Public Safety and Access to Justice

Presentation Before Appropriations Committee
December 19, 2023

Public Safety

- What is public safety?

    - The state of being safe from harm or danger or threats of harm or danger.
    - The well-being and protection of everyone in the community.

- Crime, and even the mere perception of crime, undermines a community's sense of safety.

- Stable families and communities are necessary to reduce crime.

- To have stable families and communities, the following are necessary:

    - Substance Use Treatment
    - Mental Health Treatment
    - Housing
    - Education
    - Employment

- The end of the pipeline – the criminal justice system.

Crime Statistics

Perception and Reality

# Figure 9. Percent change in violent crime, 2019 to 2022
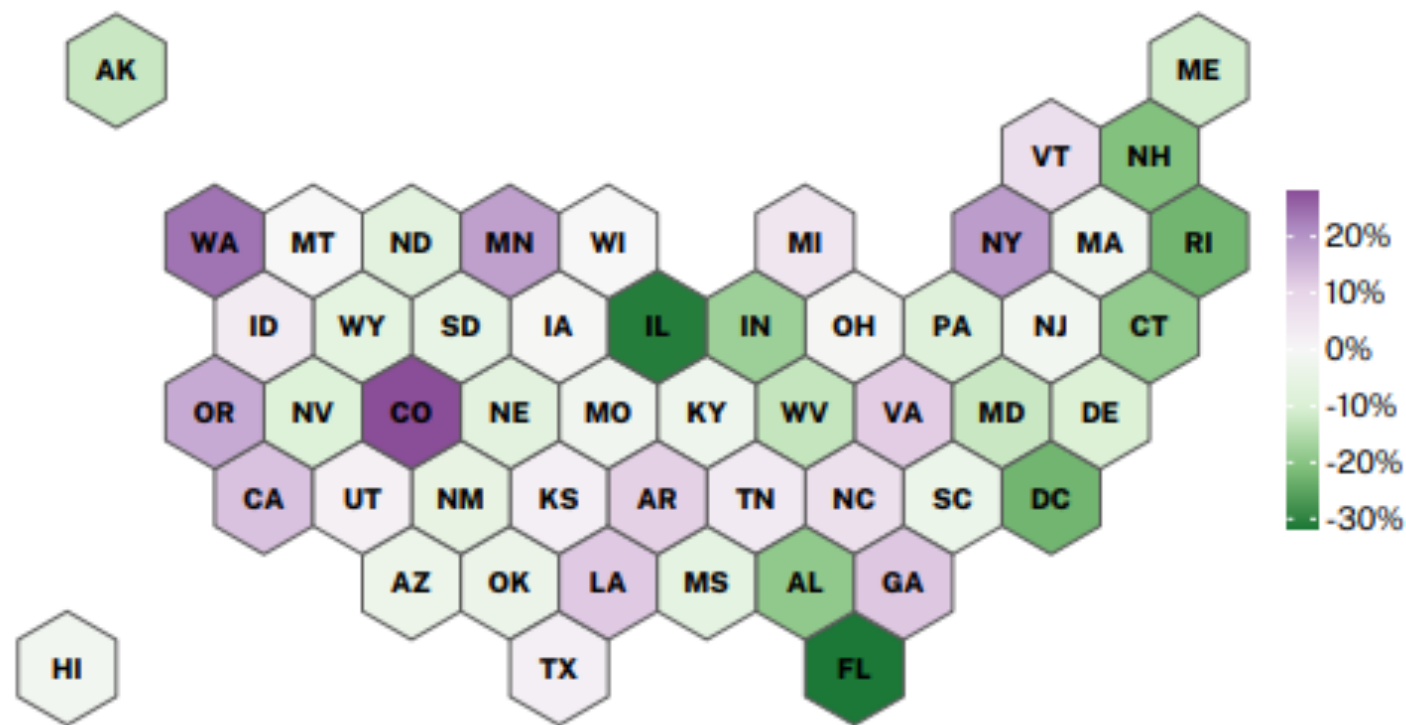
FBI Uniform Crime Reporting Program SRS

The FBI stopped Uniform Crime Reporting Program Summary Reporting System (SRS) data collection in 2020, which decreased the number of agencies that submitted their crime data and thus reduced the reliability of state estimates in 2021. In 2022, they allowed agencies who were unable to submit NIBRS data to submit SRS data again. 94 percent of the U.S. population was covered in the 2022 crime data submissions to the FBI, with most states providing close to complete data. However, the population upon which the estimates were derived decreased by over 10 percent in three states: Florida, Hawaii, and Illinois, so conclusions about crime changes in those states should be interpreted with additional caution.

Figure 13. Property index crime reported to police
Rate per 100k residents
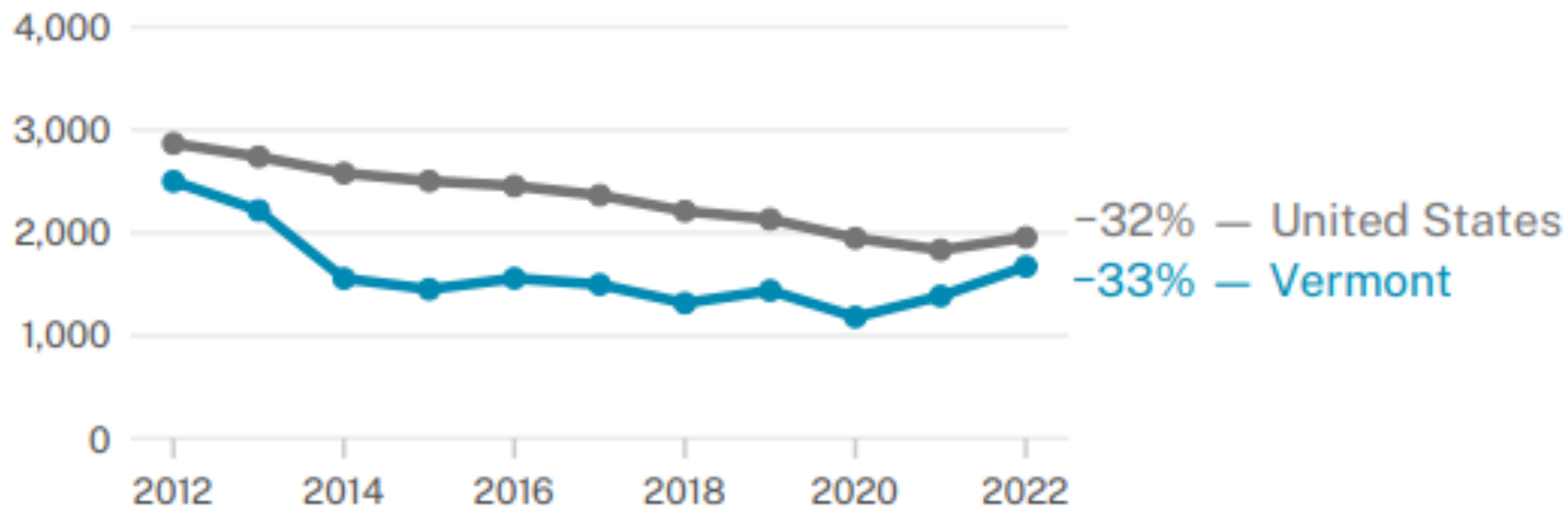
FBI Uniform Crime Reporting Program SRS

