



**Justice
Reinvestment
Initiative**
Vermont



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment Initiative in Vermont

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Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together
- We drive the criminal justice field forward with original research
- We build momentum for policy change
- We provide expert assistance

Our Goals

- Break the cycle of incarceration
- Advance health, opportunity, and equity
- Use data to improve safety and justice

What is Justice Reinvestment?



A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism.

The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by the **CSG Justice Center** and **Community Resources for Justice's Crime and Justice Institute**.

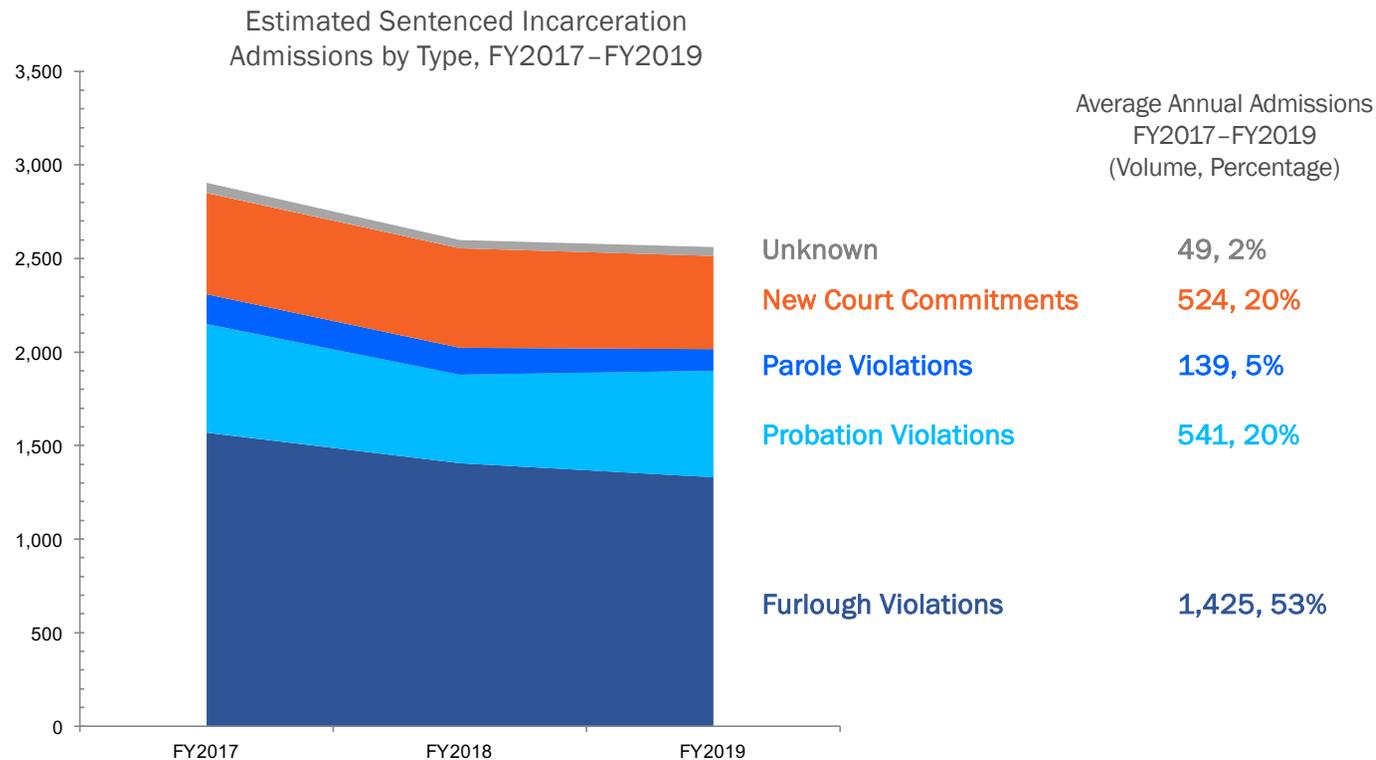
In June 2019, Vermont requested technical assistance for a second Justice Reinvestment Initiative project.

The Justice Reinvestment II Working Group identified several areas Justice Reinvestment II would primarily seek to address:

- Analyze how increases in some categories of crime may be impacting other parts of the state's criminal justice system.
- Explain the connection between supervision revocations and incarceration.
- Assess how individuals' behavioral health challenges, such as serious mental illnesses and substance use disorders, play a role in their movement through and their reentry from the criminal justice system.
- Identify where Vermont's data tracking and analytics must be strengthened to provide lawmakers with sustainable information to guide safe policymaking in future legislative sessions.



CSG Justice Center analysis found that almost 80 percent of sentenced DOC admissions were people returned or revoked from community supervision, primarily from furlough.

