

Facility Planning for Justice-Involved Youth: Stakeholder Working Group

April 15th, 2024, 4:00 p.m. - 5:00 p.m.

Virtually on teams or in Person at the Waterbury State Office Complex 280 State Drive,
Waterbury, VT 05671

Meeting Notes

Brief Introductions:

1. Tyler Allen, Adolescent Services Director at FSD/DCF
2. Elizabeth Morris, Juvenile Justice Coordinator at FSD/DCF
3. Jennifer Poehlman, Executive Director, Vermont Center for Crime Victims Services
4. Kara Casey, Vermont Network Against Domestic and Sexual Violence
5. Laurey Burris, Council for Equitable Youth Justice
6. Marshall Pahl, Chief Juvenile Defender
7. Penny Sampson, Council for Juvenile Justice Administrators (a national organization focused on administrators for justice involved youth)
8. Anthony O'Meara, Member of the public, resident of Newbury.
9. Karen Vastine, Chair of the Council of Equitable Youth Justice, Member of the Group.
10. Cheryle Wilcox, Mental Health Collaboration Director, DMH
11. Ali Dieng, Regional Manager for Building Bright Futures
12. Jennifer Herbert, Clinical Director for DCF
13. Geoffrey Pippenger, Director of Policy and Planning for DCF
14. Mike Maughan, Advocate for special populations, spent 14 years as a ward of the state
15. Jennifer Garabedian, Development Disabilities Division Director at DAIL

Approval of 2.26.24 and 3.18.24 Notes:

Move to approve the notes. Any objections? No, passed unanimously.

Public Comment:

No specific comments were made during this time, but public members are encouraged to voice thoughts throughout the conversation as well.

Update regarding High End System of Care/Secure Facilities:

There are two secure facility efforts happening simultaneously.

1. The temporary building in Middlesex. While we don't intend to stay there long, we have invested energy and resources to be able to use the space for 4 beds. Until there is a permanent facility(s) open, we will be there. Renovations have been completed and a fire safety plan is now complete for temporary use of the space.

This is currently an unlocked space; we want to have that building available should there be a need for an alternative setting. This is the non-preferred practice of FSD where we don't have an immediate placement for the youth so until we are able to place them in a community placement they are being staffed at alternative locations. This can happen also in locations like hospitals, etc. The objective is for these staffing's to be very short term as they are not licensed programs, but it is available to us if we would like to.

Mike: State agencies find themselves in holding patterns for years. These alternative settings - is there a list of what/where they are, and how we can make them more safe not just for the youth but also the DCF staff as well. Not only is youth safety important, but DCF staff safety is as well (particularly if you need to focus on retention).

Tyler: These locations could be any number of places (suite in hotel, hospital, unlocked portion of a police station)

Mike: Is there a way to restrict the use of hotel spaces? It seems to be unsafe for staff.

Tyler: We already have restricted the use of hotel spaces. I don't want to say concretely we won't ever use them, but we did suffer a staff assault in a hotel, so we did not like to use those spaces. We do not want to use alternative staffing's, it can be risky for our staff. There are 4 different alternative locations that can be used. 1. Middlesex (if we have to) 2. Rest Stop (which is in the same building in Sheriff's in Brattleboro) 2. "Yellow House" has been historically used (although not sure about the current contract) 3. An apartment in Chelsea Vermont that is owned by a residential program in Chelsea. 4. An apartment in Bennington that is owned by a crisis stabilization program down there. We are always having to use policy to make it as safe as possible, it is not good.

Penny: When are you able to have kids in the Middlesex facility?

Tyler: At this point, we can use it for an alternative staffing, but it is not ideal. The second step is using it for a program, which will be locked. The hope is to have that happening as early as June. We are making great progress in working through the kinks in that. Once we have that signed, the provider can come join this meeting.

Penny: I've heard there is good progress on locating a building/architect for the permanent facility. Are you able to say who they are?

Tyler: Not quite yet. That process has been underway, and a company has been selected. My guess is the group will be aware of the selectin before our next meeting.

Consultant Engagement Follow-up:

A smaller subcommittee worked together to put together specifics last week.

Karen: Some background: CEYJ is VT's state advisory group as required by the JJDP. We have multiple roles, we are mostly known for getting funds from OJJDP and working with partners to help with the justice system. When there is a violation of one of the core requirements of the JJRA, because the SAG is responsible for supporting monitoring, we must use half of our federal fiscal year 2022 grant towards corrective action in the system. If there aren't placements for youth in Vermont, then we will continue to encounter more issues with the core requirements. A group of us met, what you see in the below memo is a combination of ideas from our last meeting and the CEYJ conversation.

