

*Report to the General Assembly
Act 180:
Transportation of Individuals in the Custody of the State*

January 2008



Summary of Act 180

In 2006, the General Assembly passed Act 180 into law. That act directed the Commissioner of the Department for Children and Families (DCF) to ensure that all reasonable and appropriate measures consistent with public safety are made to transport or escort a child subject to this chapter in a manner which:

- (1) prevents physical and psychological trauma;
- (2) respects the privacy of the individual; and
- (3) represents the least restrictive means necessary for the safety of the child.

The act required that any professional who decides that secure transportation with mechanical restraints is necessary document the reasons for that determination in writing.

Further, the act required the commissioner to submit data by January 31, 2007 and January 31, 2008 regarding the transportation of children in the DCF custody by a sheriff or deputy sheriff, to include the number and gender of children transported to various locations and geographic distribution of the use of such transports. This is DCF's second report to the legislature.

Policy Framework

DCF policy and procedure, effective 1/17/2006, states that:

“Children and youth in DCF custody will be transported using the least secure method that can reasonably assure safety. In evaluating the most appropriate level of security, staff will consider:

- Immediate risk to run away or history of serious behavior on previous runaway;
- Other demonstrated behavior that the child may risk his or her own safety, or the safety of another person.

In most situations, children experiencing significant transitions should be transported by or under the supervision of a person they know and trust. In all cases, reasonable and appropriate efforts will be made to respect the privacy of the child and prevent physical and psychological trauma. Children will not be transported securely unless necessary to protect the child's health and safety, or the safety of another person.”

Documentation

All requests for secure transport are justified on a form that describes the child's behavior. The supervisor may approve secure transports only when there is:

- Immediate risk to run away or history of serious behavior on previous runaway;
- Other behavior that the child may risk his or her own safety, or the safety of another person.

Impact on Numbers

DCF policy was promulgated effective 1/17/06. The following table shows impact on monthly numbers of transports utilizing restraints, over the two year period. Figures for 2005 are shown for comparison purposes.

Transports with Restraints	
2005	728
2006	589
2007	380

Overall, we have succeeded in cutting the number of transports with restraints by nearly half. This year, an important ingredient in our success has been the willingness of sheriffs to minimize the use of restraints. Sheriff transports without restraints account for 125 of these transports.

As important as it is to evaluate the overall numbers, it may be even more important to evaluate the type of settings to which youth are being transported. The following table indicates a very few children are transported to non-secure settings in restraints.

To:	Number
Non-secure Residential or Foster Home	18
Psychiatric Hospital/MH Screening	13
To Woodside/From Woodside to Court	247
Staff Secure Residential	102
Total	380

Gender of Youth Transported

Males were more often transported securely. In 2007, the difference was more substantial, as shown in the following table.

Gender	Percent
Male	54%
Female	46%

Geographic Use of Secure Transport

The following table shows the use of secure transport by each district office, expressed as a percent of all secure transports for the year. For context, the percent of all children in custody that the district is responsible for is also shown. (Example: Barre 10.85% of secure transports for 7% of the statewide custody caseload.) Use of secure transport generally tracks the percent of caseload. However, for the last two years, the Burlington district has used substantially fewer secure transports than might be expected (16.87% of statewide secure transports for 27% of statewide caseload).

DCF District	2007	% of Custody Caseload
Barre	14%	8%
Bennington	6%	5%
Brattleboro	5%	6%
Burlington	15%	29%
Hartford	4%	4%
Middlebury	7%	4%
Morrisville	6%	5%
Newport	5%	5%
Rutland	10%	11%
Springfield	7%	6%
St. Albans	18%	12%
St. Johnsbury	3%	5%

Summary

Following the passage of Act 180, DCF has taken a variety of steps to establish policy and procedure and ensure smooth and appropriate implementation of the act:

- Consistent messages to internal managers and staff about the importance of this issue;
- Development of policy and documentation requirements;
- Attention to youth and staff safety;
- Expansion of transportation options, including new contracts and new agreements with sheriff's departments;
- Monthly compilation and reporting on data.

During the past two years, DCF has significantly cut the number of children transported in restraints, from 728 to 380. Nearly two-thirds of children transported in restraints are transported to Woodside, or from Woodside to court.