

Governor's Commission on Corrections Overcrowding

November 17, 2003

WHEREAS, the rate of incarceration of individuals convicted of crimes in Vermont has more than doubled in the past ten years; and WHEREAS, the cost of housing and supervising incarcerated individuals has more than quadrupled in that same time period; and WHEREAS, the rate of growth in available corrections bed space has not kept pace with the growth of Vermont's corrections population and the State of Vermont has been forced to transfer Vermont inmates to facilities outside the State of Vermont; and

WHEREAS, the number of individuals released to the community under the supervision of the Vermont Department of Corrections has also doubled in the past ten years; and

WHEREAS, the caseload of offenders convicted of more serious offenses who are supervised in the community has nearly tripled and the probation caseload has grown by 33% in the last eight years; and

WHEREAS, the number of individuals detained pending resolution of criminal charges has doubled in the past four years and these pre-trial detentioners fill 24% of our in-state beds; and

WHEREAS, the above trends, if continued, present the likely need to either increase Vermont's reliance on out of state prison beds or to build more prisons in Vermont; and

WHEREAS, the above trends, if continued, will result in an unsustainable spending curve for the provision of adequate space and supervision and compromises the State's ability to provide humane and enlightened services and safe and secure correctional facilities and communities.

NOW THEREFORE, pursuant to the authority vested in me as Governor of the State of Vermont, I, James H. Douglas, do hereby create the Governor's Commission on Corrections Overcrowding. The Commission shall consist of five members appointed by the Governor. The Governor shall appoint a chair. Administrative support to the Commission shall be provided by the Vermont Department of Corrections.

The Commission shall be advisory to the Governor and shall have the following functions and duties:

1. To examine the current societal, legal and policy reasons for the use of incarceration and supervised release in Vermont; and
2. To identify current arrest, detention and sentencing practices and trends and their impact on correctional resources; and

3. To determine methods by which the criminal justice system may reduce reliance on, and use of, incarceration consistent with public safety considerations and available correctional resources; and
4. To recommend ways to strengthen the capacity of Vermont communities to respond to crime and criminal behavior and to support re-integration of offenders into the community; and
5. To recommend ways that the State may address the issue of overcrowding in both the incarcerated and supervised populations of corrections.

In carrying out its duties and functions, the Commission shall consult with representatives of all facets of the criminal justice system, including representatives from: the Vermont Department of Corrections, the Attorney General's Office, Office of the Defender General, the Vermont Center for Crime Victims Services, the Department of Public Safety, the Vermont General Assembly, including the Joint Legislative Corrections Oversight Committee, State's Attorneys, Sheriffs, the Vermont Parole Board, local law enforcement officials, private attorneys, the Vermont Center for Justice Research, the Judiciary, and from any other entity or any other individual that the Commission determines necessary to carry out its responsibilities.

This Executive Order revises and replaces Executive Order #17-03 signed on November 14, 2003.

This commission shall make its report to the Governor by July 15, 2004.

Witness my name hereunto subscribed and the Great Seal of the State of Vermont hereunto affixed at Montpelier this 17th day of November, 2003.

James H. Douglas, Governor

By the Governor:

Neale F. Lunderville, Secretary of Civil and Military Affairs

Executive Order No. 17A-03