



# Juvenile Justice and Delinquency Prevention Three-Year Plan

Prepared for: Office of Juvenile Justice and Delinquency Prevention  
Office of Justice Programs  
810 Seventh Street NW.  
Washington, DC 20531

Prepared By: Elizabeth Morris, Juvenile Justice Coordinator, Department for Children and Families  
The Children and Family Council for Prevention Programs (CFCPP)

Report Date: July 2021

## Table of Contents

Analysis of Juvenile Delinquency Problems and Needs	3
Project Goals and Objectives	22
Project Design and Implementation	28
Appendix	37

## Analysis of Juvenile Delinquency Problems and Needs

### Juvenile Court Jurisdiction

The Vermont State legislature has made sweeping changes to the juvenile jurisdiction system to align our system more closely with brain development research and evidence-based practices for serving youth. Studies have shown that youth are much more amenable to treatment and

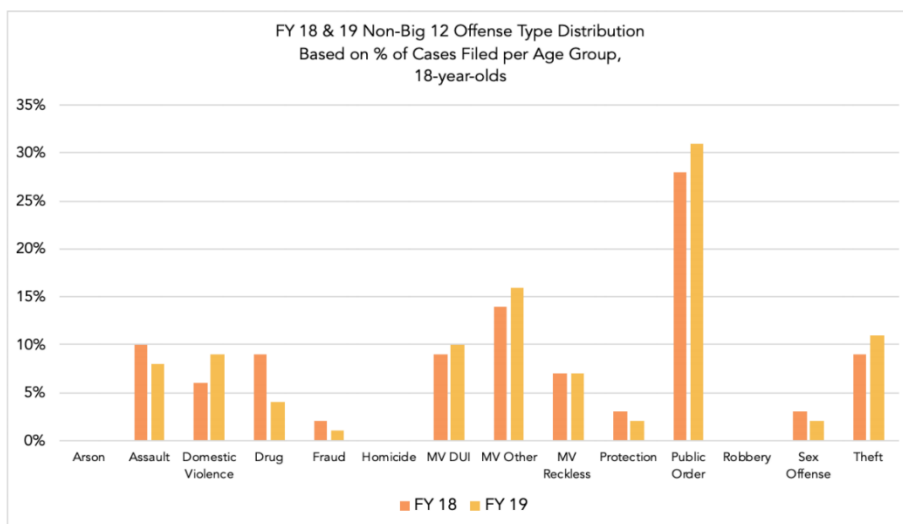


Figure 1. From report to the Vermont Legislature, "Report on Act 201 Implementation Plan Report & Recommendations" by Karen Vastine, 2019, p. 11.

rehabilitation, and as such should be treated differently than adults.

Vermont’s Act 201 (the “Raise the Age” law (RTA))

raised the age of

Juvenile Court

jurisdiction. This means that on July 1, 2020, most young people accused of breaking the law at age 18 (excluding the more serious “Big 12” offenses) were charged in the Family Division of the Superior Court (rather than the adult Criminal Division), with supervision and coordination of services provided by the Department for Children and Families (DCF), Family Services Division (FSD), rather than the Department of Corrections. Starting on July 1, 2022, most youth accused of breaking the law at age 19 will be similarly included in the juvenile justice system, making the 20th birthday the upper age of juvenile jurisdiction in the state. Please see the

Juvenile Court Jurisdiction [here](#) reviewing the latest legislative changes (Appendix II). Vermont is the first state in the nation to expand the jurisdiction of the juvenile court beyond 17.

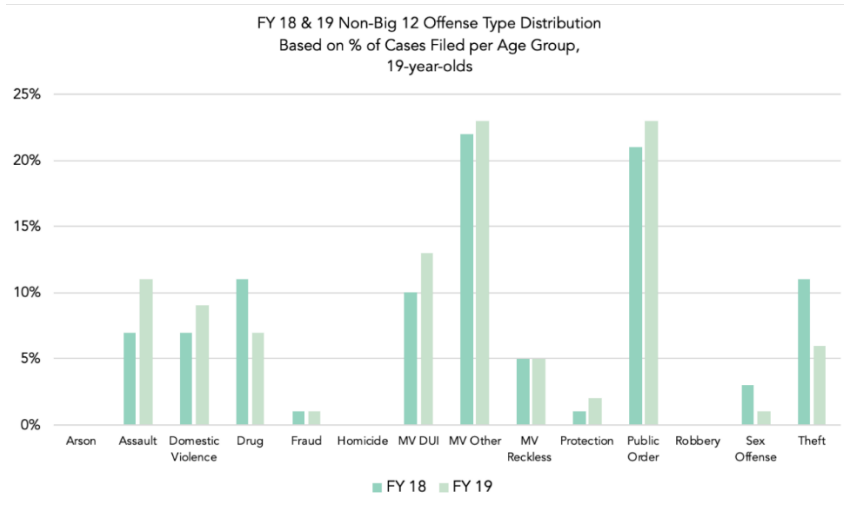


Figure 2. From report to the Vermont Legislature, "Report on Act 201 Implementation Plan Report & Recommendations" by Karen Vastine, 2019, p. 11

To successfully implement these changes, the Designated State Agency (DSA) enlisted the support of a multitude of partners, stakeholders, and subject matter experts in the development of an implementation plan. On

November 1, 2019, a comprehensive and ambitious implementation plan was presented to the

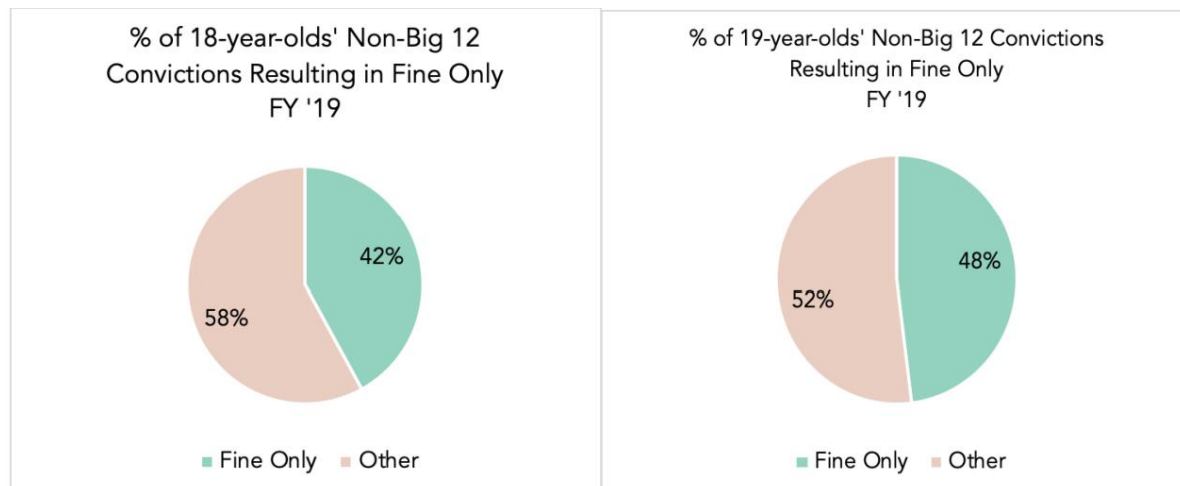


Figure 3 & 4. From report to the Vermont Legislature, "Report on Act 201 Implementation Plan Report & Recommendations" by Karen Vastine, 2019, p. 13

legislature. This implementation plan reviews data for 18- and 19-year-olds in the criminal justice system and is a main driver of the State Advisory Group's (SAG) FFY2021-FFY2023 plan. One area that is of particular interest is that of the non-Big 12 cases involving 18- and 19-

year-olds that did result in a conviction, nearly half received a fine-only penalty. In State Fiscal Years 17 and 18, half of the non-Big 12 cases of 18- and 19-year-olds that resulted in a fine were motor vehicle offenses, about a third of which were for driving while intoxicated. The next largest category of these fine-only cases involved public order offenses. Currently, Vermont's Family Court does not have a fine-only disposition option, but responses to this are currently being developed through policy and legislative channels. Ensuring that there are diversion opportunities instead of probation for these offenses is a top priority in the FFY2021-FFY2023 3-year plan, as detailed in the SAG's goals below.

It is important to note that Vermont also serves "Youthful Offender" case types; a hybrid approach where DCF and the Department for Corrections (DOC) are jointly responsible for coordinating treatment, housing, and accountability for the youthful offender population. These youth are 16-22 years old, typically have complex treatment or supervision needs, and are assigned to the Family Court. If a youth fails to abide by the youthful offender probation conditions, youthful offender status may be revoked, and their case may be moved to the Criminal Court for prosecution.

### **Overview of Vermont's Juvenile Justice System**

Vermont's formal youth justice response system is placed within the state child welfare system, and the Family Division of the Vermont Superior Court. DCF FSD has 12 district offices covering 14 counties. The courts' jurisdictions are divided by county, where elected State

# Youth Justice Flowchart

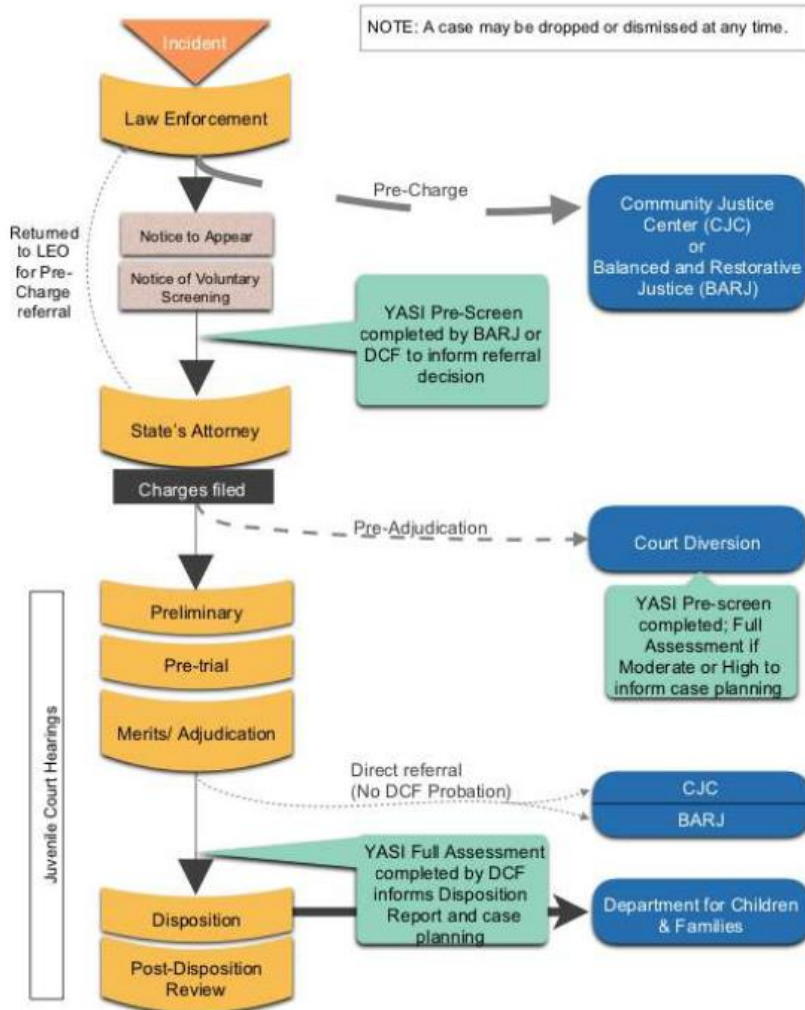


Figure 5. Youth Justice Flowchart. From report to the Vermont Legislature, "Report on Act 201 Implementation Plan Report & Recommendations" by Karen Vastine, 2019, p. 7.

Attorneys have discretion around what charges they choose to file against a child. DCF FSD oversees all delinquency, status offense, and child protection cases in Vermont. Family Service Workers also serve as probation officers for delinquent youth. Youth are served by staff who

have mixed caseloads which

also include child welfare cases. Below is an overview of the youth the DSA served in the most recent state fiscal year.

Juveniles served by DSA	
CASE TYPE	FY 21 (July-5/10/21)
CHINS-Abused and Neglected	645

CHINS-Truant	82
CHINS-Unmanageable	47
Delinquency	321
Youthful Offender	530
<b>Grand Total</b>	<b>1625</b>

Youth of color are brought into our juvenile justice system at higher rates than their counterparts. Statewide, black youth represent nearly nine percent of all youth arrests, but less than four percent of the youth population is black.