MEMO

To: Facilities Stakeholder Group
From: Karen Vastine, Chair of the Council for Equitable Youth Justice
Re: Criteria for HESOC/Facilities Consultant
Date: April 15th, 2024

Background: The Council for Equitable Youth Justice is charged by the Juvenile Justice Delinquency Prevention Act to support compliance monitoring with four core requirements intended to ensure the safety and equitable treatment of youth in the juvenile justice system. Those include separation of juveniles from adults inmates and the removal of juveniles from adult jails and lockups.

Vermont was out of compliance with the jail removal core requirement in FFY2021 due to five 18-year-olds being placed in adult facilities without sight and sound separation after the Raise the Age law went into effect in July 2020. This means that a significant portion of the grant funds CEYJ received has to be used towards corrective action in the system.

While the CEYJ remains committed to supporting a right-sized system of care that relies more on home-like, family-center care for youth; without a facility or program that can serve youth who require short-term hardware secure settings, Vermont will likely continue to violate the adult jail removal and/or sight and sound separation core requirements.

The facilities stakeholder group has expressed a keen interest in hearing from experts in High End System of Care to support its work. This aligns well with the goals of CEYJ and as such CEYJ has offered to pursue permission from the DOJ to utilize some of its grant dollars to hire a consultant to support the work of this group. Drafting a preamble with Elizabeth for a RFP about what we're looking for.

Criteria for Consultant:

There are several criteria that will be key for the groups to agree on so that a Request for Proposals can be drafted and issued as soon as is feasible.

We are clear on some overarching themes:

- We want the consultant to support and guide us in ensuring that racial equity is baked into all aspects of the system.
- And, we want to be guided by those with lived experience (or their families). Both of these and more will be included in the deliverables sought in the RFP.
- There will be more themes developed.

What we need now:

For the stakeholder group, starting with criteria we can agree to will be an important step in shaping the RFP. Please consider these so that we can discuss them together at Monday's meeting.

We seek a consultant/consultant group that has the following experience and knowledge:

1. Utilizing evidence-based, developmentally appropriate approaches that support youth rehabilitation, treatment and ultimately their successful return to their communities as quickly as possible. (add language that emphasizes bias for discharge)
 - a. Formal step-down options.
 - b. Seamless treatment modalities in/across system.
 - c. Escalating criteria for maintaining youth in the environment (AKA - it should be harder to keep kids in highest levels of care).
2. Experience outside of Vermont
3. Youth's due process rights regarding placement;
4. Right-sizing the system by using data to determine the number of beds and level of supervision and treatment;
5. Ensuring the system gives young people the best opportunity to remain engaged with their families and support system; and
6. Ethnic & Racial Disparities – Both regarding placement and discharge planning – treatment and culture of program (overarching contextual point) Goal of development is that we reduce racial disparities at every stage of the game.
7. Setting up clear, sustainable system oversight, regulation and accountability.

Penny: You've touched on a lot of really good things, I think you've identified important components to have in the RFP - sustainable system oversight so that when we have it we can make sure it's maintained.

Mike: I second everything Penny said. I am a huge advocate for the step-down process, I spent a year and a half in a facility while the agency was searching for a placement. All the while the facility was advocating for me to leave, but there were no beds. I would heavily like to emphasize that youth shouldn't remain in these facilities because of lack

of housing. Step 7 is one of the most important steps here, I would like it to be outside of the agency. Regulation and accountability, almost every aspect of the youth care system is set up in a way that deflects blame and accountability.

Karen: The council agrees with you regarding step 7. I am not sure we would be putting forgone conclusions about the oversight, but we would want the consultant to be working with us, and we would want it as a deliverable.

Jennifer Herbert: Mike, I am curious what your thoughts are on programming and direct relationships, we talk a lot about beds and I'd like to talk about what happens around the beds. Mike, what are your thoughts on the program piece?

Karen: Jennifer, are you thinking we're missing something in number one?

Jennifer: Mike, what would you recommend?

Mike: At the facility I stayed at, there was an after-hours literal fight club between staff and kids. There's a huge power dynamic, it doesn't give the youth a lot of options to speak out about what is going on. I had an emphasis on youth voice, their concerns are not brought up. I wasn't justice involved but the doors still had locks on them, the type of fencing (chicken wire, barbed wire) doesn't create a therapeutic environment.