Figure 14. Property index crime reported to police by offense

Rate per 100k residents

Larceny

- −19% — VT
- −29% — U.S.

Burglary

- −60% — U.S.
- −77% — VT

Motor vehicle theft

- +23% — U.S.
- +27% — VT

FBI Uniform Crime Reporting Program SRS
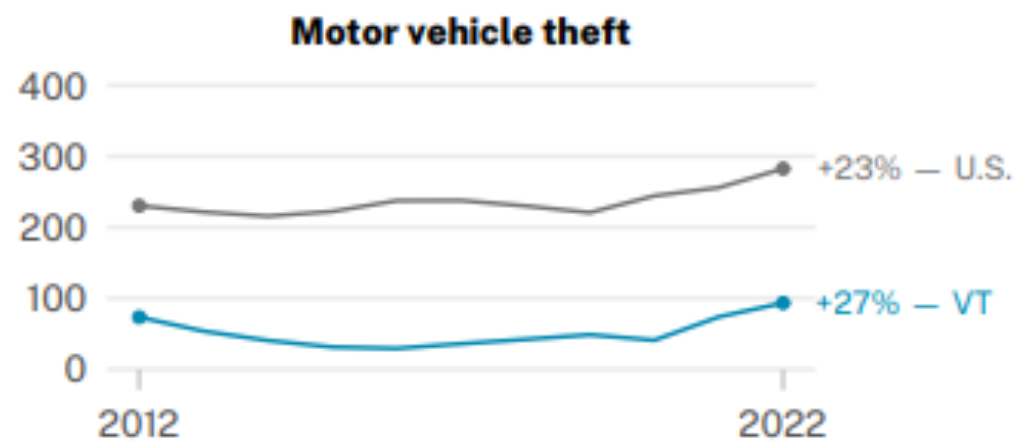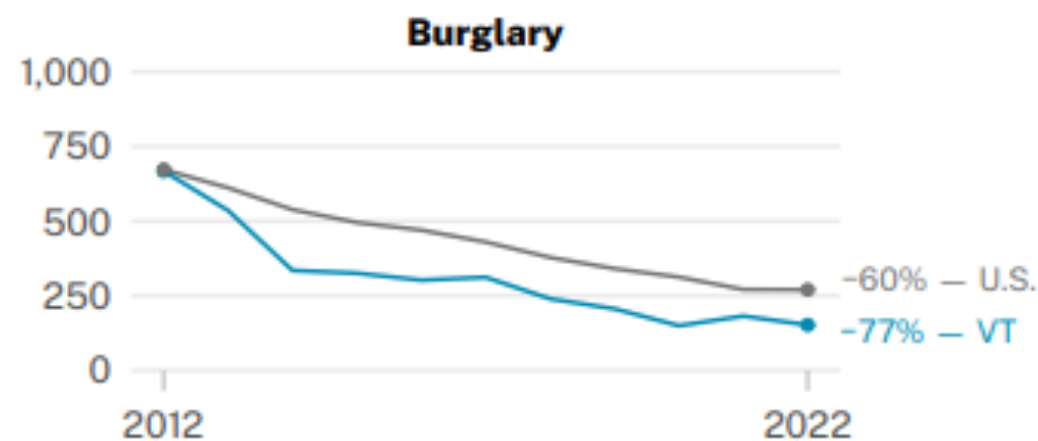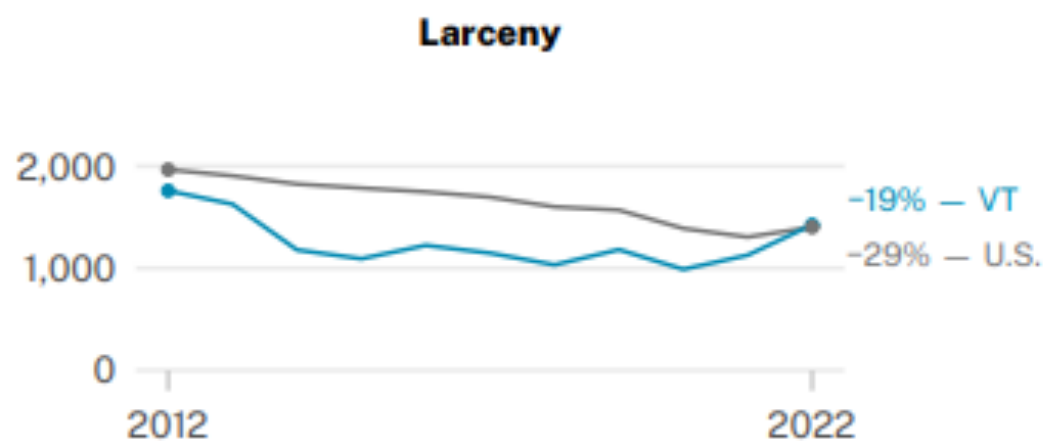
Figure 15. Violent index crime reported to police
Rate per 100k residents

