

Meeting Minutes
Working Group on Policies Pertaining to Individuals with Intellectual Disabilities
Who Are Criminal-Justice Involved
November 15, 2023
Microsoft Teams Phone/Video Conference

ATTENDEES

Working Group Members Present: Susan Aranoff (Developmental Disabilities Council - DDC), Susan Garcia Nofi (Vermont Legal Aid - VLA), Stuart Schurr (Department of Disabilities, Aging, and Independent Living - DAIL), Jennifer Poehlmann (Vermont Center for Crime Victim Services - VCCVS), Hon. Karen Carroll (Vermont Judiciary - VJud), Max Barrows (Green Mountain Self-Advocates - GMSA), Mary-Graham McDowell (Vermont Care Partners - VCP), Pat Frawley (Vermont Crisis Intervention Network - VCIN), Sen. Lyons, Sen. Sears, Eliza Novick Smith (Vermont State Employees Association - VSEA).

Working Group Members Absent:

Karen Barber (Department of Mental Health - DMH), Rep. Rey Garofano (House Human Services - HHS), Laura Carter (Office of Racial Equity - ORE), Rep. Ela Chapin (House Judiciary - HJ), Tiffany North Reid (Office of Racial Equity - ORE),

Others Present: Kim Guidry (DAIL), Rebecca Silbernagel (DAIL), Joanne Kortendick (guest), Nicole DiStasio (DMH), Marie Lallier (VT Care Partners).

Motion to approve minutes from 11/01/2023:

Joanne suggested a correction to page 2, "13 V.S.A. §8845" should read "18 V.S.A. §8845".

First motion: Justice Carroll
Seconded: Jennifer Poehlmann
Approved as submitted with the one edit

Justice Carroll stated that she will abstain from all discussion about statutory language.

Susan Aranoff: spoke with Lindsay Owen of DRVT and relayed that DRVT does not represent individuals in therapeutic residences and wouldn't unless changes were made. Susan emphasized the importance of hearing from DRVT themselves regarding what legislative or budget changes would need to occur in order for them to provide the support services that this Working Group may recommend. DRVT is welcome to attend the last meeting or forward their thoughts to the Working Group in writing by the next meeting to include in the report.

Senator Lyons: The Working Group can also recommend to the Legislature that they evaluate what budgetary changes need to be made when the final legislative recommendation is made.

Susan Aranoff: Requested a poll to record the level of support in the Working Group for robust advocacy services and access to robust advocacy services in a forensic facility.

Made a motion the poll would be:

All those in favor of the report reflecting support for access to protection and advocacy level access to services, say “aye”.

Susan Garcia Nofi: Seconded the motion.

Susan Garcia Nofi: Yes
Susan Aranoff: Yes
Max Barrows: Yes
Mary Graham McDowell: Yes
Pat Frawley: Yes
Jennifer Poehlmann: Yes
Eliza Novick Smith: Yes
Justice Carroll: Yes
Senator Lyons: Yes
Senator Sears: Yes
Stuart Schurr: Yes

Reviewing draft legislation

Any further comments on draft legislation should refer to Draft 3.1, (sent by email to this group 11/15/2023), or any of the other published legislative drafts. Any and all comments about the legislation to be considered for inclusion in the report must be submitted ASAP.

Since draft legislation was obtained and distributed to members just the previous evening, the decision was made to give members until Nov. 27th to look at Draft 3.1 and respond with comments.

The Working Group then walked through and discussed Draft 3.1.

Reviewing Draft Report

Susan Aranoff: Concerned that Question D (in the draft report) asks, “What investments, policies and programmatic options are necessary for high quality community-based support?” Since the Group hasn’t had the opportunity to take testimony from anyone on this topic, Susan suggests recommending to the Legislature they first determine what financial investments are happening currently in community housing and institutions. Need to create a financially sound roadmap for an adequate community-based system of care with sufficient resources and workforce.

Senator Lyons: Suggests reporting that the Group did not have robust testimony on this, and thus cannot answer this question, but that it COULD, perhaps with help from the advocacy community. Suggests making recommendations regarding Act No. 27 and the need for the secure forensic facility and other support services without making demands of the Legislature. Many other areas in the State are eager for additional funding, too.

McDowell: Providers believe the gap is in the financial investment in how communities are funded and explored.

Aranoff: Proposes a robust paragraph saying the Group didn't get testimony on what investments are needed for a community system, but testimony did come in about the community system's wait lists (over 100 people) who need shared living providers. And because the availability of community systems for those in Act 248, and for those with DS services, are insufficient, Susan suggests the Group's report admits no one testified directly about the investments needed for a community system, other presenters gave a clear message that the system is in "crisis" and needs to have a course-correction, because the focus is investing in institutions. Said institutions are not wanted and are expensive. Suggests the report request the Legislature look at the financial road map for the community-based system. Wants the report to emphasize to legislators that the community-based system needs serious help and should be a priority.

Novick-Smith: Importance of this [proposed facility] being an additional piece in a spectrum of care that needs investments. If that spectrum of care is not invested in, the proposed beds will never be enough because the need will outstrip whatever supply we provide.

Schurr: Doesn't disagree, but the charge of the Working Group is to look at whether the facility is needed for the population with ID, what other community-based supports or policies or programmatic options should be explored *for individuals committed under Act 248*; we are not asked to comment on the entire DS system of care.

Aranoff will create language for the report to show consensus of thought about the need for investment in community supports for the Act 248 program providers and the individuals participating.

Send any comments and feedback about the report to ALL members and guests by **November 27**. Kim will forward everyone's email addresses to all members and guests by the end of the day on November 16.

November 29 – Next and final meeting to discuss the report, comments, and hear Sue Aranoff's suggested language for group message of support for community-based system for Act 248 participants.

The meeting was adjourned at 3:26 pm.