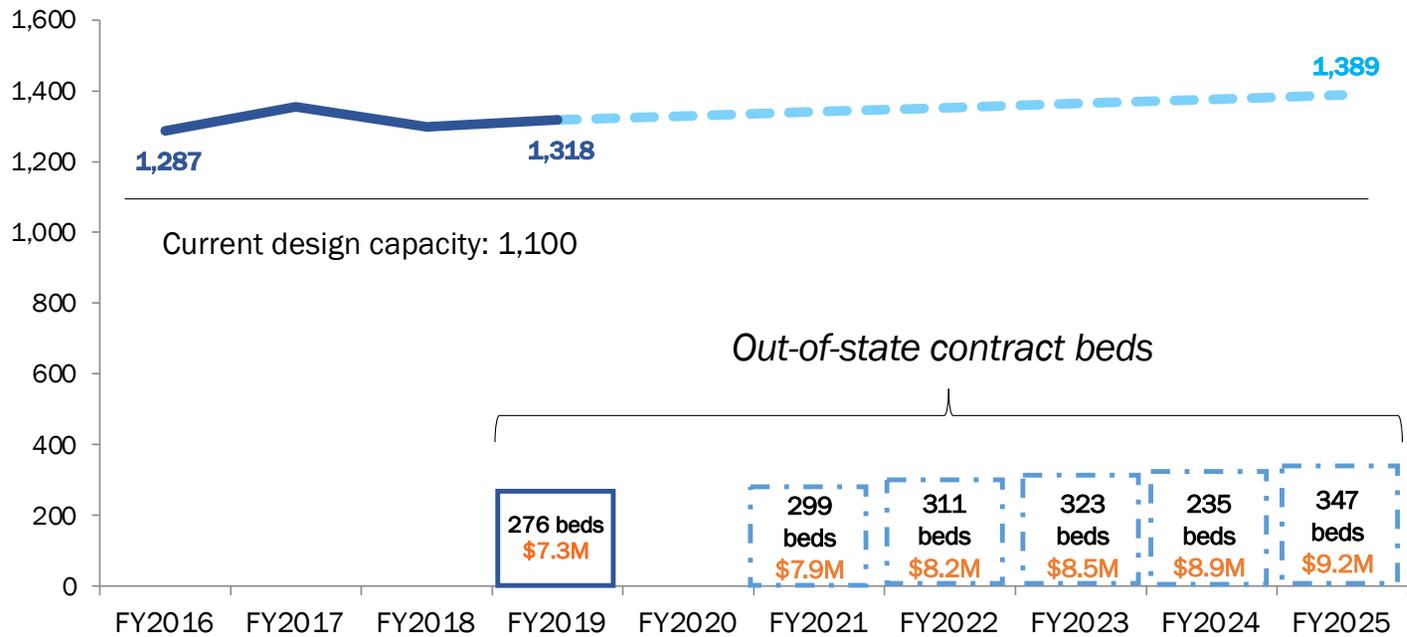


Because admission and release categories must be derived using DOC data, these analyses should be considered strong estimates.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

Increases in the sentenced incarcerated population were projected to cost Vermont \$43 million in out-of-state contract beds by FY2025.

Vermont Sentenced Incarceration Populations at Fiscal Year End and Projected Impacts



Initial projection models **did not** account for changes in the prison population since the onset of COVID-19 and so should be considered within a very limited context.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

To address these and other public safety challenges, the working group developed a package of policy reforms focused on **four primary goals**.

1.

Reduce recidivism and revocations to prison.

2.

Achieve a more equitable system across gender, race, and geography.

3.

Improve data and reporting to inform decision-making.

4.

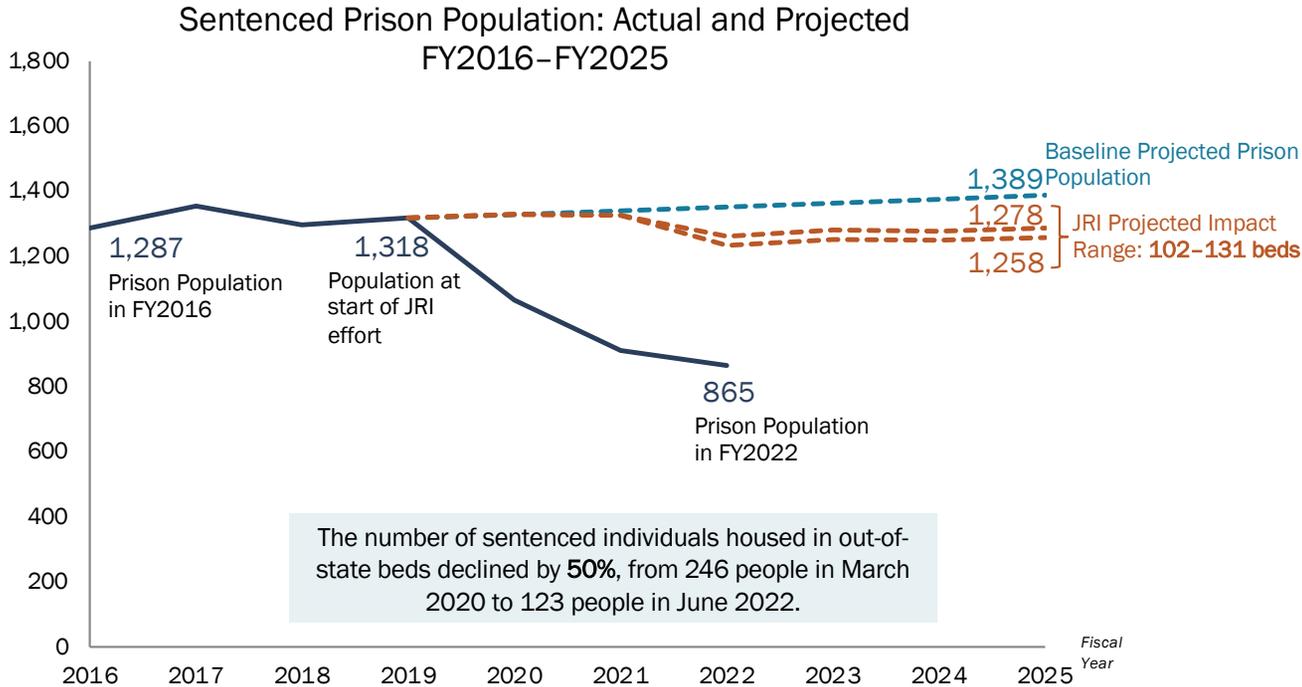
Reinvest in policy implementation and sustained progress.

These recommendations became the foundation for Vermont's Justice Reinvestment II legislation enacted in July 2020.

Act 148:

1. Established [presumptive parole](#) to reduce reliance on the furlough supervision system.
 2. Streamlined the [furlough system](#) to increase community supervision consistency.
 3. Incentivized good behavior by increasing [earned good time](#) from 5 to 7 days per month for people in prison and on furlough.
-
4. Required additional data to be collected and reported about the use of the DOC's [graduated sanctions](#) policy.
 5. Directed the Agency of Human Services to identify gaps in identifying and serving people in the criminal justice system who have [behavioral health](#) needs.
 6. Required analysis related to demographics and sentencing to help Vermont better identify and reduce [racial disparities](#) in the criminal justice system.