−2% — United States

+56% — Vermont
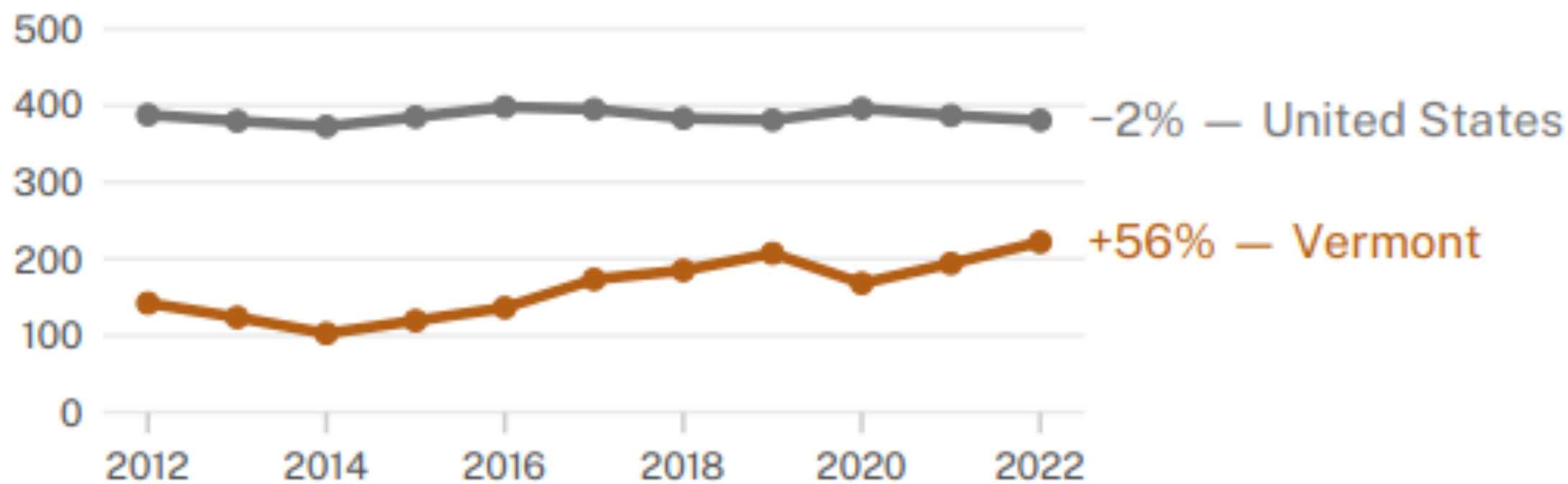
Figure 16. Violent index crime reported to police by offense

Rate per 100k residents

Aggravated assault

400
300
200
100
0

2012   2022

+10% — U.S.
+65% — VT

Robbery

160
120
80
40
0

2012   2022

−42% — U.S.
−27% — VT

Rape

60
40
20
0

2012   2022

+47% — U.S.
+76% — VT

Homicide

10
8
5
2
0

2012   2022

+34% — U.S.
+166% — VT
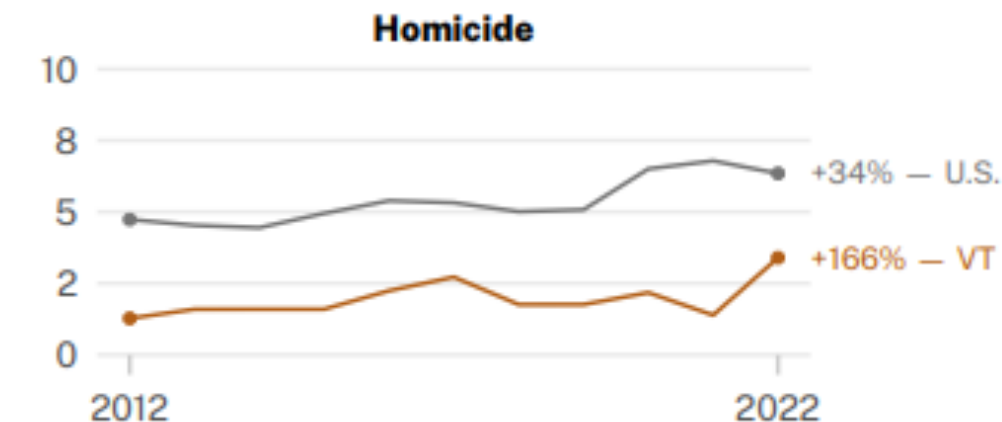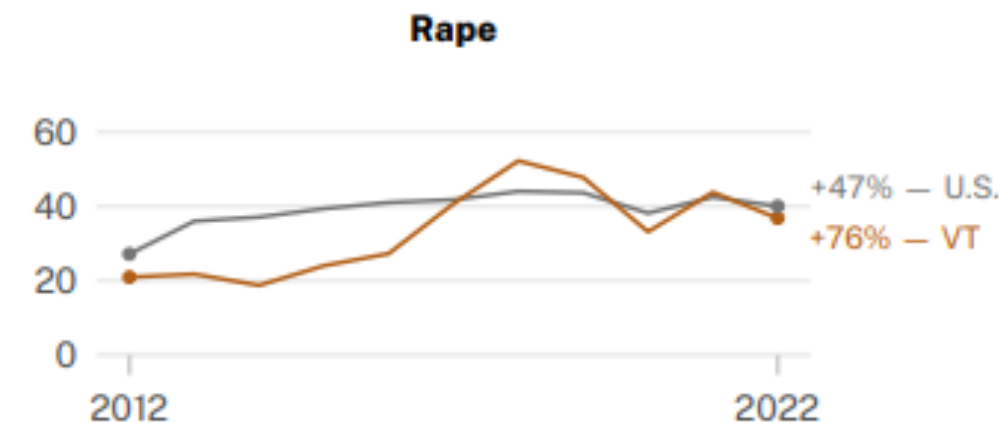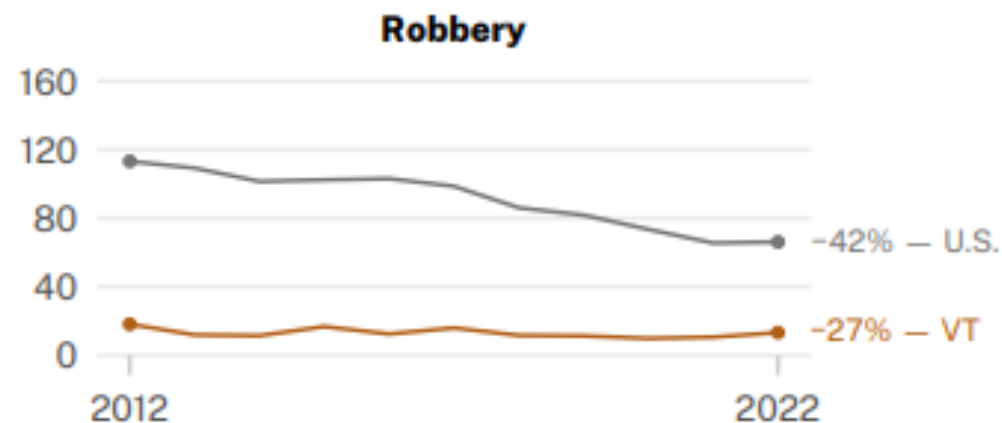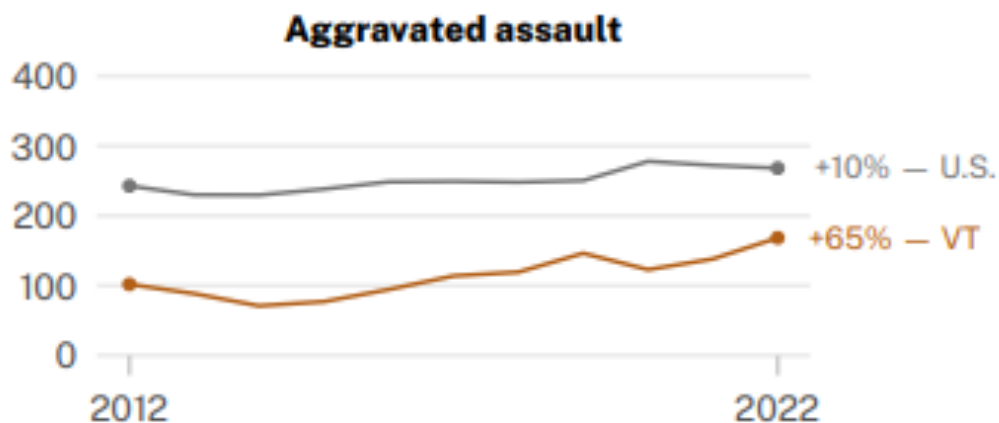
FBI Uniform Crime Reporting Program SRS

