

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.212 Name of Bill: Court approved absences from home detention and home confinement furlough

Agency/Dept: DPS/VSP Author of Bill Review: Detective Sergeant Mark Potter

Date of Bill Review: 1/20/2016 Related Bills and Key Players: Sen. Dick Sears, Tim Ashe, Peg Flory

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 to require greater specificity regarding court-approved scheduled absences from home detention and home confinement. It also seeks to require victim notification of scheduled absences and of any changes in the scheduled cases involving listed crimes.
2. Is there a need for this bill? Based on my review of the impacts and implications associated with this bill I find no necessity for the State of Vermont to impose this bill.
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? This bill has a direct programmatic implications for the Department of Corrections as it relates to a higher case load for probation and parole officers. To enact this bill would also bear a substantial monetary expense to the Department of Corrections to specifically enforce the home confinement aspects as proposed in the bill. Strict adherence to the policy would require frequent checks and unannounced visits by probation and parole which would correlate to higher monetary expenses. The financial savings tied to this when comparing the cost of a jail bed to a home confinement situation, coupled with a higher case load for DOC monetarily would be comparably the same.
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 greatest burden associated with this bill falls on the Court system in regards to approving absences from home confinement for appointments, meeting etc. With an already extremely high case load within the court system this would add yet another tier and reduce the rate in which business is processed. Another fiscal programmatic implication of this bill hugely impacts the Department of Public Safety Division of the State Police. Law enforcement personnel already collaborate with the Department of Corrections for any violations of home confinement. Uniform

members of the State Police are already managing an increased case load with limited resources and this would directly affect Uniform Troopers abilities to respond and assist with more prioritized cases. Due to the limited resources and already high case load Uniform Troopers would not be in support of this bill. From a command staff perspective this bill would correlate to an increased overtime for Uniform Troopers as most of the violations for offenders occur in the evening hours into early morning hours when offenders know there is no law enforcement present. This would cause for a call out situation of a standby Trooper to investigate the offense.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** The Department of Corrections, State, Local and Sheriff's personnel would be opposed to such a bill due to the increased case load and monetary items associated with the enforcement of such bill.

6. **Other Stakeholders:**

6.1 **Who else is likely to support the proposal and why?** The administrative body of the Department of Corrections will likely support this bill on the sole basis of monetary expense. There are decreased levels spent when offenders are supervised from home versus confinement. However the majority of employees tasked with implementing and adhering to the new standard would be opposed due to the unrealistic scope as it relates to high case loaded and a limited budget.

6.2 **Who else is likely to oppose the proposal and why?** The courts of Vermont. Refer to #3 for explanation.

7. **Rationale for recommendation:** *At face value this bill as proposed serves as a means to lower operating costs for the Department of Corrections as it relates to offenders and incarceration. The fall out of this bill is that this places an increased burden on the Department of Corrections as well as the court systems of Vermont. With an already high case load in the court systems this would add additional burden and slow the process of criminal prosecutions via adding additional responsibilities to Magistrates.*

8. **Specific modifications that would be needed to recommend support of this bill:** *For this bill to be well received additional personnel would need to be added to the operations of the Department of Corrections Probation and Parole as well as the Vermont Courts. Specifically Magistrates.*

9. **Will this bill create a new board or commission AND/OR add or remove appointees to an existing one? If so, which one and how many?** This bill would not create a new board nor commission. The responsibilities surrounding the implementation and adherence would fall solely on the Department of Corrections and the Vermont Courts.

Secretary/Commissioner has reviewed this document



Date: 2/1/16