

Facility Planning for Justice-Involved Youth: Stakeholder Working Group

February 26, 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

Quick Introductions

1. Tyler Allen, Adolescent Services Director at FSD/DCF
2. Elizabeth Morris, Juvenile Justice Coordinator at FSD/DCF
3. Matthew Bernstein, Child Youth and Family Advocate, Member of the Group
4. Xusana Davis, Racial Equity Director for the State of Vermont, Member of the Group
5. Lauren Higbee, OCYFA, Proxy for Matthew Bernstein.
6. Anthony O'Meara, Member of the public, resident of Newbury.
7. Dana Robson, Operations Chief at the Children's Unit, Department of Mental Health, Member of the Group.
8. Karen Vastine, Chair of the Council of Equitable Youth Justice, Member of the Group.
9. Kara Casey, VT Network against Domestic and Sexual Violence
10. Aryka Radke, Deputy Commissioner, FSD/DCF
11. Jennifer Garabedian, Development Disabilities Division Director at DAIL
12. Tabrena Karish, Design and Construction with the Department of Buildings and General Services
13. Mike Maughan, member of the public with lived experience. Spent 14 years as a ward of the state. Has been through programs, foster homes, secure facilities. From ages 15-17 was in a secure facility when cursed at a DCF case worker. Very passionate about these facilities and concerned about under representation for youth.
14. Cheryle Wilcox, Mental Health Collaboration Director, DMH
15. Penny Sampson, Consultant for the state of Vermont.
16. Geoffrey Pippenger, Director of policy and planning for DCF
17. Tim Lueders-Dumont, Dept of State's Attorney's and Sheriffs, Member of the Group.
18. State Representative Anne Donahue

Public Comment

- It seems like there is not going to be a secure facility for the Newbury location. Acting on behalf of quite a few residents in Newbury, can I have it confirmed that the Newbury facility will not be a secure facility (hardware or otherwise)?

- Tyler: I cannot tell you that you can officially report that to other residents. I'm not able to say one thing or another. The Commissioner understands that there needs to be reengagement before moving forward with that facility.
- One thing that I noticed while I was at Northwestern Academy in Pennsylvania for 1.5 years (It was later converted into a prison, but before that hundreds of kids were there with a lot of different kinds of programs). I spent a year at the bootcamp program, which was a hands on type of thing. The biggest concern (besides the abuse of running a military type facility like that) was DCF youth being in there with justice involved youth. This was in PA and you'd get youth who were aggressive with a teacher, and then DCF youth who were placed for disciplinary action and they'd get stuck there because there were no other placements, because there were no foster homes available. Of course, now I know that no one in their right mind wants a 17-year-old coming out of a bootcamp in their home. What qualifies a youth to go to these facilities? Since there isn't a separate division for justice involved youth and it's all in AHS? The thing that impacted me was seeing kids who brought guns to school leaving the facility in less than a month and kids from VT DCF were there for years. Mike also stated that there were good things that happened at Woodside as well.
 - Tyler: A lot of eyes are on the building of these facilities. To clarify, we do have a Department of Corrections, but it serves adult populations, what we don't have is a department of youth services, which is the equivalent of a correctional model for youth. In VT we have our child welfare and juvenile justice overlapped. They can be strictly in DCF custody or both of those things. There is no facility that DCF can place a youth in. The only youth that can be placed in DOC facilities are youth who have criminal charges. They might have a charge type that is an adult, except there are federal requirements to making sure that placement that can happen. I just want to clarify that none of the youth that we are designing these facilities for, some of them could be for DOC youth, but most of them we are talking about is youth who are with DCF for delinquency matters, not just youth who are in custody for custody matters.
- Is a justice involved youth a delinquent?
 - Tyler: Justice involved youth is often a delinquencies matters, which is the youthful equivalent of criminal matters.
- What are the repercussions for youth who are in custody?
 - Tyler: DCF doesn't envision itself as a punishment, we are not about incarceration, but about services.
- To confirm, is it correct that DCF will not place "CHINS-only" youth in any of the HESOC facilities?
 - Tyler: That is not correct. I am thinking of programs like SEAL or others that are designed to respond to HESOC youth. However, you are correct

when discussing secure facilities. By secure I mean hardware secure as in locks on the doors.

- We're setting these youth up for failure. I'm 30 years old, and most people I know who have experienced this have died from suicide or addiction because they can't handle how they were treated. How can we 100% guarantee that kids will be treated with respect?
 - o Tyler: exactly why we want you in the room because it's about the experience of youth who want care. We want fierce advocates for youth experiencing the system.

Update: High End System of Care/Secure Facilities

Tabrena: Construction is complete on the Middlesex facility. It is in DCF's court to decide in what capacity that will open. Regarding the permanent facility, we received proposals on I think the 15th, and we are selecting the contractor. We are hoping to notify soon.