Since the COVID-19 pandemic, Vermont's sentenced incarcerated population has declined 30 percent.



| PROJECTED OUTCOMES |
|---|
| Up to 131 Averted out-of-state beds by FY2025 |
| \$1.6M recommended reinvestment by FY2025 |
| ACTUAL OUTCOMES |
| 432 fewer sentenced people in prison since FY2019 |

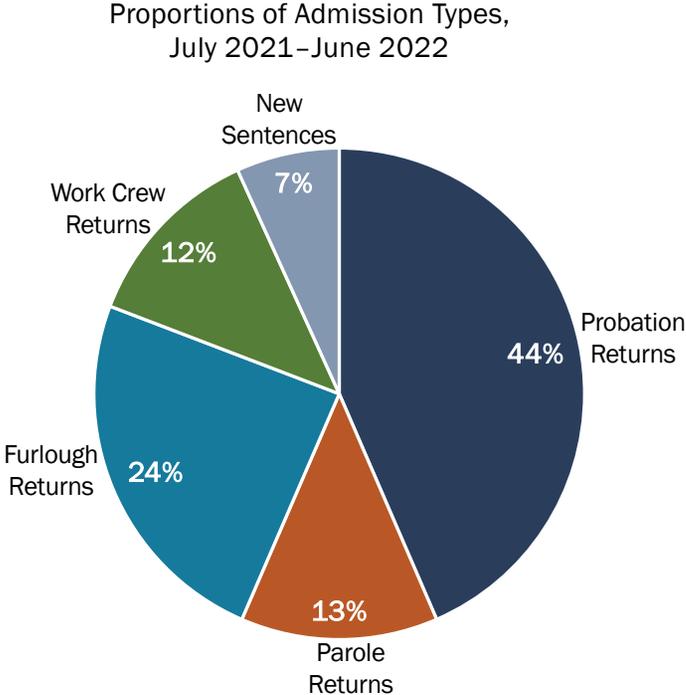
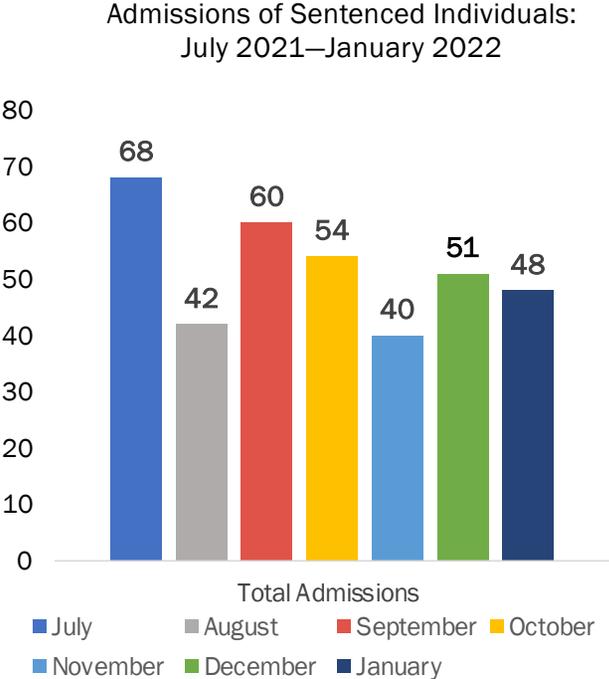
Note: Initial projection models **did not** account for changes in the prison population since the onset of COVID-19 and so should be considered within a very limited context.

Source: Vermont Department of Corrections (DOC) and CSG Justice Center modeling of Justice Reinvestment impact.



Admissions to DOC custody indicate probation revocations are the leading reason for incarceration, rather than furlough returns.

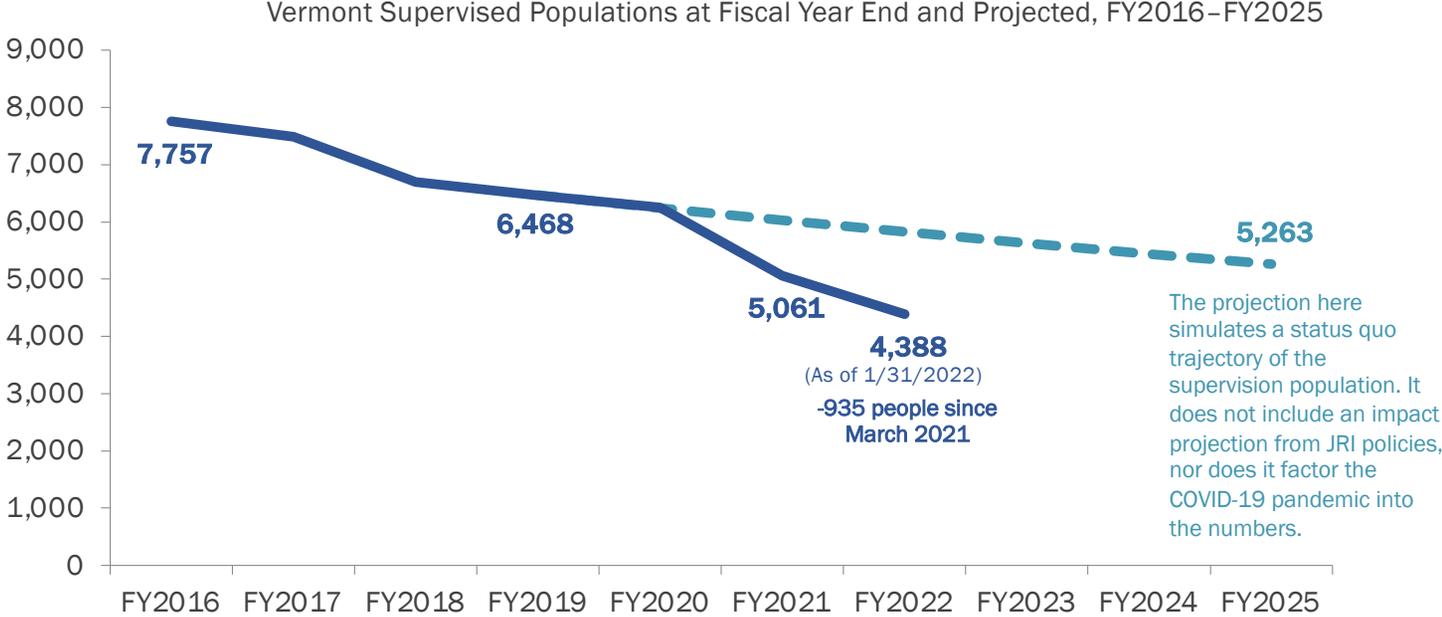
Custodial Admissions, July 2021–June 2022