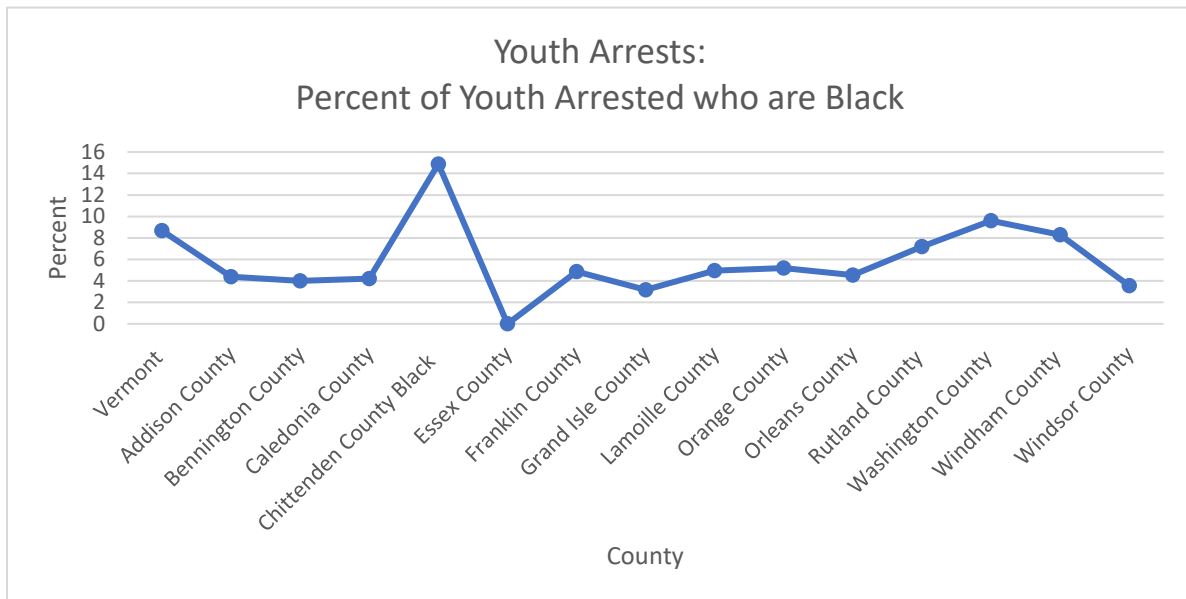


Figure 6. FFY2018-FFY2020 data from the National Incident-Based Reporting System (NIBRS), as aggregated by the Crime Research Group.

**DCF Custody**

DCF maintained a secure youth treatment facility (Woodside Juvenile Rehabilitation Center) from 1986 to Fall of 2020. The last youth left Woodside on August 27, 2020 with no further

admissions to the facility. Act 154 authorized the Agency of Human Services (AHS) to cease operations and the facility permanently closed on October 17, 2020. Instead, to meet the state's needs for secure treatment, the DSA has established a contract effective November 15th, 2020 with the Sununu Youth Services Center (SYSC) in New Hampshire Vermont youth in need of secure treatment for an interim period. Between November 15<sup>th</sup>, 2020 and July 1<sup>st</sup>, 2021, Vermont held six youth at SYSC, all of whom were cisgender male youth.

For the long-term plan to serve justice-involved youth who need secure treatment, AHS/DCF is developing a new 6-bed secure residential treatment program for Vermont youth who are in the custody of DCF, are adjudicated or charged with a delinquent or criminal act, and who require secure placement. (Vermont policy prohibits status offenders to be held in secure detention or correctional facilities).

AHS/DCF's plan is to utilize this secure residential treatment program, Wells River Treatment Center, as part of our system of care when needed on a short-term basis, ideally no longer than 4-months, or until the youth is stabilized and is able to be placed in a less restrictive setting. The DSA will continue to utilize alternative programs in our current system of care and is exploring the development of other placements to meet the unique treatment needs of high-need delinquent youth. Vermont's system of care is grounded in the belief that youth should reside and receive treatment in the least restrictive setting possible. As such, we must maintain a continuum of residential treatment placements that includes an architecturally secure treatment program for youth who need this level of care but maintains the flexibility to move youth to a less restrictive placement when they are ready. Vermont maintains contracts with a number of staff-secure residential treatment programs, non-secure treatment programs, and foster homes. Youth are maintained in their own communities with their family, fictive kin, or a foster home whenever



possible. When placed in foster care outside of their community, it is the policy of the Department to maintain the school placement whenever possible. [Policy 60](#): Juvenile Proceedings Act – CHINS (C) and (D) Assessments dictates that the DSA will engage in the least-intrusive way possible and make appropriate referrals to community agencies. Per 33 V.S.A. § 5101, children coming within the provision of the juvenile judicial proceedings should be, whenever possible, cared for in a family environment. The SAG has identified family engagement in the FFY2021-FFY2023 three-year plan.

The Wells River Treatment Center will only be for male youth and will not be available for females. While the following language was previously included in Woodside’s policy 509, “In the event that a youth is at Woodside who is known to be pregnant, the Woodside Chief Executive Officer or designee will ensure that the protections regarding the use of restraints on known pregnant juveniles as set forth in the federal Juvenile Justice Reform Act of 2018 in 34 U.S.C. §11133(a)(7)(B)(ix) are followed,” this will not be necessary for the new secure juvenile facility. In Federal Fiscal Year 2020, Woodside Juvenile Rehabilitation Center was only utilized 27 times, and the overwhelming majority male youth.

The programming for the future facility is still being finalized, however, residents will be offered certified educational services through an Agency of Education (AOE) approved academic program and a course of study that is aligned with Common Core Standards and follows a standard curriculum including Middle and High School courses in: Mathematics, Science, English, and Social Studies. Educational staff will coordinate with sending and receiving school districts to ensure youth remain engaged in materials that will support enrollment in education and connection to necessary education services. Staff are aware of the educational requirements outlined in the JJRA and will ensure any future planning for secure juvenile facilities

incorporates the requirements.

Upon entry, youth will meet intake staff and receive a health screening, a brief mental status exam, and an assessment of immediate needs. The assessment of immediate needs includes the completion of appropriate versions of the PREA Vulnerability Assessment and the Youth Personal Safety Plan (PSP). When the assessments indicate further risk factors are present, the PSP will be enhanced to include more detail as discovered to include comprehensive information regarding triggers, warning signs, coping skill suggestions, and actions to be taken in response to identified risks. It shall also include preferred individualized interventions that consider mental health and medical concerns. Youth and family input is a central component to the creation of the Individual Treatment Plan. This plan will also be informed by a thorough biopsychosocial assessment facilitated by the clinician. The assessment will be inclusive of baseline data and collateral information to inform treatment and behavior plans. Additional assessments will include the Child and Adolescent Functional Assessment Scale (CAFAS) and the Child and Adolescents Needs and Strengths (CANS) Instrument.

The program will promote a culture that minimizes physical intervention and seclusion practices and will utilize the nationally recognized Therapeutic Crisis Intervention (TCI) model as the approved for non-violent de-escalation and physical management approach. A Compliance Officer will provide independent review and oversight of restraint practices. Another key element in this approach will be the program's adherence to the Six Core Strategies to Reduce Seclusion and Restraint Model developed by the National Association of State Mental Health Program Directors.

The Department for Children and Families [Policy 69](#): Family Support Cases – Case Planning, Reassessment, Case Plan Updates, and Closure details

requirements for children and youth who are not in custody. According to the policy, the family services worker will complete an initial case plan with the family within sixty days of the initial Structured Decision Making (SDM) Risk Assessment and to be completed every 90 days thereafter. [Policy 122: Case Plan Reviews and Permanency Hearings for Children and Youth in Custody](#) details case plan reviews for children and youth in custody. Case plans are reviewed every six months. This individualized case planning includes reentry planning for any reintegration into the community from treatment programs.

Due to the incredibly low number of female-identified youth requiring secure holding, the DSA has chosen to treat those delinquent youth in staff-secure facilities. Two programs in particular are solely for female-identified youth, the Girls Assessment Program (GAP) and Vermont School for Girls (VSG). GAP serves up to five female-identified youth with unmanageable or delinquent behaviors and is a staff-secure stabilization program. The primary goal of the program is to help the resident recognize the behaviors that contributed to their need for placement and to provide them with the skills they that will need for their next placement. The Program has an on-site tutorial program certified by AOE.

VSG serves students aged 11 through 21, including those with special needs including but not limited to emotional disturbance, intellectual disability, hearing loss, multi-disability, other health impairment, specific learning disability, and speech or language impairment. Their programming also addresses the mental health needs of students who are dealing with symptoms of anxiety, mood disorders such as depression and bi-polar disorder, deficits of attention and hyperactivity, disordered attachment, posttraumatic stress disorder and developmental trauma, including symptoms of dissociation, and oppositional defiant and conduct disorders.

As illustrated in the graphs below, there has been a decreasing number of youth who are in DCF

Number of Children/Youth in DCF Custody by Age Group

Data Source: FSD Quarterly Management Reports – last day of Q3

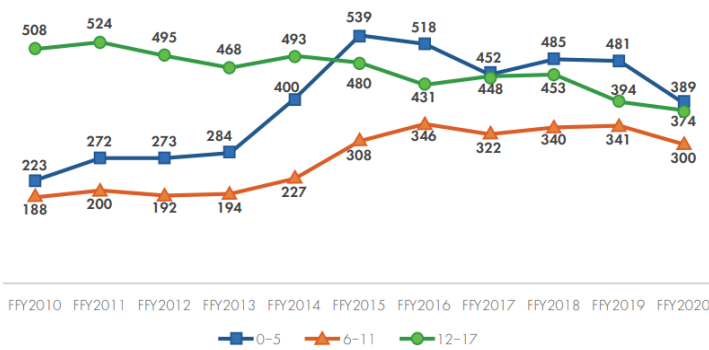


Figure 7. FFY2010-FFY2020. From [“Vermont System of Care Report 2021: COVID-19 Edition”](#) by State Interagency Team (SIT), 2021 p. 29.

Point in Time of Youth in DCF custody because of Delinquency

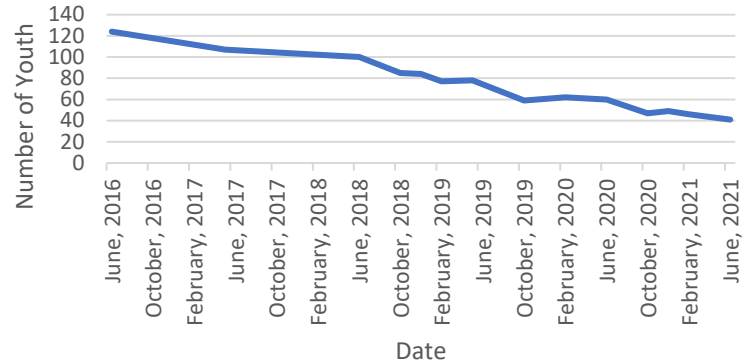


Figure 8. Point of Time based on FSD Caseload Reports.

custody due to delinquency. As of June 1, 2021, there were only 41 youth in custody for delinquency. Figure 7 demonstrates the number of youth in custody by age group for both delinquency and other child welfare issues such as abuse and neglect.

**Juvenile Risk Assessments**

As outlined in figure 5, the youth justice process outcomes are guided by the results of the Youth Assessment and Screening Instrument (YASI). Youth who have committed delinquent acts, who are at-risk (CHINS C), or truant (CHINS D) will complete the YASI, which is an evidenced-based risk/needs assessment and case planning tool that ensures youth receive appropriate-level services matched to an individual’s risk of recidivism.

Referral to Court Diversion is statutorily presumed for all youth in the Family Court who, prior to a preliminary hearing, are pre-screened by DCF Family Services Workers or a Balanced and Restorative Justice (BARJ) provider and determined to be low or moderate risk on the YASI screening tool, “unless the State’s Attorney states on the record why a referral to court diversion

would not serve the ends of justice.” For youth who are not referred to court diversion, the full YASI assessment is completed, consisting of ten domains that drive the DCF’s case plan and probation terms. The assessment ensures sound and consistent decision-making and the creation of an individualized plan that reduces problem behavior. Per 33 V.S.A. § 5230 (b)(5), a dispositional case plan shall include, as appropriate, the “proposed conditions of probation which address the identified risks and provide for, to the extent possible, repair of the harm to victims and the community. Proposed conditions may include a recommendation as to the term of probation.” [Policy 162](#), Juvenile Probation, guides youth justice practice and probation in Vermont. It includes guidance for DCF-FSD to collaborate with the youth’s family to identify services, provide supervision, and assist in successful completion of probation. Case planning policy (as described on page four) details family involvement. [Policy 60](#), Juvenile Proceedings Act – CHINS (C) and (D) Assessments, outlines the policies and procedures for completing youth risk assessments for children who may be in need of care or supervision.

Below are the results of the youth who completed the full YASI assessment from 2018 to present. Youth are categorized into high, moderate, low or no risk based on acuity of need and their responses. Domains are identified as a static risk (SR) or a dynamic risk (DR). Dynamic risks can change over time, while static risks are set. Mental health and violent history domains are not factored into the youth’s overall risk but are “flagged” in order to alert FSD-DCF that youth need further evaluation and support in the area.



statutorily presumed for all youth who have a low or moderate risk on YASI, each local State’s Attorney uses their own referral system and guidelines for referral decisions to court diversion. As described earlier, DCF custody for delinquents has decreased over the years. This is consistent with the below table, indicating that delinquency referrals to Diversion as a percent of filings have increased over the years (although the percent of filings referred in the SFY 2020 was only 43%, presumably as a result of the COVID-19 pandemic).

