

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2016

Bill Number: S.207 Name of Bill: An Act Relating to Compassionate Release of Parole Eligibility

Agency/Dept: VSP Author of Bill Detective Sergeant Larry Smith
Review: _____

Date of Bill Review: 01/12/16 Related Bills and Key Players: Sen. Becca Balint

Status of Bill: (check one)

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

Recommended Position:

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

Analysis of Bill

1. Summary of bill and issue it addresses. This bill as written addresses the issue of continued incarceration of persons who have served their minimum sentence, are elderly or have been diagnosed with a terminal disease. The compassionate release of these subjects would reduce the some of the burden on the Department of Corrections in regards to overcrowding. In regards to those of failing health, the cost associated with movement from a facility to a definitive care provider would be reduced. With the elderly/older and terminally ill inmates, the opportunity to be in a facility close to home with family helps the grieving process.
2. Is there a need for this bill? No
3. What are likely to be the fiscal and programmatic implications of this bill for this Department? The fiscal and programmatic implications of this bill on the Vermont State Police are minimal. There might be an increase in call volume if said parolees chose to re-offend.
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? Probation and Parole specifically the Field Supervisor Unit (FSU) would experience an increase in furloughed inmates, resulting in more cost to manage said inmates. Terminally ill or those inmates released requiring full time care would now be transferred to a nursing home or other home health type facility. This transfer would inherently result in higher cost to care for these inmates. According to a former supervisor for the Department of Corrections the cost to house an inmate out of state is roughly \$28,000. The current cost to house an inmate in state is \$40,000. The estimated cost for full time nursing home care or in home hospice care in Vermont is roughly \$102,000. Correctional facilities in Vermont currently have a medical unit and are equipped to deal with inmates dealing with terminal or chronic illness. In the past the Department of Corrections had a compassionate release to furlough program. According to the supervisor I spoke with, he could recall several instances where an inmate released based on terminal diagnosis, committed other violations once released. He could recall when a high risk sex offender was released

to a nursing home and subsequently offended on a juvenile at the home. He also remembers a case where a subject released due to a terminal illness was involved in a pursuit, ran from police and swam across a river to get away. His perspective of this bill is, once released these inmates appear too often times get better knowing they are not going to die in jail. He also advised that releasing these people into the public, they enter with the attitude of, "I can do what I want, what are they going to do put me in jail". Probation and Parole, Home Health and Economic Services would bear the brunt of increased cost to manage these inmates if released.

5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** Local police agencies could see an increase in call volume dealing with those released back into their communities. Increases in call volume would ultimately result in increased payroll for these departments. Over time cost would increase as would time spent responding to and potentially prosecuting future cases involving those on early release. Not all those eligible for early release have a place to call home. Their release could affect programs that currently deal with the state's homeless population.

6. **Other Stakeholders:**

6.1 **Who else is likely to support the proposal and why?** Family members of those currently incarcerated and eligible for release under this bill proposal.

6.2 **Who else is likely to oppose the proposal and why?** Victim's Advocacy groups and victims themselves. Reason being any reduction of jail time could potentially result in a re-victimization of person's identified as victims of those currently incarcerated. Any persons released who are on the Vermont Sex Offender Registry would now have to be checked on outside the facility, resulting in an increase in field work by local law enforcement.

7. **Rationale for recommendation:** Victims of crime want to feel like those responsible are being punished accordingly for their actions. Low conviction rates, minor jail terms and little if no restitution lends to the public's perception that the criminal justice system is broken. Any early release of inmates for any reason may add to this existing perception. Persons who are victimized by someone on compassionate release may question the rationale for their early release. In most cases when referring to those deemed as terminally ill, if released the state would ultimately incur the higher cost associated with the care of these individuals in an outside facility. Those with no minimal sentencing requirements can be assessed on an individual basis to determine their eligibility for early release.
8. **Specific modifications that would be needed to recommend support of this bill:** This bill as written does not clearly define "Low risk" when used to determine the likelihood to re-offend. Nor does it define "Violent" crimes but puts the onus on the Department of Corrections to make these determinations. Crimes such as Burglary and even in some case robbery are not classified as violent crimes. Inmates eligible for compassionate release should not have any convictions for crimes against another person. Under the current system according to Probation and Parole (FSU), those who violate the terms of their probation are not held accountable for their actions by the Department of Corrections. Verbiage on dealing with those on compassionate release who re-offend, needs to be clearly spelled out in the bill. More research should be conducted to determine if/how any prior programs such as this when implemented by the Department of Corrections fared.

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? Unknown

Secretary/Commissioner has reviewed this document

A handwritten signature in blue ink, appearing to be "K. J. R.", is written over a faint, circular official seal.

Date: 2/1/16