

**Protocols for Evaluating Less Restrictive Placements
For People with Developmental Disabilities
Who Pose a Risk to Public Safety**

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Purpose

Vermont supervises and supports people with developmental disabilities who pose a risk to public safety, through its home and community based developmental disabilities service system. Services are intended to provide a structured, therapeutic environment for people in order for them to live safely and successfully in the community without reoffending while minimizing the risk to public safety.

These protocols establish guidelines for Developmental Disabilities Service Agencies to follow when evaluating less restrictive supervision and placements for people with developmental disabilities who pose a risk to public safety. The intent is to move people towards greater independence consistent with the needs of public safety.

Protocols

- 1.** For people applying for Public Safety Funding from the Department of Disabilities, Aging and Independent Living (DAIL), the Developmental Disabilities Services Agency (Agency) will provide DAIL with the information necessary to conduct Public Safety Risk Assessments. This will include, but is not limited to information about a person's offending history, victim profile, severity of offenses, current level of functioning, and participation in treatment. Specific DAIL information worksheets will be used by the agency and additional documents significant to the risk assessment process (i.e. psychological and/or psychosexual evaluations, affidavits, juvenile records, etc.) should be submitted to DAIL with the worksheets as well. The Agency will submit the completed Risk Assessment worksheets to DAIL within 90 days of the person being approved for public safety funding.
- 2.** The DAIL Public Safety Specialist will complete a DAIL Public Safety Risk Assessment in consultation with a person with an advanced degree in a mental health discipline, who is licensed or certified to practice in the state of Vermont with expertise in evaluating sexual/violent risk in a person with developmental disabilities within 90 days of receiving the Risk Assessment information/worksheets.
- 3.** Each person will have a support team consisting of: an agency service coordinator, therapist, guardian (if appointed), psychiatrist (if engaged), DAIL Commissioner's representative (if person is under Act 248), and others as deemed appropriate. Whenever possible, conflicts regarding the structure and therapeutic supports for a person who poses a risk to public safety should be resolved through consensus of the

team. If consensus is not achieved the support team will choose a mutually agreed upon mediator (such as an agency staff member, public guardian, or other mutually chosen decider) to assist in prompt resolution of the barriers to consensus. All parties will agree to abide by the mediator's decision with the option to review any plan sooner than on an annual basis. When a person is subject to a court Order, the team will incorporate those terms into its support plan.

4. At least annually, the person's support team will reassess and re-determine the least restrictive supervision and placement for the person by taking into account the DAIL Public Safety Risk Assessment, a structured assessment tool approved by DAIL (e.g., Sex Offender Treatment Intervention and Progress Scale (SOTIPS)) and the following information:
 - a. Does the person continue to present a public safety risk?
 - b. Have there been any attempts to decrease the person's supervision in the past? If so, how did it go?
 - c. Are there other factors that relate to the person's need for specialized developmental disabilities services, such as medical, mental health, or developmental needs?
 - d. Does the person have an elopement history from any settings? If so, please explain.
 - e. What has been the time period since the person's last incident of inappropriate sexual and/or violent behavior?
 - f. Is the person's opportunity to reoffend changed based on proximity to victims?
 - g. What are the potential risks for the person associated with less restrictive supervision or placement—who, what and where?
 - h. Has there been an increase in the person's risk manageability? Please explain.
 - i. What would indicate that the person's risk is increasing in this new situation or placement?
 - j. What training for staff and the person would be needed?
 - k. Does everyone agree with the proposed change(s)? (See 3. above)

The treatment team will complete the structured assessment tool (e.g., SOTIPS) and may request the assistance of the DAIL Public Safety Specialist for assistance in reassessing and re-determining the least restrictive supervision and placement for the person. Training on the tool for Agencies' staff will be provided through DAIL.

5. The following options for less restrictive supervision and placements will be considered:
 - a. Electronic technology (e.g., Safety Connections, Care Trak Bracelets, alarms, and motion detectors)
 - b. Covert supervision
 - c. Reducing staff supervision
 - i. Number of staff
 - ii. "Eyes-On" versus arm's length supervision
 - iii. Unsupervised time at home or in the community

- d. Increased independent living situations
 - iv. Mother-in-law apartments
 - v. Contracted roommates
- 6. The support team will develop a written plan outlining the steps for a person to move to less restrictive supervision and a placement when appropriate.
- 7. DAIL will conduct quality reviews of compliance with risk assessment protocols people whose public safety funding exceeds a threshold set by DAIL and whenever increases are requested. Agencies must also provide documentation for annual reviews within 10 business days of a request by DAIL, unless otherwise negotiated by the agency with DAIL.
- 8. To assure that the DAIL Public Safety Risk Assessments remain relevant, Risk Assessments will be updated every 5 years. DAIL will initiate the process by requesting agencies to review the Risk Assessments for the people they serve and inform DAIL of any changes (e.g., new incidents of sexual offenses or inappropriate sexual behavior, violent behavior, or risk factors). If indicated, the DAIL Public Safety Specialist will re-score the appropriate risk assessment instrument (e.g., STATIC-2002R or VRAG) and update the DAIL Risk Assessment.