While this data is from a very limited period and impacted by COVID-19 related criminal justice system disruptions, it is very different from pre-Justice Reinvestment II findings, which showed that over 50 percent of admissions were returns from furlough.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

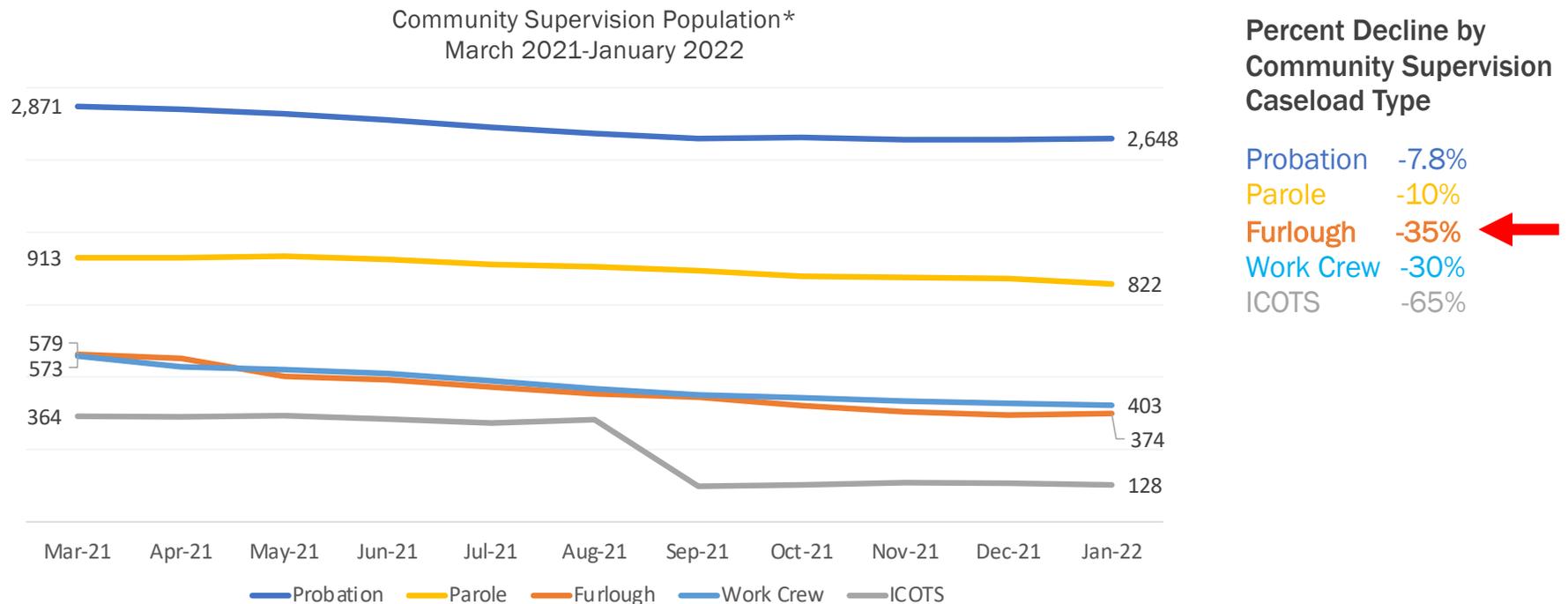
Vermont’s supervised population continued to decline since the beginning of the pandemic due to disruptions in court processing.



- Since March 2021, the supervised population has declined by **-935 people**.
- The furlough population declined by **-40 percent** during that timeframe.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

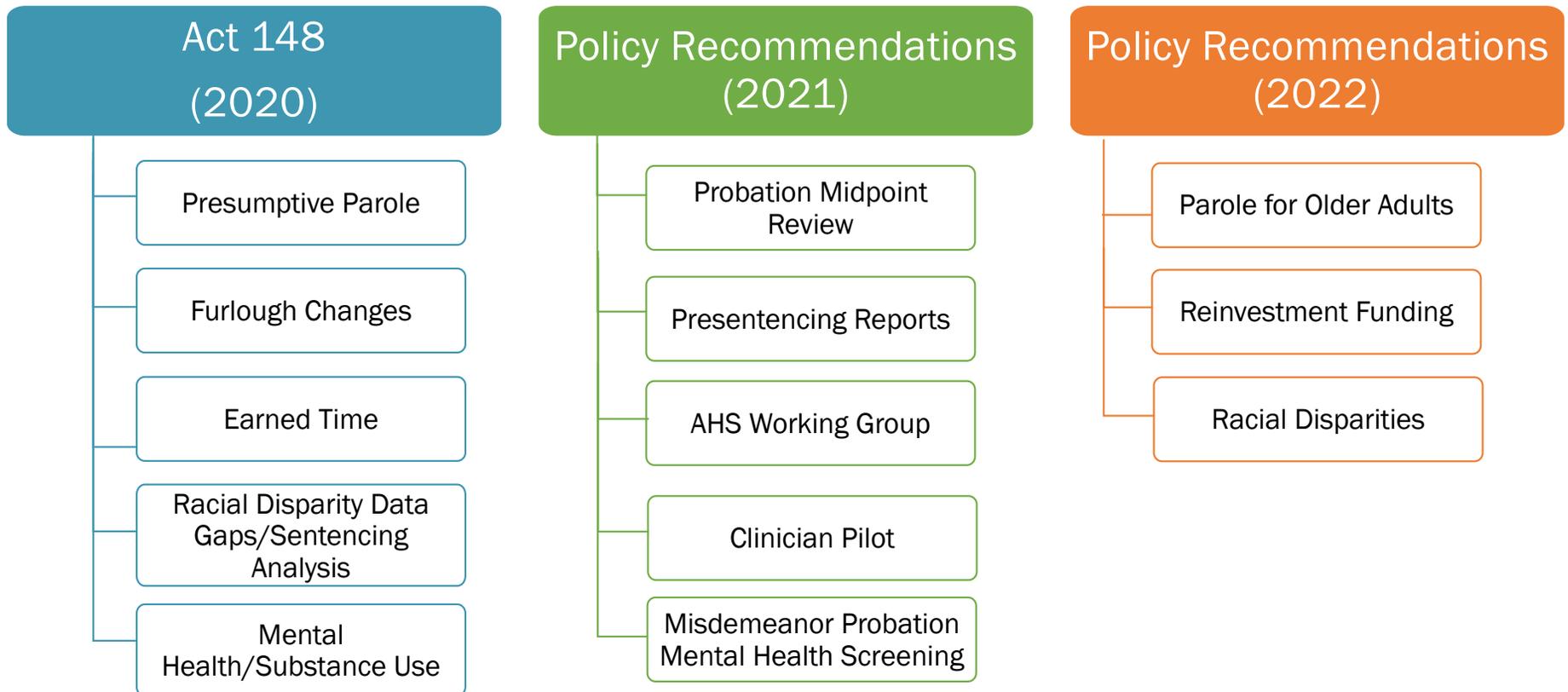
While all community supervision caseload populations have decreased 18 percent since March 2021, the number of people on furlough declined 35 percent.