south**burlington**

P O L I C E

Reported Incidents of Various Crimes - South Burlington

Bar chart showing reported incidents of various crimes in South Burlington for years 2021, 2022, and 2023:

Crime	2021	2022	2023
RETAIL THEFT	298	396	451
LARCENY - MV	76	94	382
STOLEN CAR	59	121	117
BURGLARY	42	37	39
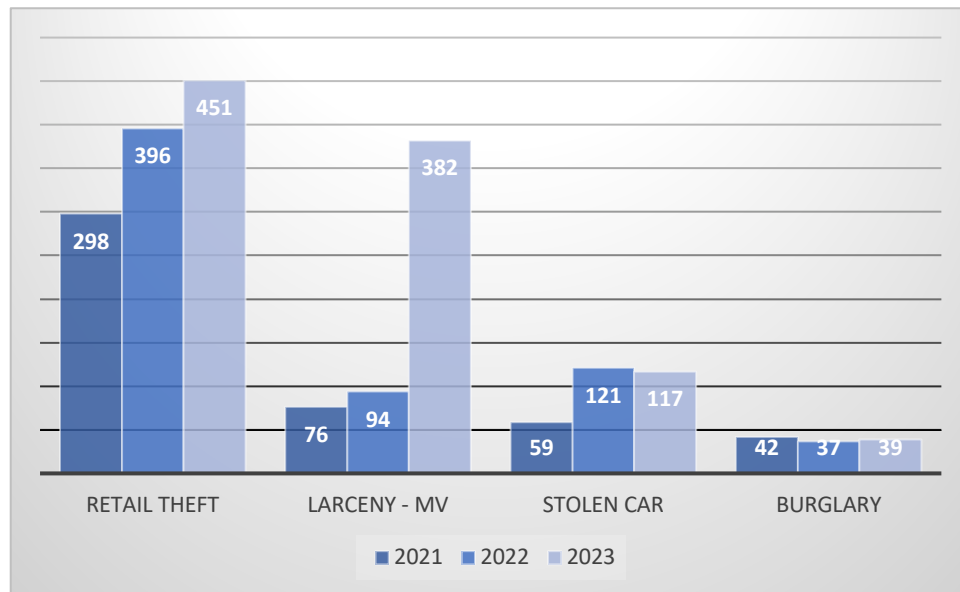
YTD Comparison - Calls for Service

- Call volume analysis is a measure of how many inbound calls are coming into the dispatch center. Directed patrols, foot patrols, CRS outreach, and traffic stops/offenses are removed as these cases are generated by an officer for proactive work.

YTD Call Comparison

Year	Value	Change
2018	10307	
2019	9901	-4%
2020	8537	-14%
2021	9728	14%
2022	10739	10%
2023	11760	10%
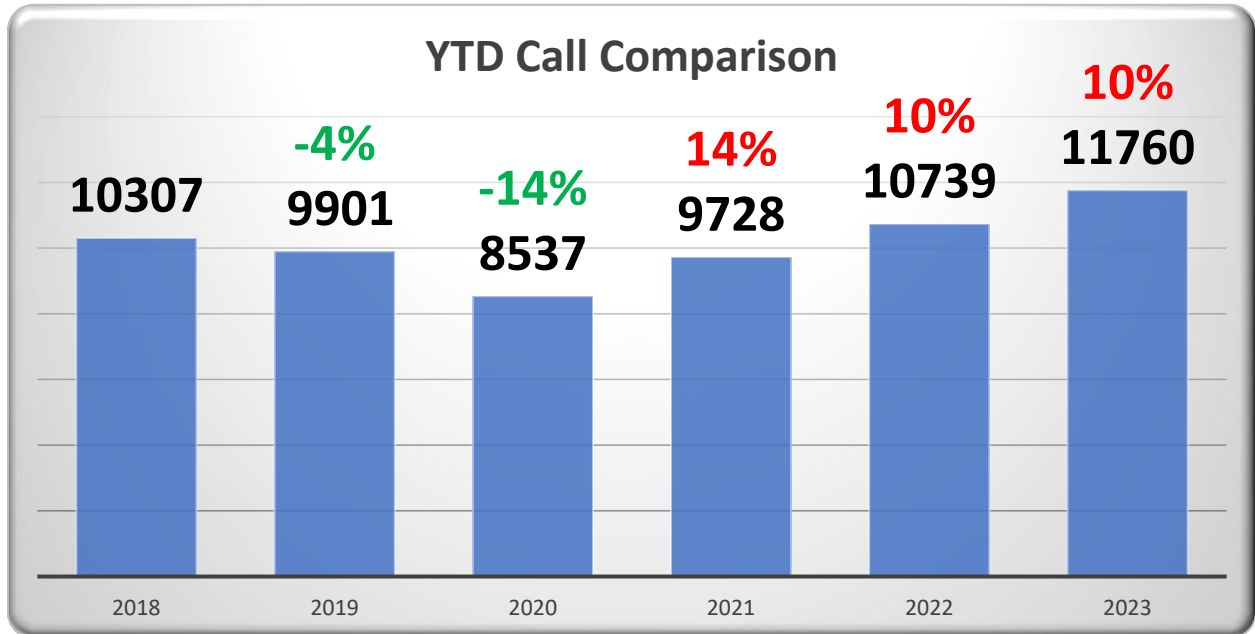
YTD Comparison - Actual Calls for Service