Tyler: The process is about getting occupancy into the building, and until we get a program operational in space. To occupy that space, we need to make sure we are doing so safely – i.e. emergency plan, safety protocols. Regarding the location, the contractor proposed a space in South Burlington, Vermont. Most things will be entirely vetted through this group, but this is one thing that we have issues due to procurement requirements.

- Anne Donahue: There is precedent for having a stakeholder on the state RFP selection process. It can be done.
- Will you use Middlesex as an unlicensed space for staffing?
 - o Tyler: I don't want to say that, because we are still figuring out the details, but my wondering is that by the time we're able to get that occupancy potential, then we will be within reach of having a licensed provider in there. I recognize that housing a youth in a secure facility as an alternative setting is a last case scenario. It causes some hesitation because we have been in many backs up against the wall last case scenarios recently, but it is my hope that the first placement in the space will be with a licensed program.
 - o Aryka Radke: if we were to use the space like we do with yellow house, we would not have locks to make it secure. We are hoping that with the timing it will be with the provider.
 - o Tyler: yes, the locks would need to come off the door if that was the case.
- Dana: Regarding possible places for the long term facility, did you give the update on selecting the provider the Middlesex?
 - o Tyler: we are working with a provider. We released a RFP, but we didn't receive any responses, and then someone came up afterwards to say "we are interested," so we are talking about that.
- Mike: I heard that the locks have to come off the doors. I have concerns about secure facilities, because while my door did not lock, I was still behind other locks

and barbed wire, and I wouldn't call that therapeutic. Just because their bedroom door doesn't lock doesn't mean it isn't secure.

- Tyler: there's federal law that prohibits us from saying that something is not secure if the facility stops someone from walking out the door. If someone can't walk out the door then it is secure. You are right that a young person who might know that there are other boundaries as well, like staff out there that might restrain them if they try to leave.
- Mike: what would be the complaint process for a youth in a secure facility and is not happy with their treatment?
 - Tyler: We should have a complaint process that is well articulated and organized.
 - Lauren: with the recommendation that grievances of "staffings" are outside the DCF chain of command.

Discussion: Consultant Engagement Opportunity

Karen Vastine: CEYJ is the Vermont's SAG that is set forth by federal legislation. We are able to receive title II dollars from DOJ, it's a small amount of funding that we generally end up granting out to community partners to youth engagement, etc., and when the conversation came up there was a lot of energy about a consultant we thought that we might be able to help. I think if Marshall Pahl were here he'd be asking about due process, etc., safety in these types of facilities, etc. Appreciating that, we started thinking about if we should hire a consultant, I know that there could be a pathway to provide some CEYJ funding towards hiring a consultant, but before I pursue all the red tape, I wanted to see if that is something that is of interest to the group. If people are interested, then we could start putting some pen to paper to set out the parameters, etc. Time is of the essence, and we'd want to be able to move as quickly as the system allows. What do folks think?

Tyler: Would we like to work with the CEYJ? Folks with the group have an offer to put together an RFP, satisfy the ask from last month to bring in additional national expertise.

Karen: Are we thinking of mental health services? That's what we talked about in the last meeting.

Mike: Noting issues in secure facilities is a problem everywhere. What are the accolades of the consultant versus the status quo of these facilities? Moving forward, I think you can get the same value of conversation from a consultant versus someone with lived experience.

Dana: The initial response would be yes, practical question is would that prohibit or add anything? That was one of the reasons I brought up bringing in an consultant last month, and I think that lived experience is phenomenal. We want this to be a high-quality treatment to specialized population. It is important to provide the right quality treatment when youth may not want to be there and have questionable engagement.

Issues like the treatment modality, respecting individual rights, etc. I just want to make sure that it's not just coming from a particular perspective.

Karen: We operate independently, the second piece is that we don't have strings attached, but if we want to make sure that multiple viewpoints are allowed, this could be seed money, there could be a small group of us that create questions that the whole group weighs in on RFP questions? Hearing directly from those with lived experience?

Matthew: If we are spending money, I think we should spend it on a consultant on prevention issues and support for families so that kids don't end up in facilities.

Lauren: I would support understanding what funds could be used for a consultant. However, I don't want the questions to be what were asked for this our system of care analysis from 2020. [PCG Report Template Blue \(vermont.gov\)](https://www.vermont.gov/files/pcg/PCG_Report_Template_Blue.pdf)

Xusana: I could get on board of the idea of a consultant, I always raise the possibility and concerns about spending that money. There's a potential for us to say, oh, we've identified a problem, and I want to make sure that we would be able to make those corrections, instead of plowing through anyway. A lot of time community consultation is offered in, but we ignore it. There's an extent that there's language access needs.

Karen: We don't have an ego around this, and if there isn't a desire for this, that's okay.

Matthew: Thanks Karen. I'll look at the language of CEJY jurisdiction and get back to you. I do agree that we need more youth voice and would love to pay youth or former youth to consult.

Tyler: one thing I'd like to do today is to find another time to get together.

March 18th at 4 p.m.

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.