Marshall: I think that's reflected in the memo. For example, DOC has their own regulatory office, prisoner's rights, protection and advocacy engaged there, we could have a similar panel of oversight.

Mike: I did want to touch on item number five. A common theme that I see with a lot with these facilities is withholding phone calls with their family for good behavior. Now, you're using family time as a punishment, which goes against DCF's mission statement and the point of the programs. I often am asked "Why should someone be rewarded with a visit after bad behavior?", but that goes back to the therapeutic aspect.

Karen: I wonder if a little edit would reflect your statement regarding not using it as punishment.

Tyler: That makes sense to me, I think some of this conversation is that this is well crafted, we have the right mark there. This is about saying that this the type of expertise that the consultant will have, we're not crafting the specifics at this point. I'm hoping that they're gathering feedback from family and youth voice. There are many ways to engage youth voice and without the bias of either an agency like DCF or even an advocate it allows for a consultant to neutrally gather all the aspects and bring it together.

Ali: I agree that the memo is comprehensive. Perhaps the word religious could be added so it's not just culture.

Karen: I appreciate your point; we often use ERD language because that's the language they use in the JJDPA and I think that's a great addition to add. It's possible we won't

find someone who checks everything, but I do think there are consultants who have experience that checks all the bullets.

Ali: One more element regarding the physical building. Perhaps some language about the way in which it is designed/experience with physical design.

Tyler: One thing that is a benefit for the RFP progress is that you come up with a rubric of how you score the bids, so you can weigh them against each other. I will remind the group that we are working with a builder and one of the requirements is that they have an expert in therapeutic design, so we will already have a team of those experts working with us.

Mike: Regarding youth's due process rights regarding placement, this happens very quickly and happens without a guardian ad-litem. I'd like to see more focus on youth's due process rights.

Email Karen with any other thoughts! karen.vastine@uvmhealth.org

Next Meeting: 5.20.24 from 4:00 PM - 5:00 PM

Enabling Statutory Language:

Sec. E.316 STAKEHOLDER WORKING GROUP; FACILITY PLANNING FOR JUSTICE-INVOLVED YOUTH

(a) The Department for Children and Families, in consultation with the Department of Buildings and General Services, shall assemble a stakeholder working group to provide regular input on the planning, design, development, and implementation of the temporary stabilization facility for youth and on the development of a long-term plan for the high-end system of care.

(b) The stakeholder working group, constituted as a subcommittee of, or 13 drawn from, existing groups or created as a separate group, may include 14 representatives from:

- (1) the families of children in the Department's custody for delinquency offenses;
- (2) youth who have been in custody for juvenile offenses;
- (3) the Juvenile Defender's Office;
- (4) the Office of State's Attorneys;
- (5) the Family Court;
- (6) the Office of Racial Equity;
- (7) the Vermont Family Network;
- (8) the Vermont Federation of Families;
- (9) the Children and Family Council for Prevention Programs;
- (10) the Vermont Protection and Advocacy;

- (11) the Department of Mental Health;
- (12) the Department of Disabilities, Aging, and Independent Living;
- (13) the State Program Standing Committees for Developmental Services, Children's Mental Health, and Adult Mental Health; and
- (14) any other groups the Department may select.

(c) The Department shall regularly present relevant information to the stakeholder working group established pursuant to this section and review recommendations from the working group regarding:

- (1) facility design layout, programming, and policy development for the temporary stabilization facility, including data on the number of cases and types of case mix, as well as likely length of stay; and
- (2) the Department's data and assumptions for size, type of treatment, and security levels for future permanent facilities included in the planning process proposed in the fiscal year 2024 capital bill; optimal locations, including whether a campus plan is appropriate; and any plans regarding the use of outside contractors for facility operations, including State oversight of appropriate quality of care.

(d) The stakeholder working group established in this section shall be subject to the requirements of the Vermont Open Meeting Law.

(e) On or before January 15, 2024, the Commissioner of Children and Families shall develop and submit a strategic plan to the House Committees on Corrections and Institutions and on Human Services and to the Senate Committees on Health and Welfare and Institutions, as part of the overall planning process for development of the high-end system of care, for preventing the disproportionality of youth who are Black, Indigenous, or Persons of Color in staff- or building-secure facilities. The strategic plan shall include mechanisms for collecting necessary data, and the process of development shall include input from relevant public stakeholders.

(f) The stakeholder working group shall cease to exist on June 30, 2025.