Youth Court Diversion and Youthful Offender Diversion

	FY 2020						FY 2019						FY 2018		
	New Filings		Diversion Referrals				New Filings		Diversion Referrals				New Delinquency Filings	Diversion Referrals Family Division	Diversion as % of New Delinquencies
	Delinquency Filings	Youthful Offenders	Delinquency	YO	Del. Referrals as % of Filings	YO Referrals as % of Filings	Delinquency Filings	Youthful Offenders	Delinquency	YO	Del. Referrals as % of Filings	YO Referrals as % of Filings			
Addison	15	17	10	3	67%	18%	28	18	16	1	57%	6%	33	10	30%
Bennington	111	8	20	7	18%	88%	89	7	24	0	27%	0%	131	34	36%
Caledonia	13	6	8	2	62%	33%	13	15	10	0	77%	0%	19	8	42%
Chittenden	104	132	46	28	44%	21%	155	119	107	19	69%	16%	199	51	26%
Essex	5	1	3	0	60%	0%	0	1	0	0	NA	0%	3	3	100%
Franklin	80	31	36	2	45%	6%	86	76	54	8	63%	11%	98	25	26%
Grand Isle	1	4	1	0	100%	0%	4	5	4	0	100%	0%	5	0	0%
Lamoille	36	5	16	11	44%	220%	39	8	18	1	46%	13%	27	18	67%
Orange	22	9	6	2	27%	22%	26	11	17	3	65%	27%	42	19	45%
Orleans	39	22	18	7	46%	32%	25	49	14	0	56%	0%	48	22	46%
Rutland	59	36	18	1	31%	3%	78	26	29	0	37%	0%	93	24	26%
Washington	78	50	48	14	62%	28%	64	89	34	15	53%	17%	78	39	38%
Windham	34	21	16	0	47%	0%	54	29	28	4	52%	14%	43	21	49%
Windsor	37	41	27	6	73%	15%	42	51	36	3	86%	6%	60	37	62%
<b>Total</b>	<b>634</b>	<b>383</b>	<b>273</b>	<b>83</b>	<b>43%</b>	<b>22%</b>	<b>703</b>	<b>504</b>	<b>392</b>	<b>54</b>	<b>56%</b>	<b>11%</b>	<b>879</b>	<b>302</b>	<b>34%</b>

Table 1. Fiscal Year 2020-2018 Youth Court Diversion and Youthful Offender Diversion. Adapted from Memorandum to Vermont General Assembly, " Pretrial Services and Court Diversion Report pursuant to 13 V.S.A. § 7554c (f) and 3 V.S.A. § 164 (d)" by Willa Farrell, 2020, 2021 p. 6 & 7.

Diversion, (BARJ), and Community Justice programs throughout the state successfully divert juveniles and young adults, especially first-time offenders, from the justice system. Most of these programs are made available after a charge has been filed. Pre-charge diversion programs are less common. They tend to be concentrated geographically in areas with larger local police departments such as in Burlington and Winooski. Unlike post-charge restorative justice

programs, the decision to send juveniles to pre-charge programs is usually made by a law enforcement officer as opposed to the State's Attorney but is often based on parameters given by the State's Attorney. If law enforcement is familiar with the benefits of the program, pre-charge diversion is a useful tool to deal with non-violent offenses. It provides an immediate opportunity for the youth to take responsibility for their conduct while at the same time providing a voice for victims if applicable. Successful completion means that no charges are filed.

Another formal diversion option is available through the 'rapid response' mechanisms when offenses are related to drug and alcohol use and require a defendant to enter treatment early in case processing. The Youth Substance Abuse Safety Program (YSASP), operated out of the county Diversion programs (also state-funded), provides a diversion response that requires screening, assessment, and treatment for alcohol or substance use disorders as indicated. It prevents court cases while holding youth accountable for possession of alcohol and marijuana. Participants pay a fee, meet with a licensed or certified substance abuse counselor for a screening or assessment, and may participate in an educational program and perform community service.

Increasing access to diversion further is a priority area of the SAG, as is supporting the development of age-appropriate, offense-specific diversion programming for youth who are referred to these programs either through the courts or pre-charge from law enforcement. Due to the nature of Vermont's justice system and the 14 elected state prosecutors, there is a striking geographical variance in the availability of diversion programs for youth living in different areas of the state. This is attributed to a variety of reasons, such as the quality of their local programming or local perspectives on restorative justice practices.



In the last state fiscal year, BARJ received more referrals related to truancy than those for adjudicated youth or youthful offenders, and significantly more at-risk youth referrals. These at-

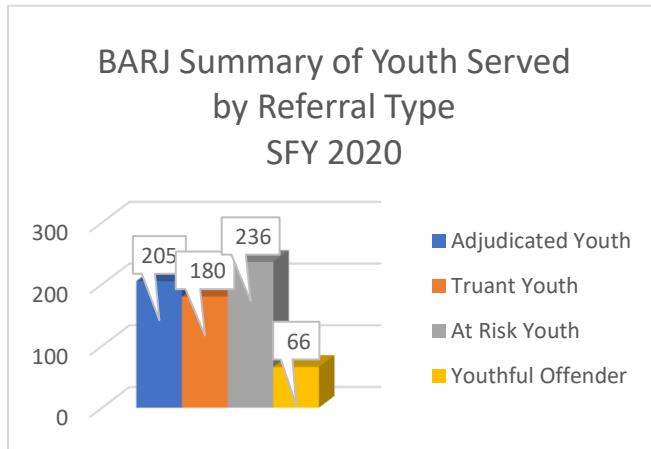


Figure 10

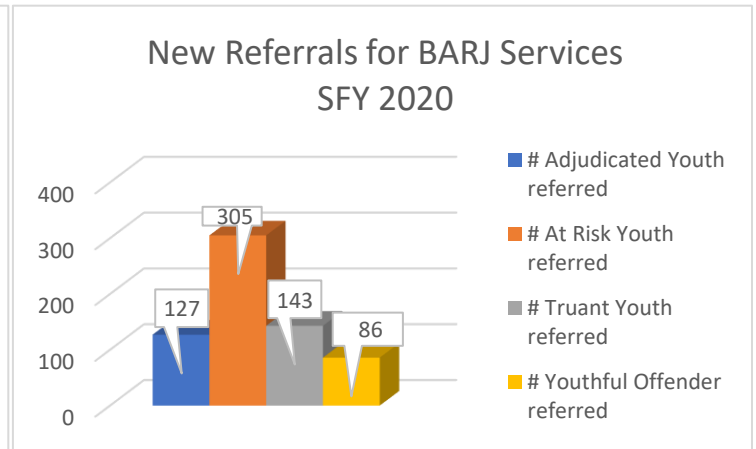


Figure 11

Figure 10 & 11. State Fiscal Year 2020 (July 1, 2020 – June 30 2021). VT Family Service Division- REU BARJ\_20-21\_Data worksheet, BARJ Agg Annual & Quart FY20.

risk youth are referred to as a Child in Need of Care or Supervision (33 V.S.A. § 5102 (3) (C)) (CHINS) and are described as a child who is without or beyond the control of his or her parent, guardian, or custodian. However, the at-risk youth indicated in the BARJ referral types can also just simply be youth who are demonstrating behaviors that are putting them at-risk of becoming involved in the Juvenile Justice system.

**Education, Mental Health Services, Residential System of Care**

The impact of COVID-

19 on the school system has been enormous, but it also is difficult to track. The SAG has heard anecdotally about the impact of virtual learning on youth, and many are concerned about future ramifications for the youth who have been most negatively impacted. Rural youth nationwide have especially been impacted by COVID-19, and the entire state of Vermont is considered rural. There is one city (Burlington) that could be categorized as a metropolitan center, but this means

that all intervention and prevention activities in Vermont must be developed for rural populations. The statewide data below from the Vermont Agency of Education shows that even with inconsistent reporting, we are seeing schools with lower attendance and higher truancy rates across the state.

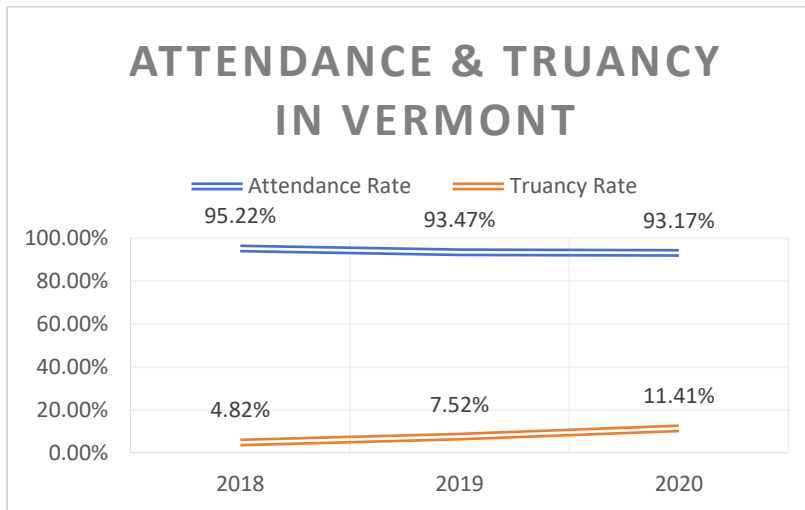


Figure 12. School Year 2018-2020. Data from [VERMONT EDUCATION DASHBOARD: STUDENT INFORMATION](#).

While the overall population of youth in Vermont ages 0-18 has been steadily declining over the past decade, AHS is reporting a significant need for supports and services by families facing poverty, struggling with opiate addiction, limited employment opportunities, and Adverse Childhood Experiences. In the state Fiscal Year (FY) 2019 Vermont’s Designated and Special Services Agencies (DA/SSA) child, youth and family mental health programs served 10,218 children and youth. Further, the impact of the COVID pandemic will exacerbate these service needs for years to come.

FY19	# of Children Served	Ages 0-6	Ages 7-12	Ages 13-19	Ages 20-34	Male	Female
Overall	10,218	18%	38%	41%	41%	56%	44%
Services Received through DA/SSA			FY15	FY16	# Children FY17	FY18	FY19
Therapies			4,349	4,003	3,839	3,812	3,675
Medication and consultation			1,257	1,344	1,337	1,352	1,195
Clinical interventions			6,523	6,322	6,291	6,688	6,241
Service Planning and Coordination			7,343	7,531	7,138	7,491	6,780
Community Supports			8,685	8,493	8,333	8,344	8,020
Crisis assessment, supports, and referrals			1,965	1,558	1,170	1,277	1,137
Respite			445	302	215	192	180

Table 2. From [“Vermont System of Care Report 2021: COVID-19 Edition”](#) by State Interagency Team (SIT), 2021 p. 29.

In 2020, The Vermont Agency of Human Services (AHS) contracted with Public Consulting Group, Inc. (PCG) to conduct an analysis of the children’s residential system of care in Vermont in order to identify the incremental steps Vermont can take beginning in fiscal year 2021 to: 1. increase community-based supports and services; 2. increase the ability of families to care for their children while they receive the necessary therapeutic treatment; 3. provide necessary treatment within family like settings, thus decreasing the need to receive that treatment within a residential setting; and 4. assure youth only reside within residential settings when treatment provided is necessary and prescribed and only for the duration of that need. PCG’s analysis resulted in numerous findings, many of which drive the SAG’s goals and priorities for the next 3-year plan. Some key data findings are below:

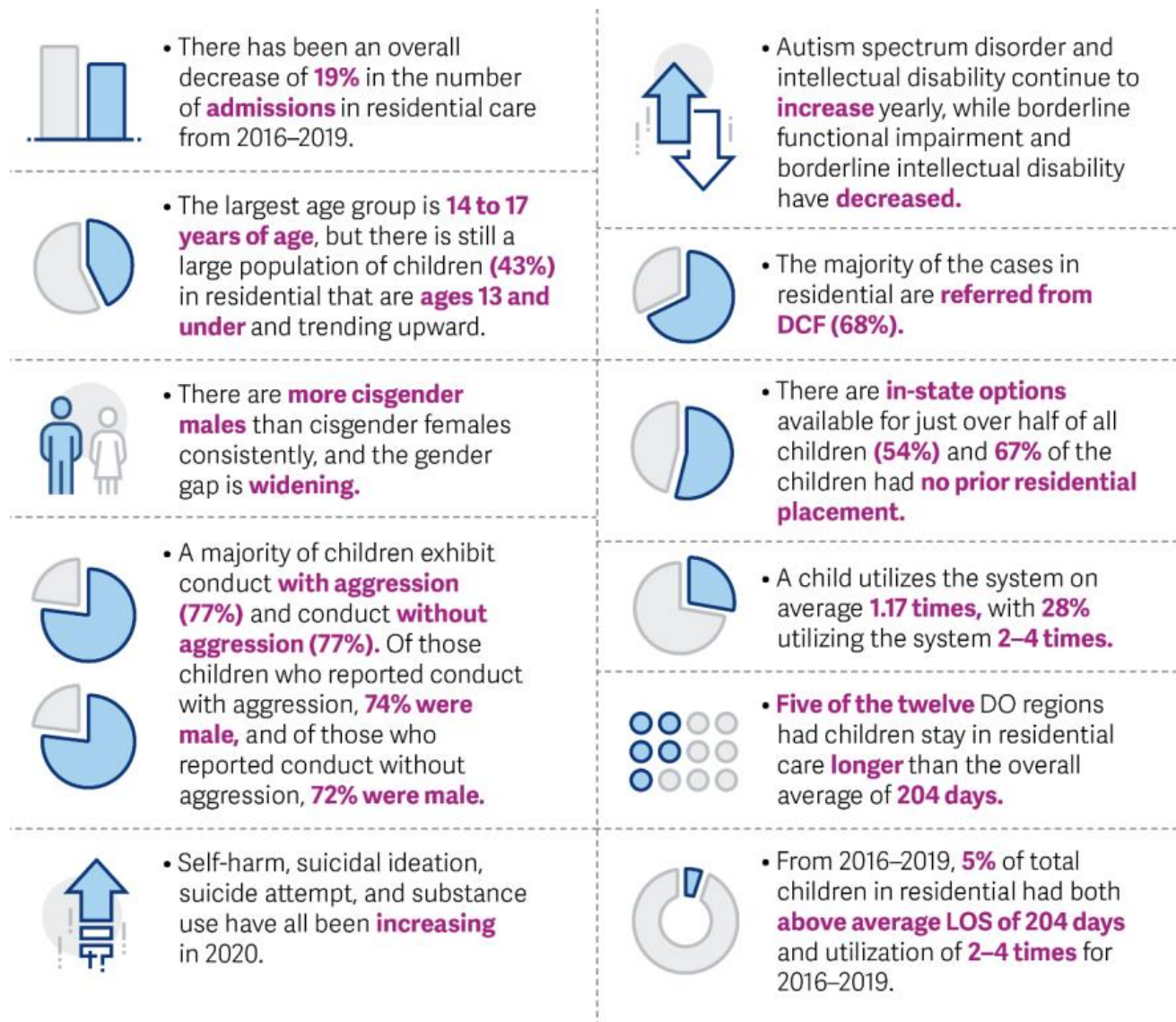


Figure 13. From [“Vermont Agency of Human Services Analysis of Children’s Residential System of Care”](#) by Public Consulting Group, 2020. P 4.

Most youth in residential settings are cisgender males in DCF custody between the ages of 14 and 17. These youth have consistently exhibited problematic behavior that is both aggressive and not aggressive<sup>i</sup> (conduct with aggression or conduct without aggression), and self-harm, suicidal ideation, suicide attempt and substance abuse have been increasing. In 2016, it was reported that 8% of youth in residential care used substances, and in 2020 27% of youth in residential care used substances.<sup>ii</sup>

Anecdotally, PCG heard from stakeholders that cisgender males tend to externalize emotions, aligning with two of the most prevalent characteristics, that 77% of residential placements are characterized by either conduct with aggression or conduct without aggression.

The findings above illustrate some of the reasons that the Vermont General Assembly adopted principles of Vermont's trauma-informed system of care, which includes the understanding that childhood trauma impacts all facets of society, and that health care, mental health, educational, childcare, and that the justice systems should collaborate with these agencies to address childhood trauma. 33 V.S.A. § 3401 asserts that a statewide, community-based interconnected public health and social service approach is necessary, and that services should be evidence-informed and research-based. 33 V.S.A. § 3403 created the permanent position of Director of Trauma Prevention and Resilience Development in the Office of the Secretary of AHS.

### **Conclusions**

Overall, it is clear that there are significant needs for youth across the state, especially youth who are at-risk or delinquent, and particularly youth in residential settings. This has been exasperated by the COVID-19 pandemic and we anticipate seeing the impact for years to come. In reviewing the above needs, the SAG noted a clear increased need for services to support at-risk youth statewide and continue to prevent them from encountering the juvenile justice system.

## Project Goals and Objectives

Given all data and experiential evidence, it is clear that all children and youth in Vermont do not have the same opportunities to grow and flourish. The SAG has identified three overarching goals to be addressed from FFY2021-FFY2023 to address those disparities, which are ranked in order of priority below.

1. **Ethnic and Racial Disparities: 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. **System Improvement: Ensure that Vermont’s justice system treats youth and young adults fairly and provides the greatest possible opportunities for youth and young adults to lead productive lives and contribute to their communities.**
3. **Youth Services: Reduce delinquency in Vermont by supporting prevention and intervention programs in schools, community-based and other organizations, and state agencies.**

**#1 Eliminate Ethnic and Racial Disparities: 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.**

---

**Program Area: Racial and Ethnic Disparities (RED)**. Programs, research, or other initiatives primarily to address the disproportionate number of youth members of minority groups who come into contact with the

juvenile justice system.

**Program Area: E** Educational programs or supportive services for at-risk or delinquent youth or other juveniles

(i) to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including for truancy prevention and reduction;

(ii) to provide services to assist juveniles in making the transition to the world of work and self-sufficiency;

Proposing anything less than the complete elimination of ethnic and racial disparities within the juvenile justice system fuels the continuation and acceptance of systemic racial bias and inequity.

Burlington, Vermont has a 16 percent black youth population, but 44 percent of the youth ages 17 and under who are arrested are black youth. The data demonstrates serious racial disparities in court diversion referrals, secure detention, delinquency filings, and adult transfer. CFCPP is working to address these disparities by confronting systemic and pervasive racism throughout contact points in the juvenile justice system.

In addressing these disparities, the Vermont SAG's Ethnic and Racial Disparity committee members have concluded that it is important not just to address the result of disparities within the system, but also to provide prevention services and supports targeting specifically to youth of color youth. The objectives listed below represent both intervention in the system and supports and services to assist juveniles.

**ERD Objectives for the Three-Year Plan:**

1. Reduce the number of BIPOC youth involved in the juvenile justice system, specifically

by addressing the arrest and referrals of BIPOC youth to court, through specifically tailored prevention programming and system improvement.

2. Support the collection, analysis and dissemination of race and ethnicity data at important discretion points in the juvenile justice system, as outlined in the Racial Disparities in the Criminal and Juvenile Justice System's report to the legislature.
3. Reduce school suspensions and expulsion statewide, with a particular focus on addressing the ethnic and racial disparities in school discipline. Schools are a common area where all youth gather, learn, and grow which creates a unique opportunity to provide crucial supports to youth in a safe, healthy, and nurturing environment.

**#2 Juvenile Justice System Improvement: Ensure that Vermont's justice system treats youth and young adults fairly and provides the greatest possible opportunities for youth and young adults to lead productive lives and contribute to their communities.**

**Program Area (M):** Programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

- (i) encourage courts to develop and implement a continuum of pre-adjudication and post-adjudication alternatives that bridge the gap between traditional probation and confinement in a correctional setting (including specialized or problem-solving courts, expanded use of probation, mediation, restitution, community service, treatment, home detention, intensive supervision, electronic monitoring, and similar programs, and



secure community-based treatment facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and

(ii) assist in the provision of information and technical assistance, including technology transfer, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

**Program Area: Juvenile Justice System Improvement.** Programs, research, and other initiatives to examine issues or improve practices, policies, or procedures on a systemwide basis (e.g., examining problems affecting decisions from arrest to disposition and detention to corrections).

Vermont's youth justice system must be based on data-driven, evidence-based practices that properly commensurate the degree of intervention with the risk of re-offense. In fact, if youth interact with the system at all, the justice system must connect youths and young adults to age-appropriate services or risk level. Vermont's youth justice system must shield youths and emerging adults from the adverse impact of a criminal record and include pre-charge options that keep low-risk offenders out of the system altogether.

**System Improvement Objectives for the Three-Year Plan:**

1. Support the implementation of Raises the Age, which raised the age of juvenile court jurisdiction to 18-year-olds on July 1, 2020 and will further raise the age to 19 on July 1, 2022. Research demonstrates that adolescence is a distinct age when, to some degree, risky and even illegal conduct is normative for adolescents and emerging adults. This developmental period requires adolescents and emerging adults (18-25 years old) to be

served by the juvenile justice system’s rehabilitative approach. However, there are many times when less or no formal intervention is best, and research has shown that the justice system can unintentionally negatively impact youth, and result in a higher likelihood of recidivism. This is because nearly all youth will mature and age out of their risky behavior. The SAG must ensure that implementation of RTA goes smoothly in order so that emerging adults are provided with supports and age-appropriate services, with the goal of reducing recidivism statewide and empowering youth to lead productive lives.

2. Advocate for additional system change. Historically, the SAG has advised the designated state agency in best practices for youth well-being and development and partnered with the DSA and other stakeholders to successfully implement state legislative changes in youth court jurisdiction (such as the “Youthful Offender” option for 16- to 21-year-old youth and young adults as described in past plans). The SAG will continue to educate and advise stakeholders on best practices youth involved in the juvenile justice system.
3. Advocate for best practices on school related issues. It is widely acknowledged that academic failure, dropout, and justice system involvement are interconnected. This particularly impacts students with disabilities, students of color, and students in low-income families.

### **#3 Youth Services:**

**Program Area: (L)** programs for positive youth development that assist delinquent and other at-risk youth in obtaining— (i) a sense of safety and structure; (ii) a sense of belonging and membership; (iii) a sense of self-worth and social contribution; (iv) a sense of independence and control over one’s life; and (v) a sense of closeness in interpersonal relationships.

**Program Area: (C)** comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, healthcare agencies, and private nonprofit agencies offering youth services.

The SAG will reduce youth involvement in the juvenile justice system through youth serving programs. They will seek to reduce delinquency in Vermont by supporting prevention and intervention programs in schools, community-based and other organizations, and state agencies.

**Youth Services Objectives for the Three-Year Plan:**

- 1) All programming serving youth is equitable by eliminating ethnic and racial disparities within youth accessing services.
  - 2) Youth are engaged and empowered in their community.
  - 3) Youth receive a free, high-quality education in a safe school environment.
  - 4) All youth have access to wellbeing and mental-health supports.
-

## Project Design and Implementation

### **#1 Ethnic and Racial Disparities:** Activities, Services, and Projects:

#### ERD System Improvement projects:

- Fund and promote statewide restorative justice training of law enforcement that includes information on local community-based alternative programs available as alternatives to delinquencies, and the benefits of restorative justice practices for youth. If an officer is familiar with the benefits of the program, pre-charge diversion is a useful tool to deal with non-violent offenses. It provides an immediate opportunity for the juvenile to take responsibility for their conduct while at the same time providing a voice for victims if there are any. By minimizing the degree to which the juvenile/young adult is exposed to the criminal justice system, increased use of pre-charge diversion reduces the likelihood that the juvenile/young adult will commit another crime thereby increasing public safety.
- Ensure that organizations serving youth do not perpetuate ethnic and racial disparities by supporting, funding and promoting anti-racism training for all stakeholders in the juvenile justice, education, youth mental health system, etc.
- Promote raising the baseline age of juvenile jurisdiction (Vermont's current baseline is 10 years old).
- School Resource Officers: Supporting best practices or addressing the use of them statewide.
- Develop strategies to work with all police departments in Chittenden County to gather their town's ERD arrest data, as is done with Burlington.

- Address the use of “unknown” and “not reported” race and ethnicity data in the court data base. In FY2020 (State’s fiscal year 7/1/19 – 6/30/20), there were 905 juvenile delinquency cases filed in the Family Division. In 16% (147) of the cases, race or ethnicity was “not reported” by law enforcement. In 3% (25), race/ethnicity was reported as “not known.” The SAG has sent a letter to the Family Rules Committee of the Vermont Supreme Court to address this through a change in rules, and the SAG will continue to assess and address this issue.

Services for BIPOC communities, youth, and families:

- Promote and fund workforce development specifically for youth from marginalized communities. This includes assisting juveniles in making the transition to the world of work and self-sufficiency.
  - There is no comprehensive collaboration between state agencies (DOL, DCF, DAIL, etc). The ERD committee would like to assess the status of youth employment support throughout the state agencies and support collaborative practices.
  - Aggregate feedback from youth of color about their employment barriers, such as transportation, and provide resources to address those barriers.
- Enhance and develop resources and services within communities that minimize their reliance on law enforcement.
- Fund entities to develop school-based community programming that addresses the systemic and institutionalized racism within school systems as a tactic to addressing the disproportionate arrests of youth of color. Instead of using punitive measures that perpetuate systemic and institutionalized racism, the SAG will support and fund

interventions and programs such as School-wide Positive Behavior Interventions and Supports (PBIS), trauma-sensitive training, and Restorative Practices that aim to address root causes of student behaviors and provide needed services both on and off school grounds are a crucial approach to reducing Vermont's ethnic and racial disparities in arrests.