* Not pictured in the graph are "Other" supervision types, of which there were 23 in March '21 and 13 in January '22.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

The Justice Reinvestment II Working Group engaged in three rounds of policy development.



Working Group Recommendation (2022): Target reinvestment or up-front funding toward key community-based services.

The legislature should consider reinvestments and/or up-front investments in the following areas when seeking to appropriate funding in support of Justice Reinvestment II efforts:

- Domestic violence intervention programming through the Vermont Council on Domestic Violence to ensure ongoing sustainability
- Data collection and analysis capacity, including additional changes to DOC's Offender Management System as needed
- Community-based mental health and substance use services and criminogenic interventions for people with complex needs on community supervision
- Housing-related needs for people on or transitioning to community supervision

To fully realize the intended outcomes of Justice Reinvestment II, Vermont should consider several key steps to support sustainability.

| | |
|----------------------------|---|
| <p>Data</p> | <ul style="list-style-type: none"> • Use available data to continue monitoring Justice Reinvestment II reforms. • Explore opportunities to increase data collection and analysis capacity, particularly related to the application of incentives and sanctions, as well as the collection of race and ethnicity data. |
| <p>Reinvestment</p> | <ul style="list-style-type: none"> • Continue to direct all out-of-state bed savings to a separate Justice Reinvestment II fund for the purpose of reinvesting in community-based services approved through the Joint Legislative Justice Oversight Committee. • Expand the time period for spending reinvestment funding from one to at least two fiscal years. • Continue to explore opportunities for up-front investments in community-based services, particularly mental health and substance use treatment. |
| <p>Oversight</p> | <ul style="list-style-type: none"> • Continue to convene the Justice Reinvestment II Working Group to monitor, discuss, and coordinate ongoing cross-system implementation. |

Vermont's Investments and Reinvestments

JUSTICE REINVESTMENT INITIATIVE FUNDING

2020

\$900,000 (up-front reinvestment funding)

- \$200,000 in domestic violence intervention programming
- \$300,000 to strengthen transitional housing options and efficacy
- \$400,000 to target gaps in community-based behavioral health services

2021

\$360,000 (reinvestment funding from out-of-state bed savings)

- This funding remained unspent at the end of the fiscal year and so was absorbed back into the general fund.

2022

\$417,000 (reinvestment funding from out-of-state bed savings)

- This funding has not yet been allocated.

TOTAL ESTIMATED AVERTED COSTS FY20–FY25: \$8.4M

Major Policy Areas in Vermont

PRISON POPULATION

PRISON AND FURLOUGH

- ✓ The JRI bill incentivizes good behavior by increasing earned time from 5 to 7 days per month for people in prison and on furlough.

PAROLE REVISIONS

- ✓ Act 148 established presumptive parole to reduce reliance on the furlough supervision system.

JUDICIARY

ADDRESS DISPARITY

- ✓ Act 148 required analysis related to demographics and sentencing to help Vermont better identify and reduce racial disparities in the criminal justice system.

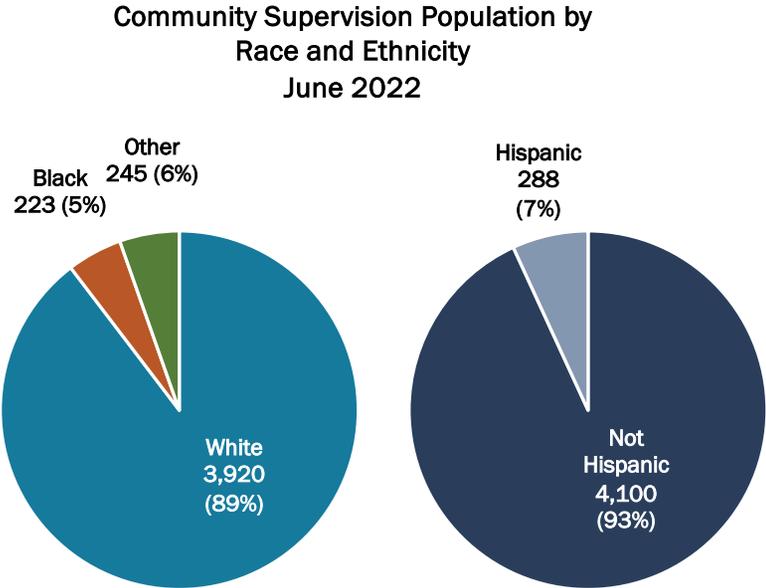
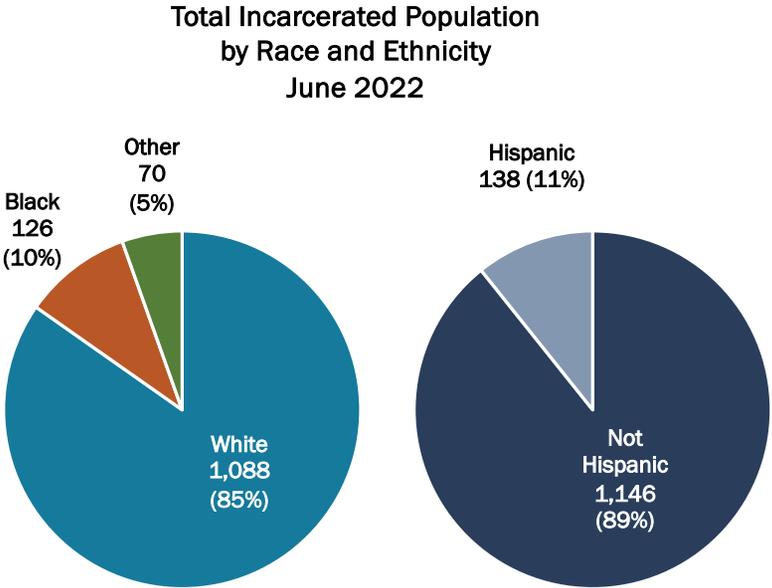
PUBLIC SAFETY

