

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: H.221 Name of Bill: An Act Relating to Criminal Justice Reform

Agency/Dept: VT State Police Author of Bill Detective Sergeant Aimee Nolan
Review: _____

Date of Bill Review: 2/26/15 Related Bills and Key Players: _____

Status of Bill: (check one)

Upon Introduction As passed by 1st body As passed by both bodies

Recommended Position:

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

Analysis of Bill

1. Summary of bill and issue it addresses.

This bill proposes several changes to the Vermont Criminal Justice System, with three key proposals:

- 1) Eliminate prison sentences for most non-violent crimes, replacing with administrative probation.
- 2) Eliminate the Department of Corrections (DOC)s' ability to send inmates back to prison for minor offenses.
- 3) Remove DOC's power to approve or disapprove of an inmate's proposed housing arrangements upon release.

2. Is there a need for this bill?

Due to Vermont's overcrowded prisons, and housing of inmates out of state, a reform is necessary to deal with several issues within Vermont's Criminal Justice System.

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

This bill would not directly have fiscal and programmatic implications for the Vermont State Police.

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?

By reducing the number of inmates, the number of probationers would sharply increase. There would be costs associated with more staff to monitor the increased number of those on probation, as well as personnel to monitor the community-based programming ideas that go along with reducing jail sentences. The State and DOC have made efforts to expand pre-trial programs for drug addicts, which are designed to get offenders into treatment and reduce recidivism. These pre-trial programs require personnel to manage, as well as the high costs associated with drug treatment and rehabilitation centers.

Many features of this proposal eliminate the power DOC has over inmates and restricts their ability to supervise those under DOC supervision. Based on the many restrictions, the perspective of DOC regarding this bill will likely be opposition.

The Vermont Agency of Human Services would likely be impacted by this bill, as the responsibility to oversee some of the programming could fall under their umbrella. This would put a financial strain on an Agency already struggling to make cuts and still provide adequate services.

The bill as proposed also puts many new restrictions on Judges and takes away much of their discretion in pre-trial cases and sentencing.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

6. Other Stakeholders:

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

Likely supporters of this proposal include the grassroots organization Vermonters for Criminal Justice Reform (VCJR), defense attorneys, and critics of the criminal justice system in general. The offender population would likely support this bill as their incarceration could be reduced or removed.

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

Many people in the general population would oppose this bill as well as victim rights and victim support organizations. This opposition would be based on victims wanting justice for crimes committed against them, and many people who believe offenders should be appropriately penalized and feel the criminal justice system in general is not harsh enough and unfairly skewed towards offenders and their rights. Many people believe stiffer penalties and jail sentences are effective as deterrents to committing crimes, and this bill would significantly reduce the consequences of committing crimes in the State of Vermont.

7. Rationale for recommendation:

The recommendation to oppose this bill is based on the fact that it is simply too radical. The proposals made in this bill are too drastic and our system is not prepared for the changes this bill would create. Any changes must be well thought out and set up in a more gradual process. Additionally, many other bills being debated this year will actually create even more inmates. There needs to be a better balance and overall reform among the entire criminal justice system.

The bill as proposed is too heavily supportive of inmates and offenders and would lead to less punishment for crimes committed and reduced sentences.

8. Specific modifications that would be needed to recommend support of this bill:

9. Gubernatorial appointments to board or commission?

Secretary/Commissioner has reviewed this document



Date: 3/12/15