- In 2020, two grantees were each awarded \$70,000 to address these issues: Burlington School District and Spectrum Youth and Family Services. To make real change, programs need to be supported for multiple years, and it is expected that future collaboration and support to these two school systems will continue during the FFY2021-FFY2023 3-year plan. If proven to be effective at reducing ethnic and racial disparities in the schools, the SAG may work to implement these programs in other areas across the state. The SAG is currently working to utilize additional funding for each subgrantee for evaluation purposes, and it will prove to be instrumental in expanding the programming elsewhere.
- Work with the Department for Children and Families to assess family and community engagement in case planning for youth involved in the Juvenile Justice System.

**#2: Juvenile Justice System Improvement:** Activities, Services, and Projects

- Identify gaps in services for youth who face economic and social barriers and foster development of programs that support successful implementation with a particular emphasis on family engagement in policy and practice.
- Right-size disposition options in the Juvenile Justice System. A large majority of delinquency cases that reach the post-merits stage in the Family Division receive

Probation Certificates, putting these youth under ongoing supervision. Research shows that youth who are low risk should not be placed on probation, because doing so can increase their likelihood of re-offense. Instead of placing the youth on probation, low-risk youth should be diverted. Diversion includes pre- and post-charge diversion referrals for low to moderate risk offenders as well as decisions by law enforcement to neither refer nor charge. Promote the use of diversion through restorative justice Restorative Justice training for law enforcement and advocating for sufficient resources for diversion programs (CJCs and BARJ).

- Increase use of diversion to 60% paying close attention to racial equity.
  1. The SAG may approach this objective through training for law enforcement on restorative justice practices and/or improving diversion services statewide so that law enforcement will be comfortable diverting youth to those programs.
- Ensure that probation is incentivized, terms are limited, and caseloads allow individualized case planning consistently across the state;
- Minimize placements outside of juvenile's community.
- Data Collection and Analysis is a crucial aspect of improving the justice system especially as Vermont moves forward with such historic changes. Proper analysis will help assess whether there are unanticipated concerns to address or successes to celebrate. Race and ethnicity data needs to be a top priority in each of the projects below.
  - Monitor court data as 18 and 19-year-olds are added to Family Division.
  - Develop a tool to track referrals to pre-charge diversion by law enforcement.

- Monitor data related to probation including caseloads, average length of probation, family involvement, out of home placements, etc.
  - Monitor what is happening 18- and 19-year-olds who would have formerly been resolved the charge with the “Fine Only” Option. Are they being diverted, or resulting in delinquencies?
  - Issue annual Report Card on Juvenile Justice in Vermont. What does data tell us about Vermont’s juvenile justice system. E.g. Percentage of youth diverted from system; probation caseloads; use of secure detention; etc. The SAG could look at examples from Allegheny County, PA; Pierce County, WA; and Maine to develop a report card for Vermont.
  - Work with Crime Research Group (CRG) to establish a recidivism base line for 18 and 19-year-olds. Once 18- and 19-year-olds have been in Family Court, a recidivism comparison of these populations can occur to fully evaluate the rehabilitative success of the juvenile justice system in comparison to the criminal system.
- Racial equity: Work with ERD Committee to ensure racial equity in implementation. Any success in the above goals that does not also reduce disparity is not a success, but a failure for all youth and the state of Vermont.
  - Support raising the minimum age of juvenile court jurisdiction to age to 12 or higher.
  - Work with ERD Committee to support legislative and/or court rule reforms designed to identify officer’s perception of race and ethnicity.
  - Victim’s Rights: Review victim’s rights in the Juvenile Justice system to determine whether there are gaps.



- Support expansion of current truancy projects like the project in Lamoille through support for community-based organizations. The SAG will look to promote statewide reforms such as model policies and protocols for the state.
- Reduce ethnic and racial disparities within school suspension and expulsion and promote other racial equity work in the school system, such as issues related to the role of School Resource Officers.

---

### **#3 Youth Services:** Activities, Services, and Projects

- Support programs and services that strive to reduce and /or eliminate ethnic and racial disparities within youth accessing services.
  - Target services specifically for youth with disabilities and/or struggling in school, youth in foster care, youth from minority religions, BIPOC youth and LGBTQ youth, and/or socioeconomically disadvantaged youth.
- Ensure that all youth-serving programs have youth voice in their program development and implementation.
- All Vermont Youth can read and write at or above grade level.
  - Improve instruction and interventions so all Vermont Youth are afforded foundational, structured-literacy and learn to read and write at or above grade level.
  - Act 28, an act to improve K-12 literacy, provides grants to schools who incorporate the findings of the National Reading Panel and establishes a State Advisory Council on Literacy. The SAG will work collaboratively with the new Council.
- Ensure that Police involvement in Vermont Schools is minimal.

- Encourage schools to develop programs that involve social workers, school counselors, home-school coordinators and other social-emotional practitioners whenever possible instead of law enforcement.
- Reduce school suspensions for youth in Vermont.
  - Encourage schools to develop alternatives to school detention and suspension and evidence-based prevention and/or intervention programs.
  - S.16, an act relating to the task force on equitable and inclusive school environments, was passed in May 2021. This act creates the Task Force on Equitable and Inclusive School Environments, which shall make recommendations to end suspensions and expulsions for all but the most serious student behaviors and compile data regarding school discipline in Vermont. The SAG will work collaboratively with the new task force.
- Encourage the development of efforts to reduce truancy.
- Ensure youth have access to opportunities that support normal adolescent development (such as enrichment opportunities including involvement in teen drop-in centers, sports, clubs, and progressive employment), increased sense of belonging, and safe and appropriate out-of-school supervision in order to reduce delinquency. This will include the following;
  - Ensure that all youth have a caring, competent, trusting adult to turn to.
  - Ensure that all youth have access to supports and services that provide education in emotional regulation.
  - Encourage the development of safe spaces, which support cultural humility, for youth to express their emotions.

- For example, in 2020, the Council posted a Request for Proposal to support the coordination of youth leadership programs across the state as they work to strengthen youth resiliency, youth empowerment, healthy relationships and/or youth-adult partnerships and promote engagement in positive youth development. The Council was looking for programs that would support youth in establishing and maintaining youth leadership programs that are developmentally appropriate and effective at helping at-risk or delinquent youth ages 10 to 23 achieve their full potential.
  - Turning Point Recovery Center of Springfield was one of two grantees selected with a start date of February 1, 2020. They are implementing a peer-based youth leadership training that prepares youth ages 13-21 to become leaders to support their peers who may be struggling with substance abuse issues themselves or within their families. Turning Point will train youth leaders in topics such as, but not limited to; active listening, health boundaries, stigma, importance of supervision and support, selfcare. Youth Leaders are matched with youth and then will meet with them regularly – these matches are based on fit level and the youth leader’s ability to provide the needed level of support to a youth. Youth leaders will meet with a certified recovery coach about issues/needs they or their youth peer are experiencing, and the couch shall offer direct referrals for services, support and resources as needed. If this program prove successful in

Springfield Vermont, the SAG may view this as a pilot and work to implement similar programming in other areas of the state.

**Appendix I: Compliance with the JJDP Act Formula Grants Program State Plan Requirements [34 U.S.C. § 11133(a), Section 223(a)]**

**Below each requirement is the required information, or respective page where the three-year requirement is included in the three year plan.**

**(a) REQUIREMENTS** In order to receive formula grants under this part, a [State](#) shall submit a plan for carrying out its purposes applicable to a 3-year period. Such plan shall be amended annually to include new programs, projects, and activities. The [State](#) shall submit annual performance reports to the [Administrator](#) which shall describe progress in implementing programs contained in the original plan, and shall describe how the [State](#) plan is supported by or takes account of scientific knowledge regarding adolescent development and behavior and regarding the effects of delinquency prevention programs and juvenile justice interventions on adolescents. Not later than 60 days after the date on which a plan or amended plan submitted under this subsection is finalized, a [State](#) shall make the plan or amended plan publicly available by posting the plan or amended plan on the [State's](#) publicly available website. In accordance with regulations which the [Administrator](#) shall prescribe, such plan shall—

**(1)** designate the [State](#) agency as designated by the chief executive officer of the [State](#) as the sole agency for supervising the preparation and administration of the plan;

**Governor Peter Shumlin issued an executive order naming the Children and Family Council for Prevention Programs as the sole entity responsible for supervising the preparation and administration of the JJDP plan in Vermont (July 1, 2015). The CFCPP is the SAG and is attached to the Department for Children and Families Family Services Division.**

**(2)** contain satisfactory evidence that the [State](#) agency designated in accordance with paragraph (1) has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

**The executive order named above, and the V.S.A. 33:33 established the CFCPP as the entity responsible for implementing the plan with the authority and support of the DSA, established in statute as the Agency of Human Services – (the Department for Children and Families is a department within the AHS).**

**(3)** provide for an advisory group that—

**(A)** shall consist of not less than 15 and not more than 33 members appointed by the chief executive officer of the [State](#)—

**(i)** which members have training, experience, or special knowledge concerning adolescent development, the prevention and [treatment](#) of juvenile delinquency, the administration of juvenile justice, or the reduction of juvenile delinquency;

**(ii)** which members include—

**(I)** at least 1 locally elected official representing general purpose local government;

**(II)** representatives of law enforcement and juvenile justice agencies, including juvenile and family court judges, prosecutors, counsel for children and youth, and probation workers;

- (III) representatives of public agencies concerned with delinquency prevention or [treatment](#), such as welfare, social services, child and adolescent mental health, education, child and adolescent substance abuse, special education, services for youth with disabilities, recreation, and youth services;
- (IV) representatives of private [nonprofit organizations](#), including persons with a special focus on preserving and strengthening families, parent groups and parent self-help groups, youth development, delinquency prevention and [treatment](#), neglected or dependent children, the quality of juvenile justice, education, and social services for children;
- (V) volunteers who work with delinquent youth or youth at risk of delinquency;
- (VI) representatives of programs that are alternatives to incarceration, including programs providing organized recreation activities;
- (VII) persons with special experience and competence in addressing problems related to school violence and vandalism and alternatives to suspension and expulsion;
- (VIII) persons, licensed or certified by the applicable [State](#), with expertise and competence in preventing and addressing mental health and substance abuse needs in delinquent youth and youth at risk of delinquency;
- (IX) representatives of victim or witness advocacy groups, including at least one individual with expertise in addressing the challenges of sexual abuse and exploitation and trauma, particularly the needs of youth who experience disproportionate levels of sexual abuse, exploitation, and trauma before entering the juvenile justice system; and
- (X) for a [State](#) in which one or more Indian Tribes are located, an Indian tribal representative (if such representative is available) or other individual with significant expertise in tribal law enforcement and juvenile justice in Indian tribal communities;
- (iii) a majority of which members (including the chairperson) shall not be full-time employees of the Federal, [State](#), or local government;
- (iv) at least one-fifth of which members shall be under the age of 28 at the time of initial appointment; and
- (v) at least 3 members who have been or are currently under the jurisdiction of the juvenile justice system or, if not feasible and in appropriate circumstances, who is the parent or guardian of someone who has been or is currently under the jurisdiction of the juvenile justice system.

**The Vermont SAG’s membership roster is submitted in Just Grants as required.**

(B) shall participate in the development and review of the [State’s](#) juvenile justice plan prior to submission to the supervisory board for final action;

**The Vermont SAG has sole authority to develop the 3-year JJDP plan. It does consult with the DSA and other key government entities about its priorities and seeks input on opportunities for collaboration.**

(C) shall be afforded the opportunity to review and comment, not later than 45 days after their submission to the advisory group, on all juvenile justice and delinquency prevention grant applications submitted to the [State](#) agency designated under paragraph (1);

**The DSA is kept informed of SAG activities and RFPs as the JJ Specialist is an employee of the DSA. Each committee of the SAG is responsible for one goal in the three-year plan. They put together a “proof of concept” for the full SAG when developing a solicitation. The full SAG votes on the concept, and then the respective committee (with assistance from the JJ**

**Specialist and the DSA's grants and contracts unit), develops a solicitation. Then members of the SAG volunteer to review and score the proposal. DSA staff is included in reviewing the proposals, as necessary. A Department deputy commissioner then approves the grant award to the successful bidder.**

(D) shall, consistent with this subchapter—

(i) advise the [State](#) agency designated under paragraph (1) and its supervisory board;

**The SAG acts as both the advisory and supervisory board. The SAG regularly collaborates with, educates, and advises the leadership of the DSA, both within the DCF Commissioner's office and the leadership team of the Family Services Division.**

(ii) submit to the chief executive officer and the legislature of the [State](#) at least every 2 years a report and necessary recommendations regarding [State](#) compliance with the [core requirements](#); and

**The state SAG submits an annual report to the Governor and legislature at the beginning of each calendar year. [FINAL-CFCPP-2020-Annual-Report.pdf \(vermont.gov\)](#).**

