

Facility Planning for Justice-Involved Youth  
Friday, December 15<sup>th</sup>, 2023  
3:30 - 4:30 p.m.

**Quick Introductions:**

1. Tyler Allen, Adolescent Services Director at FSD/DCF
2. Elizabeth Morris, Juvenile Justice Coordinator at FSD/DCF
3. Babette Stolk, VT Digger Reporter
4. Matthew Bernstein, Child Youth and Family Advocate, Member of the Group
5. Steven Brown, DSA in Brattleboro
6. Xusana Davis, Racial Equity Director for the State of Vermont, Member of the Group
7. Laurey Burris, Council for Equitable Youth Justice, Member of the Group
8. Lauren Higbee, OCYFA, Proxy for Matthew Bernstein.
9. Tabrena Karish, Design and Construction with the Department of Buildings and General Services
10. Tim Lueders-Dumont, Dept of State's Attorney's and Sheriffs, Member of the Group.
11. Maria Leon, Columbia Justice Lab, Member of the Public.
12. Anthony O'Meara, Member of the public.
13. Marshall Pahl, Deputy Defender General, Member of the Group.
14. Dana Robson, Operations Chief at the Children's Unit, Department of Mental Health, Member of the Group.
15. Sandi Yandow, VT Federation of Families for Children's Mental Health
16. Karen Vastine, Chair of the Council of Equitable Youth Justice, Member of the Group.
17. Rachel Edens, Director of Race, Gender, and Accessibility at DCF
18. Jen Herbert, Clinical Director at DCF
19. Lael Chester, Emerging Adult Justice Project at the Columbia Justice Lab, Member of the public.
20. Cheryle Wilcox, Interagency Planning Director, DMH
21. Jennifer Garabedian, Director, Developmental Disabilities Services Division, Department of Disabilities, Aging & Independent Living
22. Jennifer Myka, General Counsel, DCF

**November Meeting Notes:**

With the correction of the spelling of Tim's spelling, motion to approve the November Meeting Notes. Unanimous. Passed.

**Comments from members of the public:**

Anthony O'Meara – I am not sure if the community is an official part of the group. There's a lot of rhetoric about Newbury. I listened to JJOC testimony, and it is sad to

hear the Newbury site characterized as it was (dismissive, and misleading). If you carry that mindset forward into this next stage where you identify a community, you must acknowledge what happened instead of dismissing it and rationalizing it.

Lael Chester – she is from the Emerging Justice Project at Columbia University, and has worked with Vermont previously on raise the age work, looking forward to connecting into Vermont again.

Tyler Allen – Sabrina, would you be willing to share how things are progressing with the Middlesex site or anything else from BGS/

Tabrena – Middlesex is under construction as of the end of October, and on schedule to be complete by the end of January. State is still in selection process for a permanent site, hopeful that will wrap up before the session ends.

Tyler – We have a sense of optimism that an independent contractor will be operating a licensed facility (even though we didn't have a successful bidder for middlesex), instead of a highly reinforced alternative setting site.

#### **Language from the legislature:**

*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.*

Tyler – this report is due in a month's time. There are a lot of contextual factors relevant to this and will need to result in a multilevel strategic plan. There is data specific to placement in these settings. In the overarching high end system of care, part of our DCF strategy is ongoing into a larger overarching strategic plan. For example, the Racial Disparities in the Criminal and Juvenile Advisory Panel talks about many discretionary points, this must be multifaceted. My point is to frame this conversation up for this group. Can we do a round robin about what we should include in that strategic plan?

Lauren Higbee – clarifying question about the charge. Have we specifically identified what the High-End System of Care is? How we are addressing that in the secure facilities (Middlesex and the permanent one).

Tyler - In DCF we think of HESOC as crisis stabilization. I would also include secure placement, but because we haven't had secure placement available, we've been talking about crisis stabilization programming. I would also include PRT as well.

Matthew: To what extent is the division of racial justice statistics involved or could be involved? This is a month away, and I have a lot of ideas, but I'd like to understand what the process is as of right now? Is there a draft?

