

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.

**Council for Equitable Youth Justice**  
**Meeting Notes January 18th, 2024, 10:30 a.m. – 1:00 p.m.**

**Members Present:** Amy Davenport, Sparks, Matt Wolf, Donn Hutchins, Laurey Burris, Kreig Pinkham, Karen Vastine, Christopher Lukasik, Katherine O’Day, Stuart Berry, Mike Loner, Linda Johnson

**Members Missing:** Maria Avila, Kirsten Kersey, Julia Brand

**Partners:** Lauren Higbee, Maria Leon, Lael Chester, Tyler Allen, Elizabeth Morris

Updates:

- We are recruiting for a Compliance Monitor – Job Posting is here: [Data and Reporting Coordinator - Temporary \(vermont.gov\)](https://www.vermont.gov)
- Karen: Update on the letter in response to DCF’s report on the High end system of care. We haven’t sent it yet because we are hoping to include some helpful data to back up our stance. The letter states some concern about an indefinite postponement of raising the age of original juvenile court jurisdiction and instead recommends a rollout of including 19 year old youth in originally juvenile court jurisdiction. We acknowledge that staffing is an issue, and recognizing the work done in the Act 201 report, we look to see how we can mitigate a floodgate. A lot of 18 and 19 year olds are being charged with misdemeanors, and generally they’re not going to be on probation. Given that most people don’t end up being adjudicated (i.e. convicted) we are recommending that they’re including those youth first in a developmentally appropriate response. Finally, the system needs to be fully funded, which it never has been before, and we note that funding importance for the Balanced and Restorative Justice Centers and for DCF itself. Our overall recommendation is that non-listed misdemeanors come into the system on January 1, 2025.
- Amy: As we predicted, when Act 201 report was issued, the fine only cases were going to be a problem. We’ve made a policy decision not to give family division jurisdiction to impose fines, which is in line with the rehabilitative goals of the juvenile system. That adds some folks to the probation case load that shouldn’t be on the probation case load. Judges at disposition can send youth to a program, but we have a lot of new judges. Many judges aren’t aware of the provision, public defenders don’t ask, I think we have some problems that could be fixed with additional training. Fine only cases are clogging the system and exacerbating issues.
- Comments from the Public - Lael Chester: Working nationally on these issues, I can say that this is a national problem. Staffing is a huge deal - I’ve yet to be in contact with a state where this isn’t front and center issue. I would say that the work that we at the justice lab have done is to look at publicly available data for when you absorbed 18-year-olds, and the numbers are lower than we anticipated. Also, you [Vermont] are serving 19-year-olds now, it’s just in a different system [Adult Criminal System]. If youth are stuck in a criminal system with a similar staffing issue, but the adult criminal system is not equipped to give them the developmentally appropriate services, then it’s two issues and not one. The data shows that for the first 16 months for 18-year-olds, that 1/3 were diverted, it’s significant. Obviously, BARJ needs to be funded.
- Stu: Our goal should be higher than 1/3 for diversion. 60% diversion versus 30% diverted. Fines are punishment, not restorative.

**Approval of December Meeting Notes. All in favor. Approved. Passed.**

Annual Report Review:

No edits were voiced during the meeting, but there have been some sent since the draft that was emailed to the full Council. Elizabeth reminded members that historically it has been a recap of work the CEYJ has done in the past calendar year, not advocacy on issues or legislation, but you can always choose to add that information in if you’d like. Amy wanted to make it clear that she thinks it’s appropriate for any legislation that the Council publicly educated the Legislature about is in the report.

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Mission, Vision and Values:

Language that is proposed by the executive committee is below.

Draft Vision: Any youth in Vermont is met with a legal system that is equitable, fair, and just.

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

Mike: It seems like the listing of topics in the mission should follow how youth move through the system. That would mean the new rewording below:

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.

Draft Values:

<b>Inclusivity:</b> <i>including people on our membership who might otherwise be excluded or marginalized.</i>	<b>Equity:</b> <i>identifying and addressing inequity in the juvenile justice system.</i>	<b>Commitment:</b> <i>dedicating ourselves to improving the juvenile justice system.</i>	<b>Courage:</b> <i>Forging anti-racism in Youth Development Work by combining humility and bravery –</i>	<b>Innovation:</b> <i>continuing to educate ourselves on new ideas, methods, products, services, or solutions that have a significant positive impact and value to youth</i>
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There are concerns about family voice, but by altering the definition of our “inclusivity” values, we can add this scope of our focus in. The rewrite for the Inclusivity definition is: *Including on our membership those who might otherwise be excluded or marginalized, in particular youth and family voice.*

Kreig: **Motion to move the vision and mission to forward.**

Donn: Amendment to add values for approval?