- Actual case volume analysis includes the number of inbound calls to the dispatch center as well as the proactive cases generated by an officer.

YTD Comparison Actual Call/Case Volume

Year	Value	Change
2018	11350	
2019	11245	-1%
2020	10012	-11%
2021	10675	7%
2022	11432	7%
2023	13069	14%
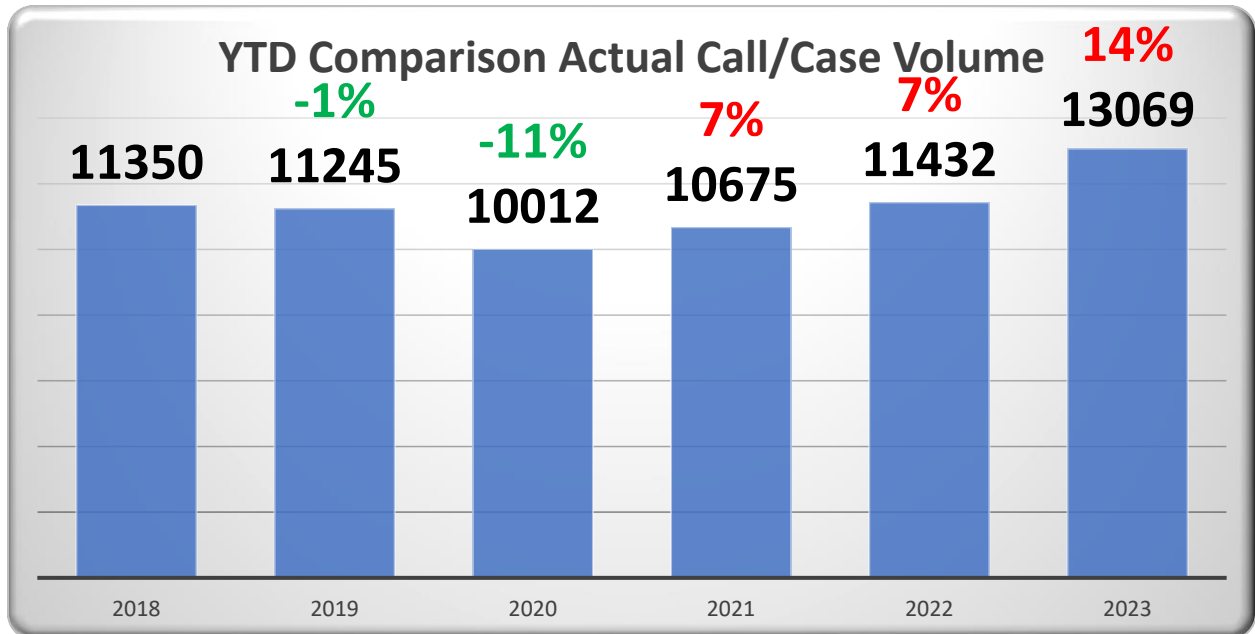
YTD Comparison - Arrest/Citation

- Comparison of the number of arrests/citations each year.
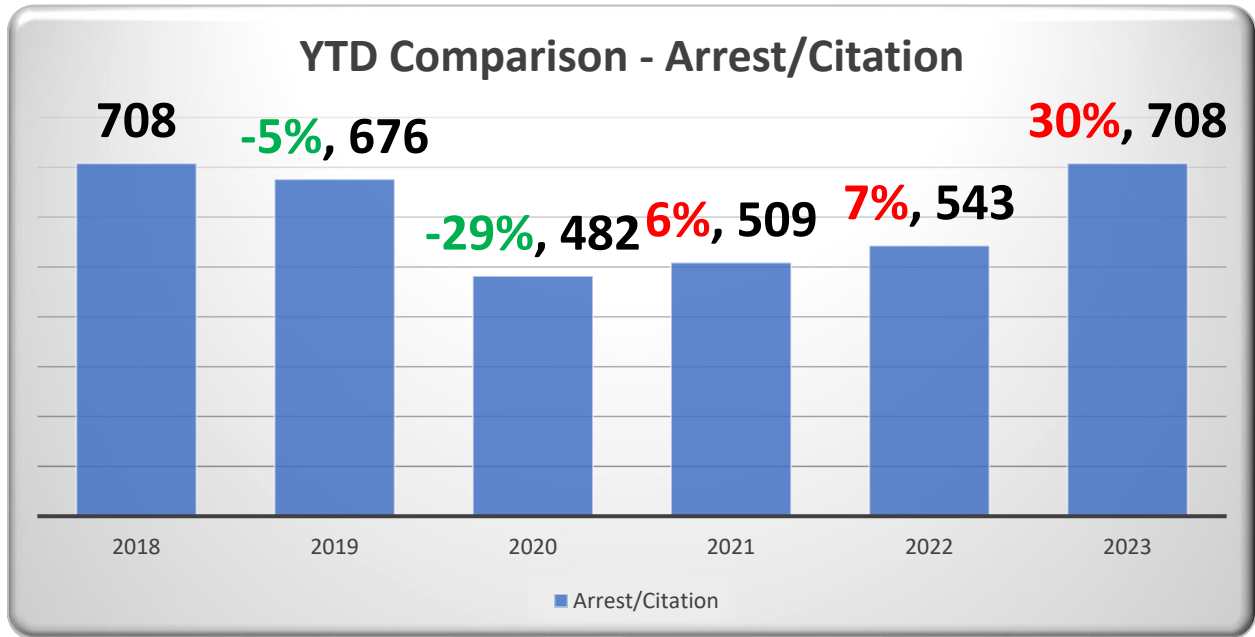
YTD Comparison – Larceny