(iii) contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; and

**Since January 2018, SAG members have been conducting conversations with youth groups to discuss their views of the world, priorities, and obstacles they face in their communities. Members have previously met with youth under the jurisdiction of the youth justice system in settings such as a community re-entry facility for young adults, the sub grantee performing ERD interventions for the SAG, a local high school group that has been active in gun control legislation and a group who successfully advocated for raising the Black Lives Matter flag at their high school during Black History Month. Most recently, the SAG gathered feedback from youth on School Resource Officers and safe school environments through a focus group. The Woodside Rehabilitation Center is now closed, but when Vermont has a secure facility up and running the SAG will work to ensure that they receive feedback regularly from the youth held at the new facility.**

(E) may, consistent with this subchapter—

(i) advise on [State](#) supervisory board and local criminal justice advisory board composition; and

**Generally, the SAG recruits members continuously throughout the year. Occasionally, members are appointed from the Governor's Office without prior connection to the SAG. There are no local advisory boards; the state's services and probation are state-centric with regional offices.**

(ii) review progress and accomplishments of projects funded under the [State](#) plan;

**SAG committees regularly receive presentations from sub-grantees. In addition, the JJ Specialist manages all JJDP grant awards and keeps the SAG updated on the award progress.**

(4) provide for the active consultation with and participation of units of local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of units of local government, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

**Local and county government in Vermont is not responsible for and does not fund youth justice. This is a state service operating from a central office that has 12 regional offices. Members of the SAG and staff participate in regional and statewide meetings that provide insight into the variations and nuances of those regions. A monthly youth justice meeting that brings probation workers from around the state is hosted by the DSA and the Juvenile Justice Specialist participates in this.**

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 11132 of this title reduced by the percentage (if any) specified by the State under the authority of paragraph (25) and excluding funds made available to the State advisory group under section 11132(d) of this title, shall be expended—

(A) through programs of units of local government or combinations thereof, to the extent such programs are consistent with the State plan;

**There are no youth justice programs within local government; they are not included in the state plan.**

(B) through programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of local government or combination thereof; and

**The majority of Formula funds are allocated to local private agencies, or statewide coalitions of programs. The SAG does not require a denial of local funding because there is no local funding available. The SAG does require financial statements at application that show agency budget origins and potential duplication.**

(C) to provide funds for programs of Indian Tribes that agree to attempt to comply with the core requirements applicable to the detention and confinement of juveniles, an amount that bears the same ratio to the aggregate amount to be expended through programs referred to in subparagraphs (A) and (B) as the population under 18 years of age in the geographical areas in which such tribes perform such functions bears to the State population under 18 years of age,[1]

**Vermont does not have any federally recognized Indian Tribes or pass-through allocations.**



(6) provide for an equitable distribution of the assistance received under [section 11132 of this title](#) within the [State](#), including in [rural](#) areas;

**Vermont's state advisory group is committed to ensuring that funds are equitably distributed throughout the state of Vermont, and this is a top priority when the SAG reviews funding. For example, Delinquency prevention funds during COVID-19 were RFPed out to agencies statewide. There are 14 counties in Vermont, with the youth population ranging from approximately 37,000 to only a few thousand. The SAG awarded 10 organizations awards from that RFP, and only one county received two awards.**

(7)

(A) provide for an analysis of juvenile delinquency problems in, and the juvenile delinquency control and delinquency prevention needs (including educational needs) of, the [State](#) (including any geographical area in which an Indian tribe has jurisdiction), a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems (including the joining of gangs that commit crimes) and juvenile justice and delinquency prevention needs (including educational needs) of the [State](#); and

**Pages 3-21**

(B) contain—

(i) an analysis of [gender-specific services](#) for the prevention and [treatment](#) of juvenile delinquency, including the types of such services available and the need for such services;

**Pages 10, 20-21**

(ii) a plan for providing needed [gender-specific services](#) for the prevention and [treatment](#) of juvenile delinquency;

**Pages 10, 20-21**

(iii) a plan for providing needed services for the prevention and [treatment](#) of juvenile delinquency in [rural](#) areas;

**Page 17-18. The entire state of Vermont can be defined as rural.**

(iv) a plan to provide alternatives to detention for [status offenders](#), survivors of commercial sexual exploitation, and others, where appropriate, such as specialized or problem-solving courts or diversion to home-based or community-based services or [treatment](#) for those youth in need of mental health, substance abuse, or co-occurring disorder services at the time such juveniles first come into contact with the juvenile justice system;

**Pages 14-16**

(v) a plan to reduce the number of children housed in secure detention and corrections facilities who are awaiting placement in residential [treatment](#) programs;

**Pages 7-11**

(vi) a plan to engage family members, where appropriate, in the design and delivery of juvenile delinquency prevention and [treatment](#) services, particularly post-placement;

**Page 10, 13**

(vii) a plan to use community-based services to respond to the needs of at-risk youth or youth who have come into contact with the juvenile justice system;

**Pages 14-16, Identified as one of the SAG's goals: pages 24-26**

(viii) a plan to promote [evidence-based](#) and [trauma-informed](#) programs and practices; and

**Page 3, 12-14, Identified as one of the SAG's goals: pages 24-26**

(ix) not later than 1 year after December 21, 2018, a plan which shall be implemented not later than 2 years after December 21, 2018, to—

(I) eliminate the use of [restraints](#) of known pregnant juveniles housed in secure juvenile detention and correction facilities, during labor, delivery, and post-partum recovery, unless credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; and

(II) eliminate the use of abdominal [restraints](#), leg and ankle [restraints](#), wrist [restraints](#) behind the back, and four-point [restraints](#) on known pregnant juveniles, unless—

(aa) credible, reasonable grounds exist to believe the detainee presents an immediate and serious threat of hurting herself, staff, or others; or

(bb) reasonable grounds exist to believe the detainee presents an immediate and credible risk of escape that cannot be reasonably minimized through any other method;

**Page 9**

(8) provide for the coordination and maximum utilization of [evidence-based](#) and [promising juvenile delinquency programs](#), programs operated by public and private agencies and organizations, and other related programs (such as education, special education, recreation, health, and welfare programs) in the [State](#);

**Pages 3, 14-16, Identified as a goal of the SAG: pages 26-27**

**(9)** provide that not less than 75 percent of the funds available to the [State](#) under [section 11132 of this title](#), other than funds made available to the [State](#) advisory group under [section 11132\(d\) of this title](#), whether expended directly by the [State](#), by the [unit of local government](#), or by a [combination](#) thereof, or through grants and contracts with public or private nonprofit agencies, shall be used for, with priority in funding given to entities meeting the criteria for [evidence-based](#) or [promising](#) programs—

**(A)** community-based alternatives (including home-based alternatives) to incarceration and institutionalization including—

**(i)** for [status offenders](#) and other youth who need temporary placement: crisis intervention, shelter, and after-care;

**(ii)** for youth who need residential placement: a continuum of foster care or group home alternatives that provide access to a comprehensive array of services; and

**(iii)** for youth who need specialized intensive and comprehensive services that address the unique issues encountered by youth when they become involved with gangs;

**(B)** community-based programs and services to work with—

**(i)** [status offenders](#), other youth, and the parents and other family members of such offenders and youth to strengthen families, including parent self-help groups, so that juveniles may remain in their homes;

**(ii)** juveniles during their incarceration, and with their families, to ensure the safe return of such juveniles to their homes and to strengthen the families; and

**(iii)** parents with limited English-speaking ability, particularly in areas where there is a large population of families with limited-English speaking ability;

**(C)** comprehensive juvenile justice and delinquency prevention programs that meet the needs of youth through the collaboration of the many local systems before which a youth may appear, including schools, courts, law enforcement agencies, child protection agencies, mental health agencies, welfare services, health care agencies, and private nonprofit agencies offering youth services;

**(D)** programs that provide [treatment](#) to juvenile offenders who are victims of child abuse or neglect, and to their families, in order to reduce the likelihood that such juvenile offenders will commit subsequent violations of law;

**(E)** educational programs or supportive services for at-risk or delinquent youth or other juveniles—

**(i)** to encourage juveniles to remain in elementary and secondary schools or in alternative learning situations, including for truancy prevention and reduction;

**(ii)** to provide services to assist juveniles in making the transition to the world of work and self-sufficiency; and

**(iii)** enhance [\[2\]](#) coordination with the local schools that such juveniles would otherwise attend, to ensure that—

**(I)** the instruction that juveniles receive outside school is closely aligned with the instruction provided in school; and

**(II)** information regarding any learning problems identified in such alternative learning situations are communicated to the schools;

**(F)** programs to expand the use of probation officers—

**(i)** particularly for the purpose of permitting nonviolent juvenile offenders (including [status offenders](#)) to remain at home with their families as an alternative to incarceration or institutionalization; and

**(ii)** to ensure that juveniles follow the terms of their probation;

**(G)** programs—

**(i)** to ensure youth have access to appropriate legal representation; and

**(ii)** to expand access to publicly supported, court-appointed legal counsel who are trained to represent juveniles in adjudication proceedings,

except that the [State](#) may not use more than 2 percent of the funds received under [section 11132 of this title](#) for these purposes;

**(H)** counseling, training, and mentoring programs, which may be in support of academic tutoring, vocational and technical training, and drug and violence prevention counseling, that are designed to link at-risk juveniles, juvenile offenders, or juveniles who have a parent or legal guardian who is or was incarcerated in a Federal, [State](#), tribal, or local correctional facility or who is otherwise under the jurisdiction of a Federal, [State](#), tribal, or local criminal justice system, particularly juveniles residing in low-income and high-crime areas and juveniles experiencing educational failure, with responsible individuals (such as law enforcement officials, Department of Defense personnel, individuals working with local businesses, and individuals working with community-based and faith-based organizations and agencies) who are properly screened and trained;

**(I)** programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist community services, law enforcement, and juvenile justice personnel to more effectively recognize and provide for learning disabled and other juveniles with disabilities;

**(J)** projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of gangs whose membership is substantially composed of youth;

**(K)** programs and projects designed to provide for the [treatment](#) of youths' dependence on or abuse of alcohol or other addictive or nonaddictive drugs;

**(L)** programs for positive youth development that assist delinquent and other at-risk youth in obtaining—

- (i)** a sense of safety and structure;
- (ii)** a sense of belonging and membership;
- (iii)** a sense of self-worth and social contribution;
- (iv)** a sense of independence and control over one's life; and
- (v)** a sense of closeness in interpersonal relationships;

**(M)** programs that, in recognition of varying degrees of the seriousness of delinquent behavior and the corresponding gradations in the responses of the juvenile justice system in response to that behavior, are designed to—

- (i)** encourage courts to develop and implement a continuum of pre-adjudication and post-adjudication alternatives that bridge the gap between traditional probation and confinement in a correctional setting (including specialized or problem-solving courts, expanded use of probation, mediation, restitution, community service, [treatment](#), home detention, intensive supervision, electronic monitoring, and similar programs, and secure community-based [treatment](#) facilities linked to other support services such as health, mental health, education (remedial and special), job training, and recreation); and
- (ii)** assist in the provision of information and technical assistance, including technology transfer, in the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior;

**(N)** community-based programs and services to work with juveniles, their parents, and other family members during and after incarceration in order to strengthen families and reduce the risk of recidivism;

**(O)** programs (including referral to literacy programs and social service programs) to assist families with limited English-speaking ability that include delinquent juveniles to overcome language and other barriers that may prevent the complete [treatment](#) of such juveniles and the preservation of their families;

**(P)** programs designed to prevent and to reduce hate crimes committed by juveniles;

**(Q)** after-school programs that provide at-risk juveniles and juveniles in the juvenile justice system with a range of age-appropriate activities, including tutoring, mentoring, and other educational and enrichment activities;

**(R)** community-based programs that provide follow-up post-placement services to adjudicated juveniles, to promote successful reintegration into the community;

(S) projects designed to develop and implement programs to protect the rights of juveniles affected by the juvenile justice system;

(T) programs designed to provide mental health or co-occurring disorder services for court-involved or incarcerated juveniles in need of such services, including assessment, development of individualized [treatment](#) plans, provision of [treatment](#), and development of discharge plans;

(U) programs and projects designed—

(i) to inform juveniles of the opportunity and process for sealing and expunging juvenile records; and

(ii) to assist juveniles in pursuing juvenile record sealing and expungements for both adjudications and arrests not followed by adjudications;

except that the [State](#) may not use more than 2 percent of the funds received under [section 11132 of this title](#) for these purposes;

(V) programs that address the needs of girls in or at risk of entering the juvenile justice system, including pregnant girls, young mothers, survivors of commercial sexual exploitation or domestic child sex trafficking, girls with disabilities, and girls of color, including girls who are members of an Indian Tribe; and

(W) monitoring for compliance with the [core requirements](#) and providing training and technical assistance on the [core requirements](#) to secure facilities;

**The state funds youth justice services, with the program areas as identified in the FFY2021-FFY2023 three-year plan, with 75% of the funds going to the above program areas. The SAG funds have historically been primarily used to provide earlier prevention and intervention services that can address problems and build resilience and positive environments at the community level.**

**The formula grant funds are small; an effort is made to use these funds to innovate new approaches in early interventions or system improvement that can be maintained by the State if found to be effective or promising.**