COMMUNITY SUPERVISION

- ✓ Act 148 streamlined the furlough system to increase consistency of community supervision practices.
- ✓ The DOC will collect and report additional data about the use of the graduated sanctions and response policy for individuals under supervision in the community.
- ✓ The legislation also directed the Agency of Human Services (AHS) to identify gaps in serving people in the criminal justice system who have behavioral health needs.

In August 2020, DOC began collecting **Hispanic ethnicity data** separate from race, allowing for more precise analysis of demographic trends.

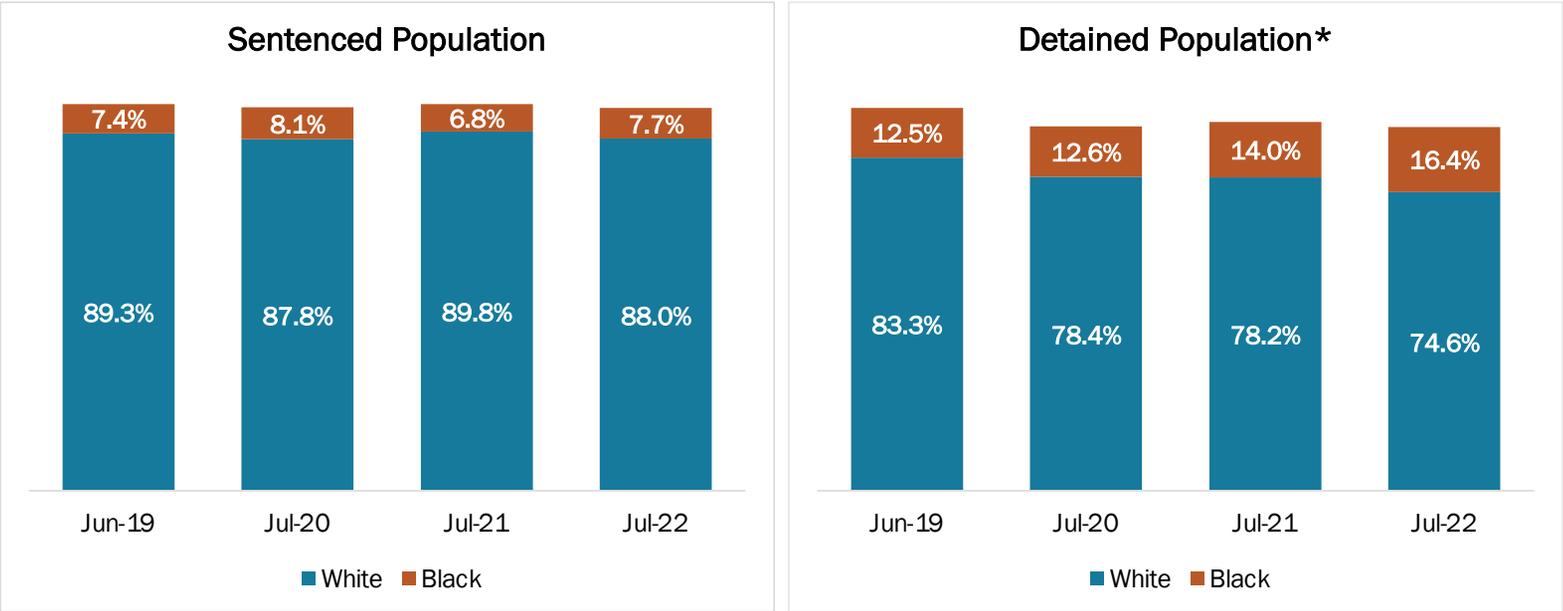
Race and Ethnicity of Incarcerated and Supervised Populations, June 2022



Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

The detained population in Vermont’s DOC showed increasing racial disproportionality over the course of the pandemic.

Change in Race Composition of Population of Sentenced and Detained Individuals, June 2019, July 2020, July 2021, and July 2022



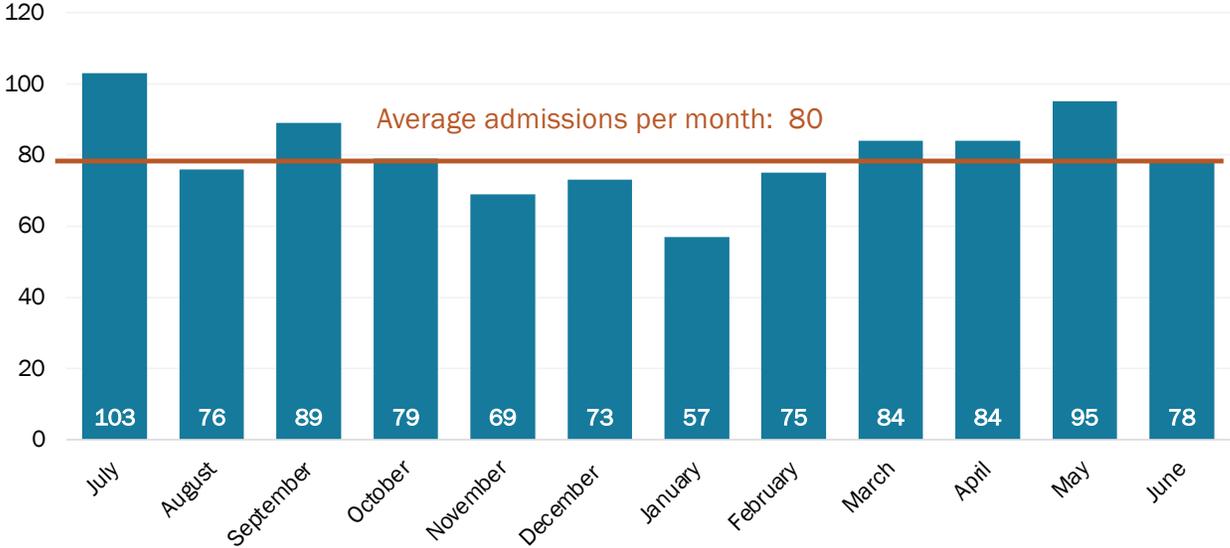
* This chart includes Detainees and Holds, except for June 2019, which did not include Holds.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.



