

Raise the Age Workgroup

Meeting Summary
Wednesday, July 10, 2024
2-4 PM | Via Zoom

Welcome & Introductions

Heidi Sadri welcomed the group and all exchanged introductions.

Attendees: Heidi Sadri, Alexi Castilla, Amity Bjork, Judge Amy Davenport, Charles Smith, Deb Carstens, Izzy Eads, Jack Murphy, Judge Jennifer Forbes, Karen Vastine, Katie Bailey, Katie Hurley, Lael Chester, Les Liggins, Liz Mustin, Marshall Pahl, Melody Youker, Megan Grace, Nicholas Oakley, Nicole McGrath, Norrie Gregoire, Roxana Gomez, Stephanie Hinshaw, Whitney Queral

April meeting recap:

- A panel of lived experts who also work in substance use disorder treatment and recovery reflected on their personal experiences, professional knowledge, and academic backgrounds in psychology and sociology to offer informed perspectives on the opportunities and needs surrounding early adulthood.
- The group discussed contrasts between the juvenile and adult legal systems and identified opportunities for the juvenile system to better serve emerging adults (EAs).

Guest Panel Presentation & Discussion

Vermont (VT) passed Raise the Age (RTA) legislation in 2018 to gradually incorporate 18- and 19-year-olds into its juvenile system. Lael Chester of the Emerging Adult Justice Project (EAJP) facilitated a presentation and discussion with the below panelists, who were leaders in the development of Vermont's RTA legislation, during planning for implementation, and during implementation.

Panelists:

- **Judge Amy Davenport** was appointed as a Superior Court judge in October of 1990. During her twenty-four years on the bench, she presided in the civil, criminal and family divisions of Vermont's trial courts. In 2005, the Vermont Supreme Court appointed her to serve as the Chief Judge of Vermont's trial courts and she served in that capacity until her retirement at the end of 2014. Prior to her appointment to the bench, she served in the Vermont House of Representatives from 1985 to 1990. During her last term in the Legislature, she chaired the House Judiciary Committee and was instrumental in the passage of legislation that created Vermont's family court. She is the recipient of the 2010 Distinguished Service Award from the National Center for State Courts. She served as a trustee of the National Council of Juvenile and Family Court Judges (NCJFCJ) from 2008-2014 and is currently a member of and the Vice Chair of the Council for Equitable Youth Justice, Vermont's State Advisory Group. She has served as faculty for the National Judicial College, the Vermont Judiciary and NCJFCJ. Judge Davenport

received a B.A. from Stanford University in 1969. She was admitted to the Vermont bar in 1982 after a four-year law office study.

- **Marshall Pahl** is the Deputy Defender General and Chief Juvenile Defender for the State of Vermont. Marshall graduated from Marlboro College and Vermont Law School and taught in special education before becoming a lawyer.
- **Karen Vastine** is the Senior Community Relations Officer for the UVM Health Network. Previously, she served as Senior Advisor to the Commissioner of the Department of Children and Families for five years and ran the Burlington Community Justice Center for eight. During her time at DCF, she convened a multi-stakeholder group to implement numerous significant reforms to the juvenile justice system and went on to co-author Vermont's plan to raise the age of juvenile court jurisdiction beyond the 18th birthday. Karen currently serves as the Chair of the Council for Equitable Youth Justice, Vermont's State Advisory Group, and has a strong record of advocacy for juvenile justice and for underserved populations and has extensive volunteer experience. Karen lives in Burlington, VT.

Presentation Notes:

Please refer to [Vermont/EAJP's slides](#). The below notes capture supplementary information.

- VT ACT 201
 - Followed other recent legislation that raised the age from 16 to 18, then explored, "Why stop at 18?"
 - Occurred around the same time that VT made changes to its hybrid Youthful Offender system, an adult deferred adjudication status that borrows confidentiality and supportive services from juvenile court and Department of Children & Families (DCF) along with adult DOC services
 - All but 12 most serious felonies get charged in juvenile court up to age 20. For 20+, there remains access to Youthful Offender system to age 22.
- Why Raise the Age?
 - In addition to what is named in the slides, a major benefit was that RTA helped address geographic disparities in adult vs. juvenile charging decisions.
- How VT created its implementation plan
 - Legislature invested in implementation planning
 - Having many different players from different backgrounds involved and maintaining relationships was critical
- Analysis of court data
 - The addition of 18-year-olds has had little impact on caseloads. Filings continued to go down overall.
 - Offenses among 18 and 19-year-olds were largely similar to their younger counterparts. The main differences included more DWIs and intimate partner DV.