Kreig: Is there a timeframe for values? Has anything made our work different? Are we voting on things that are permanent or not permanent? Friendly amendment and include all three?

Karen: Vote separately or all together? I’d entertain a friendly amendment to the vote Kreis put on the table.

**Friendly amendment that we also vote on values with the edits that have been suggested. Kreis accepts the friendly amendment. Mike seconds. Unanimous. Passed.**

Initial three-year planning:

- Overall, we’re looking at a timeline that lets us settle down the three-year plan by early summer. If the federal solicitation is posted very soon, that will have to be moved up. But we aren’t expecting that to be the case.
- The mission of our Council is really the overarching goal for three-year plan, but then we have overarching goals in the form of our subcommittees.
- Using data to point us in the right direction – in the last three-year plan the below was asked for. Some of this doesn’t quite apply to our system or will be very difficult to gather! Elizabeth and Amy will work to see what is

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able to be gathered from the court filing and disposition data that Elizabeth receives from the court, and we will then go from there.

- Separate out delinquency, YO and Criminal
- Filing and disposition data that lists out offense type, gender, race and age.
- Diversion data (complete from Court)

Juvenile Problem/Needs Analysis:

1. Juvenile arrests by offense type, gender, age, and race.
  2. Number and characteristics (by offense type, gender, race, and age) of juveniles referred to juvenile court (filing),
  3. a probation agency
  4. or special intake unit for allegedly committing a delinquent or status offense.
    - a. We can answer some of this by separating disposition and charging data in an excel spreadsheet. What does “special intake unit” mean for Vermont? Maybe an alcohol offense? CHINS?
  3. Number of cases handled informally (non-petitioned) **Pre charge diversion from BARJ and then post charge diversion – add together and see what percent is pre charge and what percent is post charge. When you expand your pre charge, your post charge goes down.**
  4. **Post charge diversion – AG data.**
  5. Formally (petitioned) by gender, race, and type of disposition (e.g., diversion, probation, commitment, residential treatment). **Court data will show us diversion.**
  6. Number of delinquent offenders and status offenders admitted, by gender and race, to juvenile detention facilities and adult jails and lockups (if applicable). **Status offenses are not considered delinquents and we don’t detain them.**
  7. Data related to the availability, scope, and accessibility of mental health services for youth in the juvenile justice system and availability, scope, and accessibility of the prevention and treatment services in rural areas. **Brattleboro retreat? Which kids go to the retreat with delinquency pending? We would love information about how states do have this information or is keeping it? What information does DMH publicly provide?**
  8. Trend data and other social, economic, legal, and organizational conditions considered relevant to delinquency prevention programming.
- What are federal external factors we need to consider? (i.e. Compliance issues with sight & sound separation).
    - There are provisions of the JJRA that are barriers to compliance. For example the requirement that you have an interest of justice hearing in 6 hours.
    - Is our new funding requirements an asset or liability?
    - There is the probation transformation opportunity through Georgetown.
    - Incorrect information spreading that make people think that juvenile crime is rising, which isn’t true.
    - Other concerning stereotypes about migrants coming in and that they are violent. Quantitative research in there is really helpful to hear from youth who have gone through the system.
  - What are VT external factors that will influence our work? (i.e. RTA)
    - There’s housing insecurity in Vermont, but we may not have relevant Vermont data. Maybe include things like community development?
  - What about internal factors with the council? (capacity, representation etc.)
    - We didn’t get this far during the meeting to discuss. We are thinking of sending a survey out to members instead.
  - Should we be doing a SWOT analysis? SWOT analysis are Strengths, Weaknesses, Opportunities and Threats.

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### **Committee Updates**

1. ERD Committee
  - a. Had to reschedule due to lack of quorum – the January meeting will be held on January 31<sup>st</sup> instead.
2. SI Committee
  - a. Discussed a letter from the Dept of State’s Attorneys and Sheriffs that asks for a qualifying list of offenses to be added to the big 12
  - b. Discussed an amendment to Rep. Taylors bill specifically focused on solitary confinement
  - c. Amy discussed the relevance of H.645 A bill relating to the expansion of restorative justice, and that we might potentially want to have a stance/educate on this issue.
3. YS Committee
  - a. Discussed how we will have money left over from the youth drop in centers RFP, and what to do with it, more to come.
  - b. Conference will be in October!
    - i.* If people have any ability to help with funding coordination for food, since we can’t use the title II funds or DCF, please reach out to Donn Hutchins.