-involved to provide the Council and other youth justice decision-making entities with youth perspective.*
3. *Provide Vermont communities with tools to strengthen youth engagement and voice.*

These objectives were adopted by the full Council as part of the plan.

The Council promotes delinquency reduction in Vermont through the support of prevention and intervention programs in schools, community-based organizations, and state agencies. As such, the Youth Services Committee in 2024 oversaw the following project(s):

Delinquency Prevention

- In 2022 - 2023, the Council funded Vermont Afterschool with a three-year grant of \$146,909 to develop, administer, distribute, and oversee community-based delinquency prevention programs distributed broadly statewide. The initiative funded the following organizations:
 1. The Barra School: To create and implement intensive Forest and Wilderness Therapy programming for at-risk LGBTQ and other marginalized and underserved youth in VT to reduce criminogenic and substance abuse behaviors. The program achieves this by improving confidence and self-esteem; teaching life-skills to help build resiliency and foster engagement with a healthy community; and by providing tools, resources, and on-going support to ensure youth can manage and overcome adversity and stress in a way that is healthy, productive and lasting.
 2. Burlington School District, Expanded Learning Opportunities Program: To expand the My Brother's Keeper (MBK) and My Sister's Keeper (MSK) after school affinity programs at Burlington High School. These programs provide a

vital space for the youth of the global majority to foster deeper relationships with each other, their school community, and broader community while engaging in activities focused on career paths, identity exploration, academic support, and community activism.

3. Bennington Center for Restorative Justice: To provide mentorship, meaningful connections and support for youth who are involved in the juvenile justice system as well as youth who are at the greatest risk of engaging in delinquent or risky behaviors. The program will use mentoring, which is an intervention proven to help prevent youth from entering (or re-entering) the juvenile justice system, and to support Bennington's youth who are most at risk and need support now more than ever.
- In 2024, Vermont Afterschool continued for a fourth year to administer delinquency prevention grants to subrecipients that reduce criminogenic and substance abuse behaviors for youth ages 10-23 and promote engagement in positive youth development. From October 2023 through September 2024, 141 youth were served. The majority of the youth identified themselves as members of underrepresented and marginalized groups. One of the subgrantees was unable to continue and has withdrawn from the project.

Youth Drop-In Centers:

- In 2023, the Council posted an RFP for organizations who currently operate teen and youth centers in Vermont. The goal of this project is to boost the capacity of these organizations to engage new youth through outreach and serve more youth in their communities by offering high quality programming. CEYJ is committed to funding organizations with creative new programming that may include but is not limited to:
 - Extending hours of operation (host night/weekend events, open earlier or close later).
 - Hiring a former program participant to lead outreach operations and/or activity coordination/facilitation.
 - Purchasing facility upgrades that are captivating and engaging for the current youth population (e.g., VR headset, cooking equipment, computers, software, instruments, etc.).
 - Purchasing memberships or passes for community activities (e.g., museums, performances, makerspaces, gyms, pools, etc.).
 - Purchasing promotional materials/equipment/software to improve public relations and/or for awareness campaigns.
 - Facilitating a program planning committee, including, but not limited to, strategies for increasing engagement among youth center participants and the larger community.
 - Hosting a strategic planning retreat with current and past program participants to update program culture, rules, etc.
 - Hiring trainers and/or consultants to help adapt the program to be more welcoming and accessible to BIPOC youth.
 - Hiring subject matter experts for activities.
- The target population for this project is young people ages 11 to 25 with a primary emphasis on BIPOC individuals and a secondary emphasis on youth who identify as LGBTQ, youth

with disabilities, and individuals from households with lower incomes.

In 2024, two youth centers received grants from this project. The target population is young people ages 11 to 25 with a primary emphasis on BIPOC individuals and a secondary emphasis on LGBTQ, people with disabilities, and individuals from households with lower incomes. The Hub (in Bristol) and the Berkshire Family YMCA (serving the Bennington area) implemented programs at their youth drop-in centers. Elevate Youth also applied for and received a grant but, due to staffing issues, had to withdraw from the project.

Conclusion

Key 2024 Successes:

- The Council, with Juvenile Justice System stakeholder input, developed and sought OJJDP approval to implement a plan for supporting the High-End System of Care design efforts, Title II funds overseen by the Council will be leveraged for this work in 2025 and 2026.
- The Council successfully developed and approved a new Three-Year Plan for 2024-2026 with new goals and objectives.
- The Council began racial equity training with Mathematica.
- The Council administered the requirements of the Juvenile Justice Delinquency Prevention Act (JJDP) and 33 V.S.A § 3301-3307 in partnership with DCF, law enforcement, and community programs.
- Continued to fund and work with community partners to reduce the rate of overrepresentation of youth of color in the juvenile justice system.
- Worked in partnership with community organizations to administer statewide juvenile justice system improvement and delinquency prevention funds.

Key 2025 Challenges:

- The state of Vermont's system of care continues to have implications for compliance with the core requirements of the JJRA. While the federal grant was not reduced this year, the lack of a secure juvenile facility for juveniles charged either with delinquencies or criminal charges creates a situation in which it is difficult for Vermont to comply with the JJRA core requirements.
- There is uncertainty on the federal level regarding grant funding; the Council is closely monitoring this.
- Incohesive (and for some members of the juvenile justice system, antiquated) databases create significant challenges for data collection and analysis. This cannot be understated. Not having a clear and detailed picture of trends in juvenile justice system involvement for youth creates barriers to system reform.

For more information please email:

Karen Vastine, Chair, Council for Equitable Youth Justice, karen.vastine@uvmhealth.org, or

Sheri Lynn, Juvenile Justice Coordinator, DCF, sheri.lynn@vermont.gov