Tyler: The starting place is our own internal conversations at DCF. The starting place for how we are engaging feedback is right now, and that can be ongoing for the next month. People are welcome to send me feedback after this meeting. There's a first level, as in what are the data components involved, and there is a higher level about how this in a larger plan is.

Xusana: The answer is "yes" but because it is a small team at the division of racial justice statistics, we'd have to understand what the data systems are that already exist.

Dana: I think this is so important, part of this plan needs to be encompassing. I.e.; Mental health crisis beds. We'd need to pull together a small committee.

Lauren: EDs as well.

Marshall: I am not quite sure, are we getting into the substance of the charge in order to minimize disparity or are we talking about the charge itself.

Tyler: We're talking about what we are including in the strategic plan.

Marshall: Getting kids out of these facilities is murky, and unconstitutional with large disparities. If we open up a new facility with the same admission and retention, we'll expect to see the same disparities we saw before at Woodside. To go to the obvious, most are not familiar with the 8-day hearing process. It's our belief that it's an unconstitutional process. It gives way too much discretion to way too many people, and objective criteria that was invented out of thin air. There's a screening tool to assess points of risk to be eligible for woodside. This was developed by DCF staff, and it's never been validated. It's never been discussed if those points are associated with behaviors that warrant secure placement. Is an administrative process like that legal? Before we're talking about the bricks and mortar, we need the legal structure in place to eliminate disparities. There's so much discretion involved. Now all of a sudden we're talking about a 14 bed facility. We've had kids in the facility for long term status, there's a whole lot of problems with the process before we can consider the details of where, why, and what. All that depends on who we're letting in the door, which is what the statute and policy say.

(Lauren added into the chat the old Woodside policy - linked here [Purpose \(vermont.gov\)](#)).

Tyler: Your other topics from last meeting are not being ignored. Treatment modality is a big discussion, and there's a lot to be discussed about entry process.

Marshall: Hard to talk about some of what we have.

Tyler: We need to identify what the data elements are and what the mechanisms are for collecting necessary data.

Lauren: In the RTA report, and in general, the level of court involvement of the youth and how they got to where they are is important. The CHINS status of the youth (ABCD?) matters. Really understanding those labels we're putting on youth and how they're getting to this place.

Marshall: We often use data as the answer to the problem. Woodside had good race data because the computer software wouldn't let you move from one page to another without including race data. We need more upstream data. We'd look at woodside data and say there's a huge disparity. People would say that it's actually a problem from the judges, and then the judiciary would have no data, but they say that regardless it isn't them, it's the prosecutors who bring the cases. We'd go to the prosecutors, and they wouldn't have good data, and they'd say it's not them, it's the police. And we know police don't have good data. My point is that data collection is important.

Lael Chester: Nationally, the biggest disparities are at the front end, but we know it's amplified as young people go into the system, so it's a snowball effect and builds. What we're finding nationally is that delinquency cases are going down, but disparities are rising, because white youth cases are going down disproportionately to their youth of color counterparts. What can DCF do? When you're looking at the most important points of discretion, when you're removing youth, that's the area that DCF has the biggest impact. What are the elements that might be problematic? We think of this great thing, but sometimes they're unintentionally increasing disparities.

Tim: During the RDAP discussion, one of the things that I've been thinking about a lot, that chain that Marshall was describing. It describes the input of the data. When you talk with law enforcement, they've received a call from someone in their street, the bias that creates a call is what initially goes to the police. VT has to grapple with this. What are the tests or standards that we apply?

Lauren: Length of stay and whose staying where also important to track.

Matthew: There are a lot of calls to law enforcement and to the child abuse hotline. We're top in the nation for calls to the hotline, which has to do with mandatory reporting requirements. a statutory framework. I mean this in a collaborative way, if we're talking about the recent DCF Raise the Age report and data, DCF's data is not up to snuff. If the question is about the number of youth in the HESOC, how they divide into tiers, and what their treatment needs are, it's just not clear. The DCF data system is just not good. We're building facilities, but we're actually in the middle of the process and we should be at the beginning. My input for your plan is that it has to do better in making the case. We're not willing to build the system and figure out what's needed as we go along.

Suggestion to move meetings to Mondays due to the legislature's schedule – January 8<sup>th</sup>.