(10) provide for the development of an adequate research, training, and evaluation capacity within the [State](#);

**The state statistical analysis center, Crime Research Group, and the University of Vermont are two of the entities available for research and evaluation needed by the SAG, DSA, and sub-recipients.**

**Training capacity for the DSA is available for social /probation workers through a UVM-Child Welfare Training partnership. Those trainers have worked on SAG priorities as well, e.g. increasing cultural competency training for social workers and foster parents, and work in ethnic and racial disparities reduction.**

**In June 2021, the Vermont legislature charged the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel to report on the creation of the Bureau of Racial Justice Statistics to collect and analyze data related to systemic racial bias and disparities within the criminal and juvenile justice system. The SAG will monitor the creation of this bureau and any additional statistical evaluation capacity**

(11)

(A) in accordance with rules issued by the [Administrator](#), provide that a juvenile shall not be placed in a [secure detention facility](#) or a [secure correctional facility](#), if—

(i)the juvenile is charged with or has committed an offense that would not be criminal if committed by an adult, excluding—

(I)a juvenile who is charged with or has committed a violation of [section 922\(x\)\(2\) of title 18](#) or of a similar [State](#) law;

(II)a juvenile who is charged with or has committed a violation of a [valid court order](#) issued and reviewed in accordance with paragraph (23); and

(III)a juvenile who is held in accordance with the Interstate Compact on Juveniles as enacted by the [State](#); or

(ii)the juvenile—

(I) is not charged with any offense; and

(II)

(aa) is an alien; or

(bb) is alleged to be dependent, neglected, or abused; and

**Status offenders and non-offenders except for youth under the ICJ, or for identification pending release, are not to be held in secure detention or correctional facilities. Vermont policy prohibits these youth from being held in police departments that are categorized as ‘non-secure’. Please see Vermont’s Compliance Monitoring Manual for more details, as submitted in the Compliance Monitoring Tool by August 12<sup>th</sup>.**

(B)require that—

(i)not later than 3 years after December 21, 2018, unless a court finds, after a hearing and in writing, that it is in the interest of justice, juveniles awaiting trial or other legal process who are treated as adults for purposes of prosecution in criminal court and housed in a secure facility—

(I)shall not have [sight or sound contact](#) with [adult inmates](#); and

(II)except as provided in paragraph (13), may not be held in any [jail or lockup for adults](#);

(ii)in determining under clause (i) whether it is in the interest of justice to permit a juvenile to be held in any [jail or lockup for adults](#), or have [sight or sound contact](#) with [adult inmates](#), a court shall consider—

(I) the age of the juvenile;

(II) the physical and mental maturity of the juvenile;

(III) the present mental [state](#) of the juvenile, including whether the juvenile presents an imminent risk of harm to the juvenile;

(IV) the nature and circumstances of the alleged offense;

(V) the juvenile’s history of prior delinquent acts;

(VI) the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the juvenile but also to protect the safety of the public as well as other detained youth; and

(VII) any other relevant factor; and

(iii)if a court determines under clause (i) that it is in the interest of justice to permit a juvenile to be held in any [jail or lockup for adults](#)—

(I) the court shall hold a hearing not less frequently than once every 30 days, or in the case of a [rural](#) jurisdiction, not less frequently than once every 45 days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such [sight or sound contact](#); and

(II) the juvenile shall not be held in any [jail or lockup for adults](#), or permitted to have [sight or sound contact](#) with [adult inmates](#), for more than 180 days, unless the court, in writing, determines there is good cause for an extension or the juvenile expressly waives this limitation;

**Vermont policy has long established for youth under 18 years of age who are placed in the custody of Department of Corrections will not be housed in the same facility as adults. DOC and the Designated State Agency had established a MOU to ensure that these youth would be held at Vermont's secure detention facility, which is now closed. DCF and DOC is actively working on an MOU that would allow these youth to be held at Sununu. Please see Vermont's Compliance Monitoring Manual for more details.**

(12) provide that—

(A) juveniles alleged to be or found to be delinquent or juveniles within the purview of paragraph (11) will not be detained or confined in any institution in which they have [sight or sound contact](#) with [adult inmates](#); and

**Information about how the state maintains the sight & sound separation requirement will be found in Vermont's Compliance Monitoring Manual, as submitted in the online compliance reporting tool. There are policies in effect in both the Department of Corrections that oversees all jail and corrections facilities in the state. State statute prohibits juveniles alleged to be or found to be delinquent from being held in an adult facility and PREA standards prohibit adult and juvenile contact within a secure facility.**

(B) there is in effect in the [State](#) a policy that requires individuals who work with both such juveniles and such [adult inmates](#), including in [collocated facilities](#), have been trained and certified to work with juveniles;

**Vermont's signed training certification will be found in OJJDP compliance reporting site by August 12<sup>th</sup>.**

(13) provide that no juvenile will be detained or confined in any [jail or lockup for adults](#) except—

(A) juveniles who are accused of nonstatus offenses and who are detained in such jail or lockup for a period not to exceed 6 hours—

(i) for processing or release;

(ii) while awaiting transfer to a juvenile facility; or

(iii) in which period such juveniles make a court appearance;

and only if such juveniles do not have [sight or sound contact](#) with [adult inmates](#) and only if there is in effect in the [State](#) a policy that requires individuals who work with both such juveniles and [adult inmates](#) in [collocated facilities](#) have been trained and certified to work with juveniles;

**Juveniles are separated from adult inmates in all possible scenarios. All police precincts adhere to the jail removal requirements other than the exceptions delineated above. Those reasons are the only way that a youth is held in a police office or cell.**

(B) juveniles who are accused of nonstatus offenses, who are awaiting an initial court appearance that will occur within 48 hours after being taken into custody (excluding Saturdays, Sundays, and legal holidays), and who are detained in a jail or lockup—

(i) in which—

(I) such juveniles do not have [sight or sound contact](#) with [adult inmates](#); and

(II) there is in effect in the [State](#) a policy that requires individuals who work with both such juveniles and adults inmates in [collocated facilities](#) have been trained and certified to work with juveniles; and



(ii)that—

- (I) is located outside a metropolitan statistical area (as defined by the Office of Management and Budget) and has no existing acceptable alternative placement available;
- (II) is located where conditions of distance to be traveled or the lack of highway, road, or transportation do not allow for court appearances within 48 hours (excluding Saturdays, Sundays, and legal holidays) so that a brief (not to exceed an additional 48 hours) delay is excusable; or
- (III) is located where conditions of safety exist (such as severe adverse, life-threatening weather conditions that do not allow for reasonably safe travel), in which case the time for an appearance may be delayed until 24 hours after the time that such conditions allow for reasonable safe travel;

**Vermont does not use the rural exception. Sight & Sound separation is maintained per state compliance policy, statute, and policies covering all state facilities.**

(14) provide for an effective system of monitoring jails, lock-ups, detention facilities, and correctional facilities to ensure that the [core requirements](#) are met, and for annual reporting of the results of such monitoring to the [Administrator](#), except that such reporting requirements shall not apply in the case of a [State](#) which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraphs (11) and (12), and which has enacted legislation which conforms to such requirements and which contains sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;

**Vermont's 2021 compliance monitoring manual will be submitted on the online compliance reporting site by August 12. The system of monitoring was last audited by OJDP in 2017.**

(15)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, by—

- (A) establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders, (including representatives of the educational system) at the [State](#), local, or tribal levels, to advise efforts by [States](#), units of local government, and Indian Tribes to reduce racial and ethnic disparities;
- (B) identifying and analyzing data on race and ethnicity at decision points in [State](#), local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and
- (C) developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B);

**Vermont's full RED plan detailing its annual statistical update and narrative progress report will be posted in the online compliance monitoring tool by August 12. The SAG has an Ethnic and Racial Disparities committee made up of both appointed members and community volunteers who are committed to acting as a catalyst for targeted strategies to address ethnic and racial disparities. Recently, the SAG has expended large amounts of its funds to ERD related prevention efforts, mainly focused on addressing the high disparities in arrests for BIPOC youth.**



(16) provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability;

**Generally, institutions throughout this country do not treat individuals with low income, disability, non-white racial origin, and women equitably. On-going assessments of institutional policy and practices for bias and cultural competency are important. JJDP programs have a part in those assessments, but this work is much larger than the Formula award can accomplish alone. The DSA has a statewide racial equity workgroup, focused internally on reviewing policy and practice of the Division in order to address any inequality. The JJ specialist is a co-chair of that group and connects the SAG when appropriate.**

**Analysis of youth justice data and residential placement data shows that girls are significantly underrepresented in the system. Youth of color in Chittenden County are overrepresented in the justice system, most notably seen in the number of youth arrested and referred to court and sent to a secure facility. These inequities are ubiquitous in justice, and not unique to Vermont. The SAG's top priority goal is to 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. Please refer to the ERD plan submitted in the online compliance monitoring tool by August 12<sup>th</sup> for more details.**

(17) provide assurance that consideration will be given to and that assistance will be available for approaches designed to strengthen the families of delinquent and other youth to prevent juvenile delinquency (which approaches should include the involvement of grandparents or other extended family members when possible and appropriate and the provision of family counseling during the incarceration of juvenile family members and coordination of family services when appropriate and feasible);

**Vermont DCF FSD, its contractors, and the Formula grants to communities always emphasize family engagement. Family finding is key to placements and permanency planning. The SAG has identified this in the FFY2021-FFY2023 goals, objectives, and project implementation.**

(18) provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the [State](#) plan;

**The state of Vermont and its contractors are guided by provisions within attachment F found here: <http://bgs.vermont.gov/purchasing-contracting/forms>. Formula awards are monitored for compliance with civil rights requirements.**

(19) provide assurances that—

(A) any assistance provided under [this chapter](#) will not cause the displacement (including a partial displacement, such as a reduction in the hours of nonovertime work, wages, or employment benefits) of any currently employed employee;

**Federal grant funds are not used in place of or to supplant existing employees. This is monitored in awards and highlighted in agreements.**

(B) activities assisted under [this chapter](#) will not impair an existing collective bargaining relationship, contract for services, or collective bargaining agreement; and

**No collective bargaining agreements or contracts are impacted by grant awards. Monitored.**

(C) no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization involved;

**Any assistance provided under this act will not cause any displacement or reduction in work of any current employee. No activity under this act will be inconsistent with collective bargaining agreements.**

(20) provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this subchapter;

**The state has submitted a financial management and internal controls questionnaire and information regarding its most recent audit and has adequate procedures for assuring prudent use and reporting of funds.**

(21) provide reasonable assurance that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the [State](#), local, tribal, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such [State](#), local, tribal, and other non-Federal funds;

**Federal funds from this act are not used to supplant any state or private funds; this is monitored in advance of grant awards.**

(22) provide that the [State](#) agency designated under paragraph (1) will—

(A) to the extent practicable give priority in funding to programs and activities that are based on rigorous, systematic, and objective research that is scientifically based;

**In its grant solicitations, the SAG requests detailed information on programs and activities that are scientifically based. In the FFY2021-FFY2023 plan, the SAG has identified that the Vermont's youth justice system must be based on data-driven, evidence-based practices that properly commensurate the degree of intervention with the risk of re-offense.**

(B) from time to time, but not less than annually, review its plan and submit to the [Administrator](#) an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of [State](#) and local needs, that it considers necessary; and

**The SAG and JJ specialist are aware of and understand the performance data reporting requirements for the Formula award to states. Information to complete the performance data report is compiled from subgrantees' quarterly reports to the DSA. Performance data is required each quarter in conjunction with financial reports and requests. The SAG receives presentations from the grantees updating the members on the success of the programming. Members of the SAG are committed to ensuring appropriate and effective evaluation and have committed additional funds to subgrantees to allow them to complete these appropriately. These are especially important when implementing a policy, program or system improvement aimed in reducing ethnic and racial disparities. The analysis of delinquency problems and needs can be found on pages 3-22 of the narrative.**

(C) not expend funds to carry out a program if the recipient of funds who carried out such program during the preceding 2-year period fails to demonstrate, before the expiration of such 2-year period, that such program achieved substantial success in achieving the goals specified in the application submitted by such recipient to the [State](#) agency;

**The JJ Specialist monitors sub-recipient performance through quarterly and semi-annual reports, collate those program reports for the DCTAT performance measurement platform, and report on progress to the SAG. Sub-recipients are required to present at the SAG meetings on a by-request basis. Grant managers provide assistance to sub-recipients when there are performance or other issues of concern. Sub-recipients are informed that grants must show progress to continue receipt of funds. If the SAG wants to fund a program for multiple years, an extension after review of the sub awardees success is required due to state policy.**

(23)provide that if a juvenile is taken into custody for violating a [valid court order](#) issued for committing a status offense—

(A)an appropriate [public agency](#) shall be promptly notified that such [status offender](#) is held in custody for violating such order;

(B)not later than 24 hours during which such [status offender](#) is so held, an authorized representative of such agency shall interview, in person, such [status offender](#);

