



COLUMBIA UNIVERSITY | JUSTICE LAB

LEARNING FROM VERMONT:

The enactment and ongoing implementation of Vermont's “Raise the Age” law

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**Emerging
Adult
Justice
Project**

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VT ACT 201: “Raise the Age” (RtA)

- Enacted in 2018
- Gradually raises the upper age of Family Court jurisdiction for delinquency cases from the 18th to 20th birthday
 - 18-year-olds included in July 2020 (Phase 1)
 - 19-year-olds originally scheduled to be included in July 2022; delayed until April 2025 (Phase 2)

Why RtA?

Effort to establish effective, age-appropriate interventions with older youth/emerging adults in order to:

- Improve outcomes for youth
- Shield youth from the adverse impact of an adult criminal record
- Reduce costs
- Increase public safety

Part of a series of other reform youth justice reform initiative, including the expansion of the Youth Offender (hybrid) Law

How VT Created a RtA Implementation PLAN

- > 1 year planning process led by Karen Vastine/DCF with input from *all* key stakeholders (and support from the Columbia Justice Lab)
- Plan submitted to the Legislature on Nov. 1, 2019
- Concrete recommendations, including investment in diversion to manage expected increase in caseloads

Analysis of Court Data

- Overall, the numbers of cases were going down.
- The system had accommodated the addition of 16- and 17-year-olds fairly seamlessly.
- 18/19-year-olds were committing similar offenses to their younger counterparts.
- 80% of the potential cases were low-level and should be considered for diversion from the system.
- 40-45% of 18/19-year-olds convicted in adult court ended up with a fine-only and no supervision.

Recommendations

System-wide

Ensure victims are afforded the full breadth of their rights.

Use Positive Youth Development-based practices throughout the juvenile justice system.

Execute an operational plan for DCF that addresses infrastructure needs to ensure coordinated and consistent services and practices are used in the delinquency system.

Collect, publish, and analyze data to monitor RTA implementation and adapt as needed.

Pre-Adjudication

Increase the percentage of cases referred to informal and formal diversion to 50-60% pre-charge and 25-30% post-charge but pre-merits.

Maximize the efficiency of the formal Family Division court process by adhering to strict timelines and adding formal opportunities to resolve cases pre-merits.

Post-Adjudication

Ensure a full continuum of non-custodial and custodial options, including expanding immediate, short-term, targeted, and discrete options (in lieu of formal probation, when appropriate) and incorporating positive incentive-based supervision.

Statutory Changes

Ensure all statutory language is consistent with RTA, for example, age of supervision, definition of DCF custody, eligibility for programs and directions to law enforcement regarding citations.



Opportunity to Address Racial Disparities

- National data indicate emerging adults have the most racially disparate justice system outcomes of any age group.
- The Juvenile Justice & Delinquency Prevention Act (JJDP) ties eligibility of federal funds to a state's collection of relevant data on disparities in the juvenile justice system and the steps it needs to take to address those disparities.
- This monitoring structure will be extended to 18- and 19-year-olds who are involved with the juvenile justice system.

Opportunity to Expand/Invest in Diversion

- Seek opportunities to collaborate with schools.
- Outreach to members of law enforcement.
- Goal: increase the use of pre-charge diversion to 50-60%.
- Goal: divert 25-30% of cases pre-merits.
 - Expand programs targeted at particular issues.
- Evaluate and address barriers for youth participation (such as text reminders).

Opportunity to Provide More Robust Services to Victims in Delinquency Cases

- Clarify that victim advocates should be provided in all cases.
- Clarify consistency for disseminating the Victim Impact Statement, request for notice of release, and notice of victims' rights.
- Evaluate the process for requesting and receiving restitution.
- Formally create regular opportunities for DCF family services workers and victim advocates to meet and communicate.

Ongoing Need for Data Collection & Analysis

- Collectively identify any missing data that stakeholders believe are critical, assess the barriers to collecting or generating that data, and produce a brief to the legislature outlining what policy or funding changes are required to generate that data.
- Identify a composition of an outcome study and evaluation that takes into account the important markers for emerging adult desistance and reduced risk.

Next Steps for Vermont

1. Implement Phase 2 of RtA (incorporating 19-year-olds in the jj system)
 - Concerns articulated before implementation that juvenile caseloads would be overwhelmed by Raise the Age have NOT been borne out.
2. Focus on relevant data & data transparency for key points of contact
 - Data by age
 - Data by gender, race and ethnicity, etc.
3. Make more strategic investments – e.g., pre-court and pre-merit diversion & post-merit (post-adjudication) services
4. Respond to national narrative on youth crime

Words of Advice & Q + A

Thank you!