

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: H. 29 Name of Bill: An act relating to parole eligibility and day-for-day credit

Agency/ Dept: Vermont State Police Author of Bill Review: Sergeant Jeremy Hill

Date of Bill Review: 1/31/13 Status of Bill: (check one):

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies ☐ Fiscal

Recommended Position:

☐ Support ☒ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

The purpose of the bill is to create parole eligibility for persons over the age of 55 and to allow inmates working or participating in treatment or training programs to earn day-for-day credit.

On 1/30/13 I spoke to Representative Wizowaty via phone. Representative Wizowaty advised the intent of the bill was to increase the parole eligibility for inmates over the age of 55. Rep. Wizowaty advised it costs tax payers approximately twice as much to house and provide needed treatment for inmates over the age of 50 as it does those inmates under the age of 50. Rep. Wizowaty advised the recidivism rate for inmates over the age of 60 is approximately 1-3%. Rep Wizowaty advised the parole board would obviously make the final decision on a case by case basis.

2. Is there a need for this bill? *Please explain why or why not.*

Rep. Wizowaty advised the intent of the bill is to help lower operating costs for the Vermont Department of Corrections.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

Unless the state police collected data on the cost of dealing with inmates over the age of 55 who reoffend there is no way to estimate what, if any, fiscal impact the bill would have on the Vermont State Police. Without having the specific data to show what the recidivism rate is for Vermont inmates over the age of 55 it is unknown how often the Vermont State Police deals with crimes committed by released inmates of that age group. The introduced bill also addresses a "day-for-day" reduction for inmates who participate in treatment programs as well as work camp. The "day-for-day" reduction falls completely under the department of corrections authority and not the state police.

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4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

The bill will directly affect the department of corrections and victim advocate groups.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example, public, municipalities, organizations, business, regulated entities, etc)

I did speak to a supervisor with corrections but they advised they could not comment and advised it was something for the commissioner of the department of corrections would have to address. Rep. Wizowaty advised the department of corrections has weighed in on the proposed bill.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

On 1/29/13 I spoke with the supervising attorney, Seth Lipschutz, at the Prisoner's Rights Office in Montpelier. Attorney Lipschutz advised he knew about the proposed bill and had spoken to Rep. Wizowaty about it. Attorney Lipschutz advised in his opinion the economic benefits of the bill could help the department of corrections budget. Attorney Lipschutz advised it cost more money to provide medical treatment and provide services for prisoners over the age of 65 than it does for younger inmates. Attorney Lipschutz advised the risk of recidivism will need to be weighed against the economic burden these inmates cause for the state.

6.2 Who else is likely to oppose the proposal and why?

On 1/30/13 I spoke to the director of HOPE Works, Cathleen Wilson, in Burlington. HOPE Works is formally known as Women's Rape Crisis Center and is an advocacy agency for victims of sexual crimes. I forwarded a copy of the proposed bill to Ms. Wilson for comment. Ms. Wilson expressed concern over the fact that inmates could be released early based on their age. Ms. Wilson is concerned about what kind of message would be sent to the community and to the victims of sex crimes. Ms. Wilson advised the proposed bill could put victims at risk. Ms. Wilson advised the proposed bill would be a step back for community safety.

7. Rationale for recommendation: *Justify recommendation stated above.*

The Vermont State Police being a public safety organization cannot support a bill which would potentially allow offenders to be released early from prison based solely on their age. It is clearly understood the financial burdens the state faces having to house and provide treatment for inmates over the age of 55. However, all the potential tax dollars saved will mean nothing if one of the inmates paroled reoffends, especially if the victim is a child. While statistically the rate of recidivism is lower in the 55 and older age group the fact is some do reoffend.

8. Specific modifications that would be needed to recommend support of this bill: *Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.*

The proposed bill does not address the type of crime that the inmate has been convicted for. The severity of the crime must be considered. If an inmate committed a crime against an individual then he/she should not be eligible for parole based solely on their age, this is the stance that most victim advocate groups have already taken.

The broad based language as written could potentially expose the public to dangerous criminals. If the proposed bill specifically address what crimes could be considered it would be somewhat more understandable.