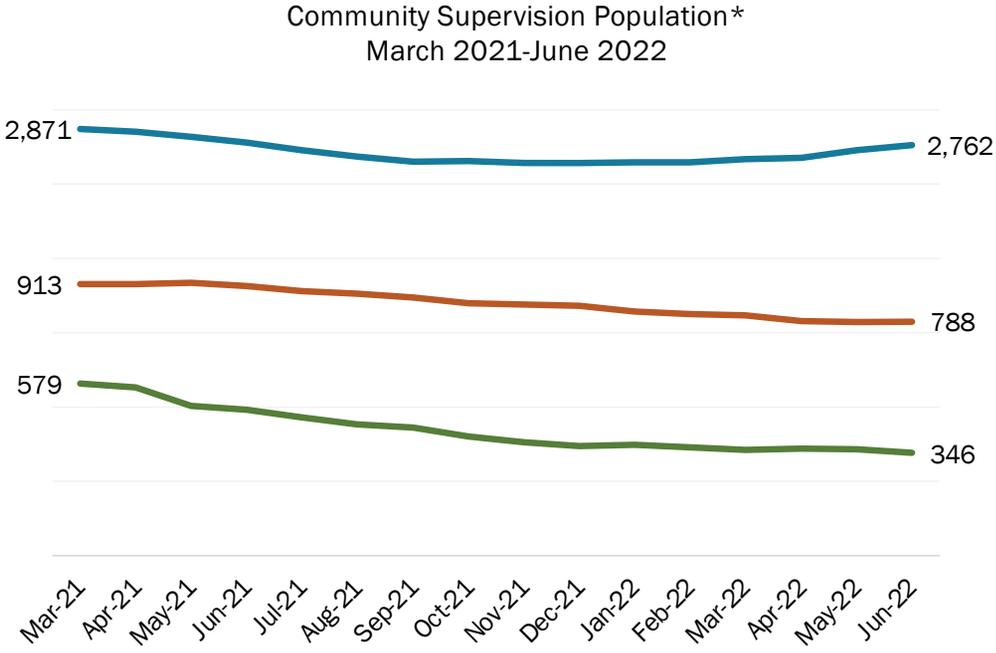
Institutional Admissions

Institutional Admissions from Community Supervision, July 2021–June 2022



Source: The Council of State Governments Justice Center analysis of data from (needs rest of citation).

While all community supervision caseload populations decreased, the number of people on furlough declined 35 percent.

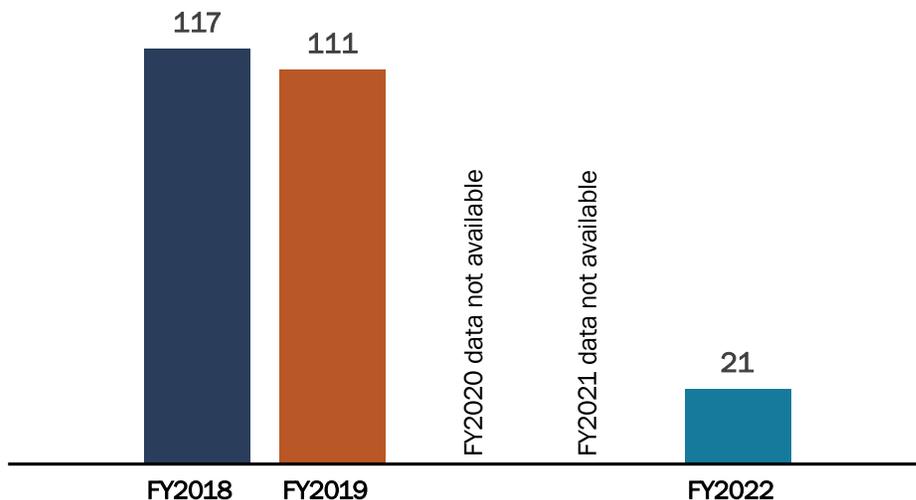


* Not pictured in the graph are the following supervision types: Work Crew, Other, and ICOTS (Interstate Compact Offender Tracking System).

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

Preliminary data from FY2022 suggest that furlough returns are on track to be significantly lower than prior fiscal years.

Furlough Returns to Custody (monthly avg.):
FY2018, FY2019, and FY2022



FY2016 – FY2019

- Approximately **5,800** furlough returns to custody
- An average of **1,450 returns per year** of which an estimated **77% were for technical violations**.

July – September 2021, after policy changes were enacted to the furlough program, **only 19 people returned to incarceration** from furlough.