(C)not later than 48 hours during which such [status offender](#) is so held—

(i)such representative shall submit an assessment to the court that issued such order, regarding the immediate needs of such [status offender](#);

(ii)such court shall conduct a hearing to determine—

(I) whether there is reasonable cause to believe that such [status offender](#) violated such order; and

(II) the appropriate placement of such [status offender](#) pending disposition of the violation alleged; and

(iii)if such court determines the [status offender](#) should be placed in a [secure detention facility](#) or correctional facility for violating such order—

(I) the court shall issue a written order that—

(aa) identifies the [valid court order](#) that has been violated;

(bb) specifies the factual basis for determining that there is reasonable cause to believe that the [status offender](#) has violated such order;

(cc) includes findings of fact to support a determination that there is no appropriate less restrictive alternative available to placing the [status offender](#) in such a facility, with due consideration to the best interest of the juvenile;

(dd) specifies the length of time, not to exceed 7 days, that the [status offender](#) may remain in a [secure detention facility](#) or correctional facility, and includes a plan for the [status offender](#)'s release from such facility; and

(ee) may not be renewed or extended; and

(II) the court may not issue a second or subsequent order described in subclause (I) relating to a [status offender](#) unless the [status offender](#) violates a [valid court order](#) after the date on which the court issues an order described in subclause (I); and

(D) there are procedures in place to ensure that any [status offender](#) held in a [secure detention facility](#) or correctional facility pursuant to a court order described in this paragraph does not remain in custody longer than 7 days or the length of time authorized by the court, whichever is shorter;

**The State of Vermont does not use the VCO exception.**

(24) provide an assurance that if the [State](#) receives under [section 11132 of this title](#) for any fiscal year an amount that exceeds 105 percent of the amount the [State](#) received under such section for fiscal year 2000, all of such excess shall be expended through or for programs that are part of a comprehensive and coordinated community system of services;

**If the State receives more than 105% of those funds received in FFY2000, it will expend those on coordinated community services.**

(25) specify a percentage (if any), not to exceed 5 percent, of funds received by the [State](#) under [section 11132 of this title](#) (other than funds made available to the [State](#) advisory group under [section 11132\(d\) of this title](#)) that the [State](#) will reserve for expenditure by the [State](#) to provide incentive grants to units of general local government that reduce the caseload of probation officers within such units;

**In Vermont there are no local government probation services for youth. 'Probation' is state funded and Formula funds are not applied to reduce the caseload of probation officers lest they interfere with collective bargaining or supplant state services.**

(26) provide that the [State](#), to the maximum extent practicable, and in accordance with confidentiality concerns, will implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court, so as to provide for—

(A) data in child abuse or neglect reports relating to juveniles entering the juvenile justice system with a prior reported history of arrest, court intake, probation and parole, juvenile detention, and corrections; and

(B) a plan to use the data described in subparagraph (A) to provide necessary services for the [treatment](#) of such victims of child abuse or neglect;

**In Vermont, youth justice is embedded in the child welfare division of the DCF and so the records are readily available. The same is true for the courts of jurisdiction – the Family Division of the Vermont Superior Court is responsible for child welfare, youth justice,**

parentage, and other related cases. They are state-operated system with district and county offices; each district has electronic access to cases.

However, it is difficult to review aggregate child welfare data. FSD desperately needs a new data system. In May 2016, the federal government issued revised data systems requirements to child welfare organizations and many are now using the Comprehensive Child Welfare Information System (CCWIS). An information system is a technical solution that gathers, organizes, tracks and automates business processes. Family Services Division (FSD) did not build a SACWIS system but rather continued to utilize SSMIS and FSDNET as the primary case management/ database systems. These systems are overdue for replacement as they are not currently sufficient to support current practice. SACWIS was the iteration prior to CCWIS. When looking for analysis in child abuse or neglect reports relating to juveniles entering the juvenile justice system, the department collects and reports the best they can, but are incredibly restricted given the antiquated system. The federal government is matching dollar for dollar every dollar FSD spends implementing a new child welfare data system. FSD has previously quoted as needing \$11M to put toward the new system slated to cost a total of \$22M. The cost may have changed since earlier efforts, but the state could cost this out over several years.

(27) provide assurances that juvenile offenders whose placement is funded through [section 672 of title 42](#) receive the protections specified in [section 671 of title 42](#), including a case plan and case plan review as defined in [section 675 of title 42](#);

**The State of Vermont adheres to provisions allowed under the SS Act for children and youth in foster care through practice, policy, and statute.**

(28) provide for the coordinated use of funds provided under this subchapter with other Federal and [State](#) funds directed at juvenile delinquency prevention and intervention programs;

Historically, the SAG has allocated one third of the JJDP dollars to the Children's Trust Fund each year and contracted with the Children's Trust Foundation to make small subawards directed at primary prevention. The Foundation has traditionally received other primary prevention-based funding from the State of Vermont, in addition to raising funds to augment the federal and state funds available. Due to state procurement requirements, the SAG is in the process of putting out to bid this portion of their annual title II formula grant. However, the SAG is committed to continuing to utilize an organization that coordinates a multitude of federal and state funds directed at juvenile delinquency prevention and intervention programs. Going forward, it is anticipated that every three-year plan will coordinate with a fresh RFP of these delinquency prevention programs.

(29) describe the policies, procedures, and training in effect for the staff of juvenile [State](#) correctional facilities to eliminate the use of [dangerous practices](#), unreasonable [restraints](#), and unreasonable [isolation](#), including by developing effective behavior management techniques;

(30) describe—

(A) the evidence-based methods that will be used to conduct mental health and substance abuse screening, assessment, referral, and treatment for juveniles who—

(i) request a screening;

(ii) show signs of needing a screening; or

(iii) are held for a period of more than 24 hours in a secure facility that provides for an initial screening; and

(B) how the State will seek, to the extent practicable, to provide or arrange for mental health and substance abuse disorder treatment for juveniles determined to be in need of such treatment;

#### Page 9-11

(31) describe how reentry planning by the State for juveniles will include—

(A) a written case plan based on an assessment of needs that includes—

(i) the pre-release and post-release plans for the juveniles;

(ii) the living arrangement to which the juveniles are to be discharged; and

(iii) any other plans developed for the juveniles based on an individualized assessment; and

(B) review processes;

#### Page 10-11

(32) provide an assurance that the agency of the State receiving funds under this subchapter collaborates with the State educational agency receiving assistance under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) to develop and implement a plan to ensure that, in order to support educational progress—

(A) the student records of adjudicated juveniles, including electronic records if available, are transferred in a timely manner from the educational program in the juvenile detention or secure treatment facility to the educational or training program into which the juveniles will enroll;

(B) the credits of adjudicated juveniles are transferred; and

(C) adjudicated juveniles receive full or partial credit toward high school graduation for secondary school coursework satisfactorily completed before and during the period of time during which the juveniles are held in custody, regardless of the local educational agency or entity from which the credits were earned; and

#### Page 9

(33) describe policies and procedures to—

(A) screen for, identify, and document in records of the State the identification of victims of domestic human trafficking, or those at risk of such trafficking, upon intake; and

(B) divert youth described in subparagraph (A) to appropriate programs or services, to the extent practicable.

#### *Statewide Updates:*

As stated in the 2020 solicitation, the state of Vermont was [awarded a \\$1.2 million grant](#) to combat human trafficking. Phase I of this grant was designed to support the delivery of comprehensive and specialized services for all victims of human trafficking and the investigation and prosecution of sex and labor trafficking cases. Through the grant, three positions entirely dedicated to promoting victim-centered and trauma-informed investigations and comprehensive service delivery was developed and funded within the past three years. The \$1.2 million grant covers a three-year period beginning October 1, 2018. Vermont is not applying for Phase II of the grant; however, is applying for a one-year extension. The Human Trafficking Task Force will continue their work without the grant.

Vermont's Human Trafficking Task Force consists of a statewide steering committee and four sub-committees (Training/Outreach, Victim-Based Services, Law Enforcement, and Labor Trafficking). The statewide task force is focused on both adult and child/youth trafficking victims. Through this task force, Vermont currently has two Human Trafficking Case Managers for the state. The focus of the past few years has been on developing protocols, working agreements, and policies regarding each of their roles and the work.

Emphasis continues to be placed on supporting consultation and multi-disciplinary team meetings, which is grounded in the belief that no one can combat trafficking alone. Consultation and MDTs have supported family services workers in obtaining ideas for potential resources in the community, learning more about a youth's individual risk factors, developing safety plans and case plans specific to trafficking, connecting youth to victims' services providers, and supporting criminal prosecution processes.

#### *Policy & Practice Updates:*

As a continuation of our work related to the Preventing Sex Trafficking and Strengthening Families Act and associated with our Family First Prevention Services Act implementation, FSD is currently developing a "risk of sex trafficking" definition through the use of a screening tool. FSD's Human Trafficking Workgroup hopes to finalize this product in the coming months.

FSD continues to work on developing a standalone human trafficking policy and protocol for investigations in collaboration with federal and state partners. Revisions to our runaway policy are also underway.

During the COVID-19 pandemic, a statewide need for guidance pertaining to internet safety for children and youth was identified. FSD developed a three-page guidance document titled [Internet Safety for Children & Youth and Caregiver Monitoring & Supervision](#) which addresses:

- Household rules, norms, and expectations;
- Agreements about internet use;
- Security/privacy settings and monitoring;
- Conversation prompts for talking to kids; and
- Additional resources.

#### *Training Updates:*

Human trafficking related training for staff is currently offered online and via podcast for staff. Training content about human trafficking is also included in the child abuse advanced practicum courses. Additionally, there are plans to update the existing online training for caregivers about human trafficking.

We will also be discussing a prevention curriculum to use with youth who are considered to be at high risk or confirmed victims of trafficking. At this time, we have not determined which curriculum would best serve Vermont's population of youth.

*Data/Tracking Updates:*

Since 2014 when we began collecting data, more than 185 reports have been flagged for trafficking. From 12/18/2019 – 12/2/2020, 26 reports were accepted for human trafficking.

*National Collaborative Efforts:*

Vermont participates in two national human trafficking learning and information sharing groups with other states:

- National Child Welfare Anti Trafficking Collaborative
- National Compendium of State-Run Anti-Trafficking Initiatives



Appendix II: Summary of Juvenile Justice Jurisdiction

Summary of Juvenile Justice Jurisdiction			
Age (at time of alleged offense)	All Offenses Other Than Big 12	Big Twelve Offenses	Youthful Offender Options (only available for cases with potential for Criminal Division jurisdiction)
10-11	All proceedings commenced in Family Division. <b>No transfer to Criminal Division.</b> See 33 V.S.A. §§ 5201(d) & (e), 5204(a).	Proceedings commenced in Family Division. <b>No transfer to Criminal Division.</b> See 33 V.S.A. §5201(c).	none
12-13		Proceedings commenced in Family Division. <b>Option to transfer to Criminal Division.</b> See 33 V.S.A. §§ 5201(c) & 5204(a).	Big 12 offenses only
14-15	Proceedings commenced in Family Division <ul style="list-style-type: none"> <li>• <b>Misdemeanors: No transfer to Criminal Division.</b></li> <li>• <b>Felonies: Option to transfer to Criminal Division.</b></li> </ul> See 33 V.S.A. §§ 5201(d) & (e), 5204(a).	Proceedings commenced in Family Division as delinquency (or YO). See 33 V.S.A. §§ 5201(c) & 5203(b).	Big 12 offenses only
16-17		Proceedings commenced in Criminal Division. <b>Option to transfer to Family Division as delinquency (or YO).</b> See 33 V.S.A. §§ 5201(c) & 5203(b).	Big 12 offenses and felonies (no misdemeanors)
18-21	<b>Now – only juvenile jurisdiction is through YO</b>		<b>Now – all cases</b>
18	<b>Effective July 1, 2020</b> , 18-year-olds treated same as 16 and 17-year-olds <i>per Act 201 (2018)</i> .	Criminal Division jurisdiction now and also as of July 1, 2020. No option to transfer except through YO.	<b>Effective July 1, 2020</b> : Big 12 offenses and felonies (no misdemeanors).
19	<b>Effective July 1, 2022</b> , 19-year-olds treated same as 16 to 18-year-olds <i>per Act 201 (2018)</i> .	Criminal Division jurisdiction now and also as of July 1, 2022. No option to transfer except through YO.	<b>Effective July 1, 2022</b> , Big 12 offenses and felonies (no misdemeanors).

---

<sup>i</sup> Conduct without aggression is a repetitive and persistent pattern of behaviors that violate societal norms and the rights of other people, behavior that causes property loss or damage, deceitfulness or theft, and serious violations of rules. They may also exhibit oppositional behavior and peer relationship problems. Conduct with aggression includes aggression to people and animals - bullying, threatening, intimidating, fighting, cruelty to people and animals, use of a weapon and theft while confronting a victim.

<sup>ii</sup> From [“Vermont Agency of Human Services Analysis of Children’s Residential System of Care”](#) by Public Consulting Group, 2020. P 20.