- Many EA cases resulted in fines when addressed adult system, prompting discussion about whether the juvenile court should be able to levy fines against EAs. Decided against allowing this because EAs, like younger peers, are generally unable to pay fines. Instead, boost restorative justice approaches.
- Recommendations
 - How to scope and organize: First ask what we want for youth, then consider operational needs for systems.
- Opportunities
 - Reducing racial disparities: JJDP requirements provide built-in accountability and system for monitoring race equity impacts of RTA
 - Expand/invest in diversion: Maximize use of “offramps” and system won’t be overwhelmed. VT already had a robust diversionary system, use is encouraged through statute that presumes diversion for certain categories of cases. Diversion has been a key piece of RTA.
- Data collection & analysis
 - Funded research on recidivism for 18- and 19-year-olds pre vs. post RTA. Recidivism is high for EAs that go through the adult system. VT will soon be able to compare outcomes for 18 year-olds who go are adjudicated in juvenile system.
 - Recommend getting quality data on diversion and monitor trends. Difficult to get pre-charge diversion data.
 - Should ask what positive outcome we want to be able to show in five years, and make sure we are tracking the appropriate data.
- Q&A
 - Speak to perceptions of the idea of RTA before and after implementation, especially given narrative about increasing juvenile crime. Has it shifted? How have you found it best to navigate?
 - That narrative is not backed by data, the criticisms are not constructive. Shouldn’t give it too much weight because it is not credible, but also know when to push back. VT’s State Advisory Group and EAJP have pushed back on the use of false and racist narrative to delay RTA.
 - WA has a statewide risk & needs assessment and menu of evidence-based programs that are used by all counties. Does VT have anything similar, and did they encounter challenges in getting those normed for EAs? We have a good system in place, but we don’t have research about the applicability of those tools for EAs.
 - DCF’s risk & needs assessment (YASI) goes up to age 24 or 25 and is in the process of being re-normed.
 - In exploring RTA policy and considering whether the adult or juvenile risk & needs assessment tools are best for EAs, research is clear that juvenile tools are better suited. EAs often “fail” adult risk assessments because indicators of

health/stability for an older adult are not applicable to an 18-year-old (for example, holding year of full-time employment is an inappropriate of measuring risk for an 18-year-old who is likely a student). Ongoing research is continuing to explore this topic for EAs.

- Has VT increased use of programming beyond evidence-based programming/promising plans?
 - VT uses a menu of options, not just research-based/proven tools, relies heavily on community-based providers and what is available.
 - You would expect that RTA would put stress on juvenile detention and commitment system. It was the opposite – VT decarcerated at same time as RTA, have had days where there are 0 children under 19 behind bars.

- Comment on the suggestion that there are not enough resources in VT, that the impact has been too much?
 - True – there are not enough resources. Act 201 report explored what kinds of resources would be needed, found need for significant investment in restorative justice programming. This is an important thing for us to consider: What funds need to be invested in community to make RTA successful?
 - COVID also had a significant impact on resources, including ability to hire both within system and among nonprofits.

- Final takeaways or advice for WA?
 - Collaboration is key. Communication, transparency, lean into agreement, agree to disagree where needed.
 - Don't let perfect be the enemy of the good. Sending teens or EAs into adult court doesn't work. You can debate the perfect RTA system forever, but anything that gets more youth into the system designed to serve them is better. Make it happen and then continue to make it work.
 - Collect and track data. Make sure you understand what is happening now and understand how RTA could change that, but don't assume that all of the EA cases in adult court would come into juvenile court.

Subgroups & Breakout Discussions

- We will form subgroups that will each focus on distinct areas of impact and opportunity for Raise the Age. Think of subgroups as building the chapters for recommendations in our report. Research, lit review, “why” will be included in introduction sections. Subgroups will focus on the “how.”
- Subgroups will meet in the months between full workgroup meetings (August, October, December, and February). In full workgroup meetings, we will share updates on the subgroups' work, exchange feedback, and generally maintain a shared connection to overarching principles and purpose.
- The workgroup reviewed the proposed subgroups in [Jamboard](#) and self-selected into breakout rooms associated with each. Breakout groups worked from the following prompts:

- Add topics that you feel should be addressed by your subgroup. If your subgroup is a chapter of our report, what are the sections within that chapter?
- Browse what is being populated in other subgroups. Add if you notice anything missing.
- Do these seem like the right subgroups to be in? Do we need to merge or split up any subgroups? Do any need better defining? Keep in mind the size of our full group and not wanting to spread ourselves too thin.

Full Group Discussion

- Court services & detention: This could be an overwhelming amount for this group to tackle. There may be a need to have more people or expertise in this group. Would like to hold the first subgroup and explore whether this is a feasible workload within this group.

Next Steps

- Heidi will send a scheduling poll to plan subgroup meetings for August, October, December, and February.

Next Meeting:

Wednesday, September 11, 2024 | 2-4 PM | Via Microsoft Teams