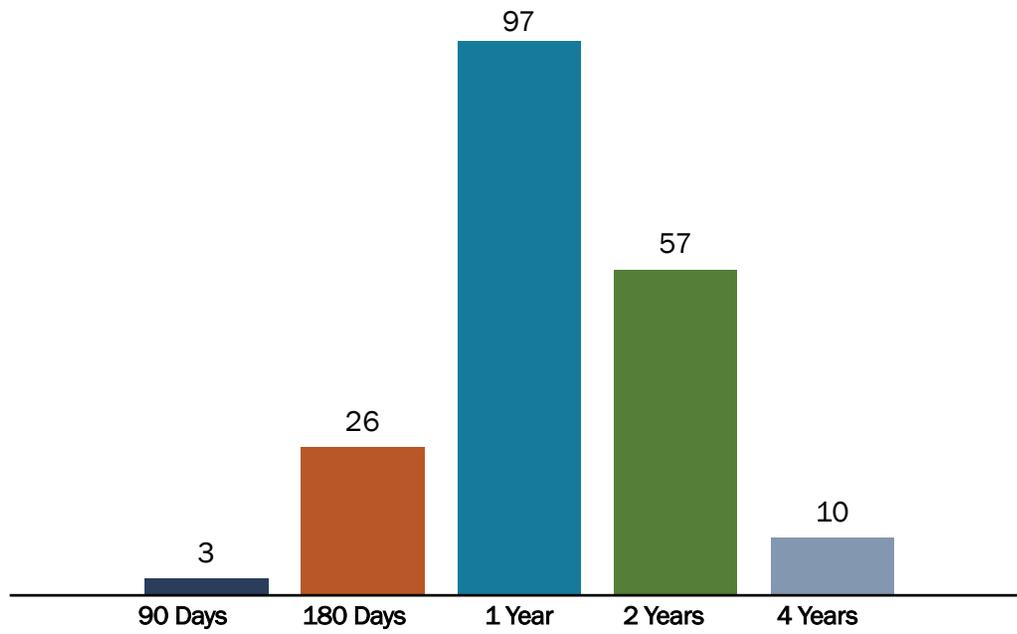
- If this volume remains consistent, furlough returns will be far lower in FY2022 than in prior fiscal years.

211 people incarcerated on a furlough interrupt

- 83% will serve 1 year or longer
- 16% will serve 180 days
- 2 people will serve 90 days

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

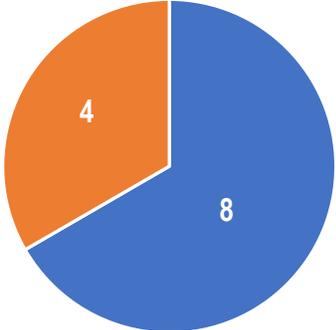
Snapshot Population of People Incarcerated on a Furlough Interrupt as of June 2022



Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

A total of **12 cases** were referred to the Parole Board for presumptive parole consideration in 2021.

Presumptive Parole Decisions
January 2021-December 2021



■ Approved ■ Denied

| | |
|--|--|
| Risk Level of Approvals: <ul style="list-style-type: none">• 0 Low risk• 5 Moderate risk• 3 High risk | Risk Level of Denials: <ul style="list-style-type: none">• 1 Low risk• 1 Moderate risk• 2 High risk |
|--|--|

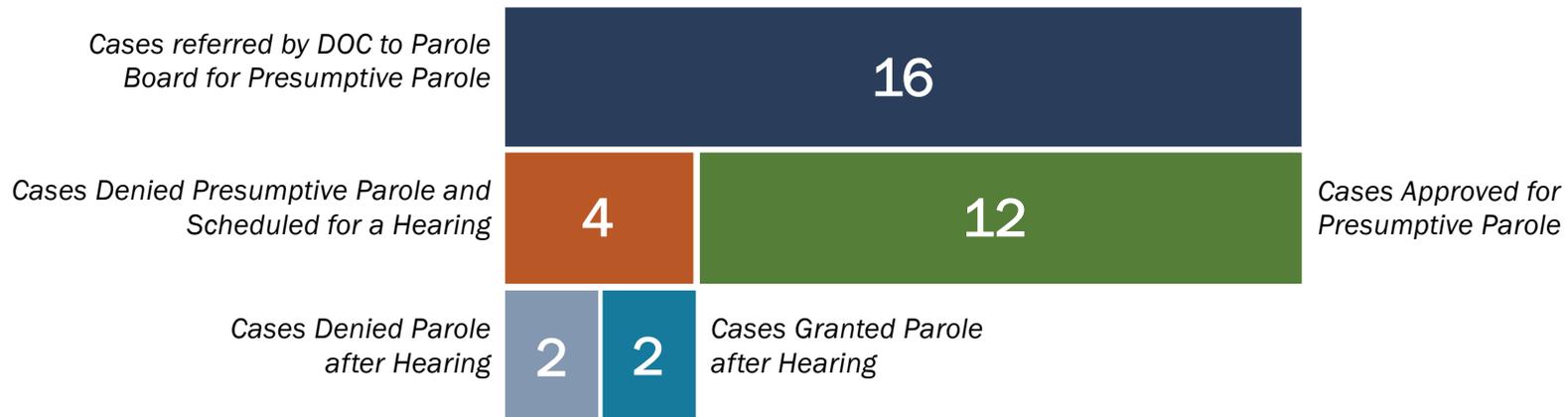
Policy Highlights:

- The parole board considered 14 presumptive parole cases in 2021. Initial CSG Justice Center projections estimated that 33 cases would be considered in the first eleven months. Thus, about **60 percent fewer** cases have been considered by the Parole Board than projected.
- Of the initial 12 presumptive parole cases considered by the board, **four were scheduled for hearings** to provide opportunity for victim input.
- Of the four cases where a hearing was scheduled, **none were denied based on victim input**. One was denied for reasons unrelated to victim concerns.

Source: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

Presumptive Parole Decisions

Presumptive Parole Decisions by the Vermont Parole Board,
January 2021–June 2022



Risk Level of Presumptive Parole Denials:

- 1 Low risk
- 1 Moderate risk
- 2 High risk

Risk Level of Presumptive Parole Approvals:

- 2 Low risk
- 7 Moderate risk
- 3 High risk

Source: The Council of State Governments Justice Center analysis of data from the (needs rest of citation).

JRI Implementation Subaward Funding Allocations

| Activity | Status |
|--|--------------------|
| Training for parole board members, supervision officers, and community providers on using risk assessments to better target interventions | ✓ |
| Agency of Human Services cross-department training focused on organizational-level collaboration to support shared clients who are in the justice system and have mental health and/or substance use needs | ✓ |
| Training on evidence-based housing practices for providers selected through DOC's Request for Proposal process | ✓ |
| Training for supervision officers on evidence-based correctional practices | ✓ |
| Training for supervision officers and community providers on engaging people on supervision with complex mental health and substance use needs | ✓ |
| Investments in improving DOC and parole board data collection and analysis processes | <i>In Progress</i> |
| Computer monitors for parole board | ✓ |
| Total subaward request: \$430,000 | |

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For more information, please contact

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