- Spillman CAD/RMS – Data Collection: Summary data (Red)
- Valcour CAD/RMS – Data Collection: NIBRS data (Blue)

Offense	2018	2019	2020	2021		2022	5 Yr. Avg.		2023 (Above or Below Average)	
Larceny Automobile	11	19	10	36	Rep	75	26.8	Reported	71	
					Con	58		Confirmed	33*	▲
Larceny From M.V.	50	44	66	110	Rep	274	108.8	Reported	203	
					Con			Confirmed	123*	▲
Larceny from Building	47	30	21	36	Rep	151	57	Reported	123	
					Con			Confirmed	48*	▼
Retail Theft	101	109	49	105	Rep	296	132	Reported	392	
					Con			Confirmed	258*	▲

Above Average = ▲

Below Average = ▼

(*) = Awaiting approval for pending cases.

Roles of the Criminal Justice System

- Retribution, rehabilitation, incapacitation, and deterrence

- Deterrence: Probability and Severity of Consequences

- Many studies find that the probability of consequences deters more than the severity of punishment.

- Probability of Consequences

    o Chances of Being Caught

    o Certainty and Expediency of Consequences

- [Rubb, T., Meta Analysis of Crime and Deterrence: A Comprehensive Review of Literature (2008)](#)

How are our courts doing?

Model Time Standards for State Trial Courts

Criminal

Felony	75% within 90 days 90% within 180 days 98% within 365 days
Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days
Traffic & Local Ordinance	75% within 30 days 90% within 60 days 98% within 90 days
Habeas corpus/Post-conviction proceedings (following a criminal conviction)	98% within 180 days

Civil

General Civil	75% within 180 days 90% within 365 days 98% within 540 days
Summary Matters	75% within 60 days 90% within 90 days 98% within 180 days

Family

Dissolution/Divorce/ Allocation of Parental Responsibility	75% within 120 days 90% within 180 days 98% within 365 days
Post Judgment Motions	98% within 180 days
Protection Orders	90% within 10 days 98% within 30 days

Juvenile

Delinquency & Status Offense	For youth in detention: 75% within 30 days 90% within 45 days 98% within 90 days For youth not in detention: 75% within 60 days 90% within 90 days 98% within 150 days
Neglect & Abuse	Adjudicatory Hearing 98% within 90 days of removal Permanency Hearing 75% within 270 days of removal 98% within 360 days of removal
Termination of Parental Rights	90% within 120 days after the filing of a termination petition 98% within 180 days after the filing of a termination petition

Probate

Administration of Estates	75% within 360 days 90% within 540 days 98% within 720 days
Guardianship/Conservator of Incapacitated Adults	98% within 90 days
Civil Commitment	98% within 15 days

The Dispositional Guidelines are as follows:
Criminal Division
1. Misdemeanors - Standard (Track 1)
Guideline: 180 days
2. Misdemeanors - Complex (Track 2)
Guideline: 270 days
3. Felonies - Standard (Track 1)
Guideline: 365 days
4. Felonies - Complex (Track 2)
Guideline: 365 days
Proposed Guideline: 545 days
5. Felonies - Super Complex (Track 3)
Guideline: 730 days

Please note our current case management system does not allow us to separate felonies and misdemeanors into complexity tracks, so the over and under designations reflect the standard track for each case type.

Disposition Guideline Status: The categorization of case age using the Disposition Guideline. The categories are:
Under: Case Age is less than the Disposition Guideline
Over: Case Age is greater than the Disposition Guidelines
N/A: The Disposition Guideline is not applicable because none has been established or the case is Reopened. These often reflect Violations of Probation.

Chittenden Felony:

Cases by Disposition Guideline Status

Status ● Under ● Over ● n/a
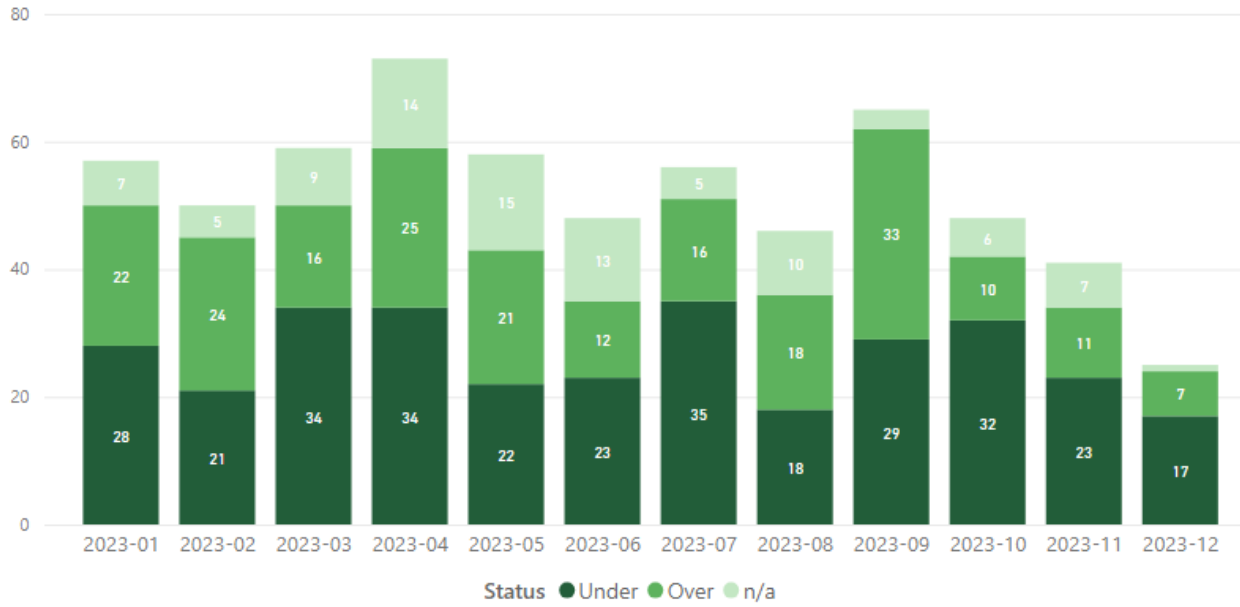
Chittenden Misdemeanor:

Cases by Disposition Guideline Status

Status ● Under ● Over ● n/a
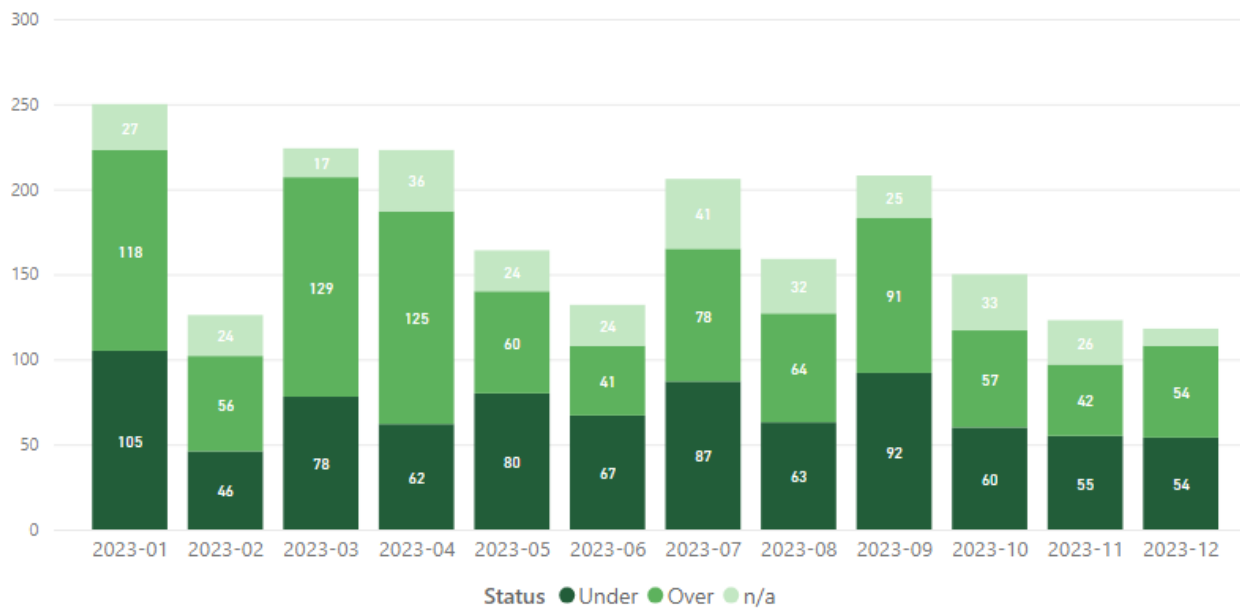
Chittenden Felony:

Active Pending Cases by Disposition Guideline Status

	2023-01	2023-02	2023-03	2023-04	2023-05	2023-06	2023-07	2023-08	2023-09	2023-10	2023-11	2023-12
n/a	95	86	88	89	88	80	97	99	115	114	112	121
Over	232	219	219	207	207	207	213	215	201	208	221	230
Near	59	70	70	76	68	89	93	104	97	88	85	86
Under	424	411	424	422	437	421	410	412	407	410	412	417

Disposition Guideline Status ●Under ●Near ●Over ●n/a

Chittenden Misdemeanor:

Active Pending Cases by Disposition Guideline Status

	2023-01	2023-02	2023-03	2023-04	2023-05	2023-06	2023-07	2023-08	2023-09	2023-10	2023-11	2023-12
n/a	289	341	299	329	317	341	355	383	393	371	376	400
Over	752	752	703	622	640	660	670	710	695	733	768	759
Near	124	139	122	141	144	170	172	194	187	162	161	160
Under	671	690	749	749	773	796	757	743	739	750	781	806

Disposition Guideline Status ●Under ●Near ●Over ●n/a

Chittenden Felony:

Clearance Rate by Month

Legend: ● Meets or Exceeds Goal ● ClearanceRate

Data points: 2023-01: 101%, 2023-02: 111%, 2023-03: 82%, 2023-04: 130%, 2023-05: 84%, 2023-06: 112%, 2023-07: 96%, 2023-08: 74%, 2023-09: 121%, 2023-10: 87%, 2023-11: 96%, 2023-1: 98%

Chittenden Misdemeanor:

Clearance Rate by Month

Legend: ● Meets or Exceeds Goal ● ClearanceRate

Data points: 2023-01: 135%, 2023-02: 70%, 2023-03: 102%, 2023-04: 123%, 2023-05: 84%, 2023-06: 76%, 2023-07: 112%, 2023-08: 69%, 2023-09: 117%, 2023-10: 88%, 2023-11: 72%, 2023-1: 127%
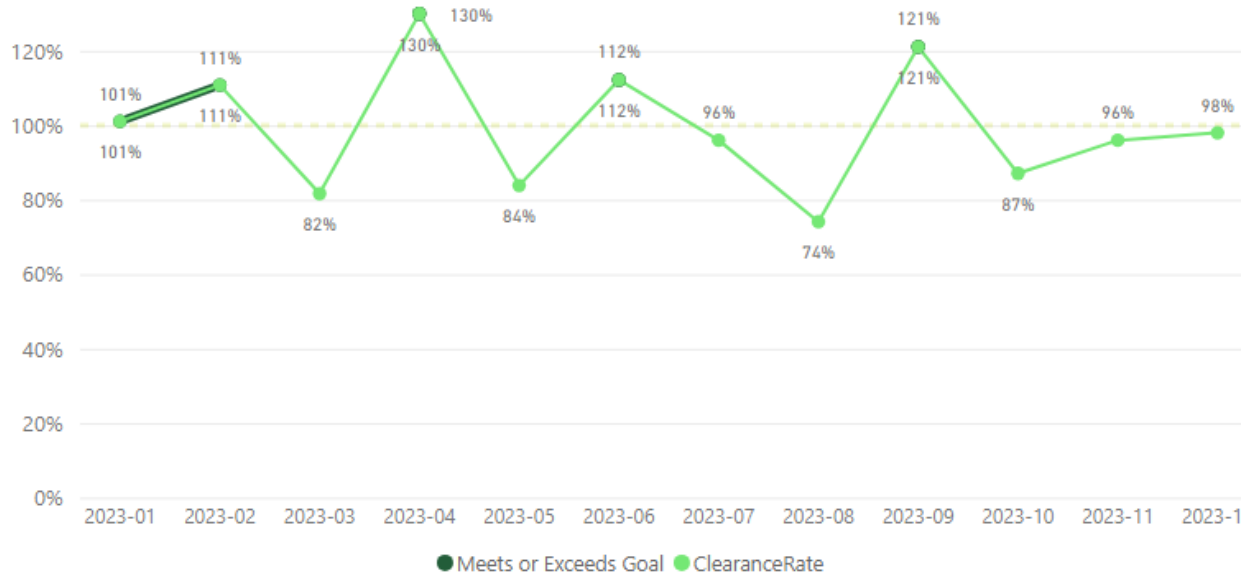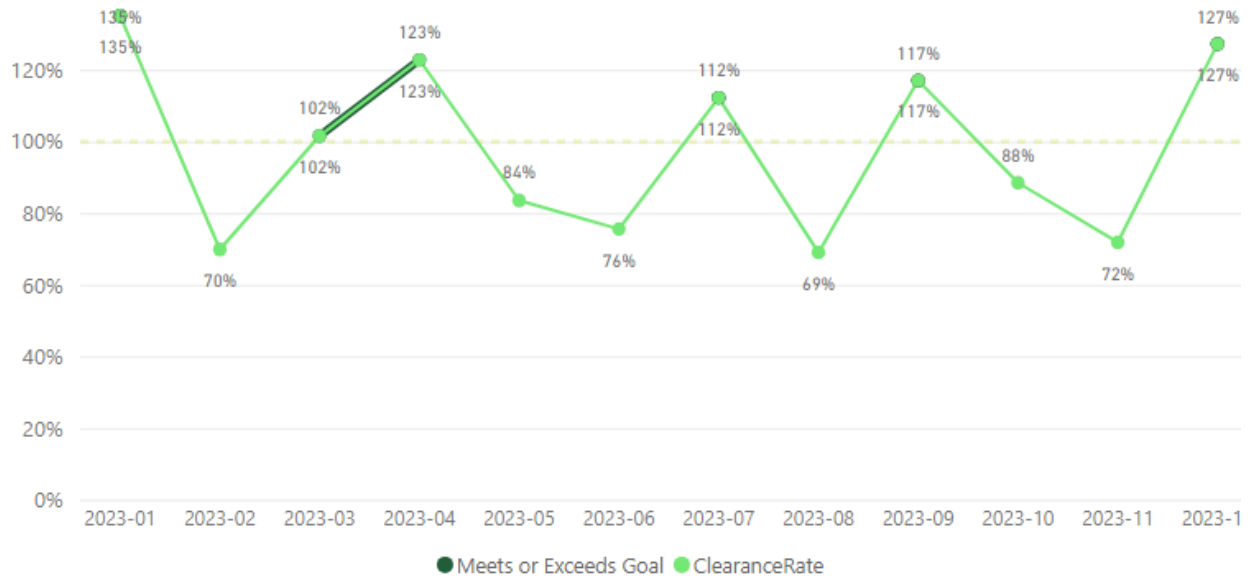
CHITTENDEN FELONY & MISDEMEANOR Age of Pending	
Case Age Group	**Count of Cases**
01. < 30 days	436
02. < 60 days	164
03. < 90 days	173
04. < 120 days	151
05. < 150 days	134
06. < 180 days	83
07. < 210 days	75
08. < 240 days	99
09. < 270 days	92
10. < 300 days	78
11. < 330 days	58
12. < 360 days	48
13. < 390 days	47
14. < 420 days	44
15. < 450 days	40
16. < 480 days	38
17. < 510 days	18
18. < 540 days	24
19. < 570 days	18
20. < 600 days	19
21. < 630 days	16
22. < 660 days	17
23. < 690 days	8
24. < 720 days	12
25. >= 720 days	126
Total	**2,018**

CHITTENDEN FELONY Age of Pending	
Case Age Group	**Count of Cases**
01. < 30 days	92
02. < 60 days	36
03. < 90 days	44
04. < 120 days	43
05. < 150 days	34
06. < 180 days	23
07. < 210 days	24
08. < 240 days	23
09. < 270 days	34
10. < 300 days	24
11. < 330 days	20
12. < 360 days	17
13. < 390 days	20
14. < 420 days	14
15. < 450 days	22
16. < 480 days	17
17. < 510 days	7
18. < 540 days	6
19. < 570 days	9
20. < 600 days	5
21. < 630 days	10
22. < 660 days	11
23. < 690 days	4
24. < 720 days	10
25. >= 720 days	57
Total	**606**

CHITTENDEN MISDEMEANOR Age of Pending	
Case Age Group	**Count of Cases**
01. < 30 days	344
02. < 60 days	128
03. < 90 days	129
04. < 120 days	108
05. < 150 days	100
06. < 180 days	60
07. < 210 days	51
08. < 240 days	76
09. < 270 days	58
10. < 300 days	54
11. < 330 days	38
12. < 360 days	31
13. < 390 days	27
14. < 420 days	30
15. < 450 days	18
16. < 480 days	21
17. < 510 days	11
18. < 540 days	18
19. < 570 days	9
20. < 600 days	14
21. < 630 days	6
22. < 660 days	6
23. < 690 days	4
24. < 720 days	2
25. >= 720 days	69
Total	**1,412**

Rutland Felony:

Cases by Disposition Guideline Status

Month	Under	Over	n/a
2023-01	10	20	14
2023-02	17	13	5
2023-03	13	16	4
2023-04	14	21	8
2023-05	9	25	7
2023-06	20	8	3
2023-07	5	13	
2023-08	9	33	6
2023-09	19	33	5
2023-10	16	25	7
2023-11	7	16	4
2023-12	6	13	

Status ● Under ● Over ● n/a

Rutland Misdemeanor:

Cases by Disposition Guideline Status

Month	Under	Over	n/a
2023-01	18	87	74
2023-02	33	59	167
2023-03	22	51	18
2023-04	21	85	31
2023-05	44	80	25
2023-06	19	67	29
2023-07	17	60	
2023-08	16	78	24
2023-09	27	87	
2023-10	20	80	13
2023-11	13	68	14
2023-12	13	48	12

Status ● Under ● Over ● n/a
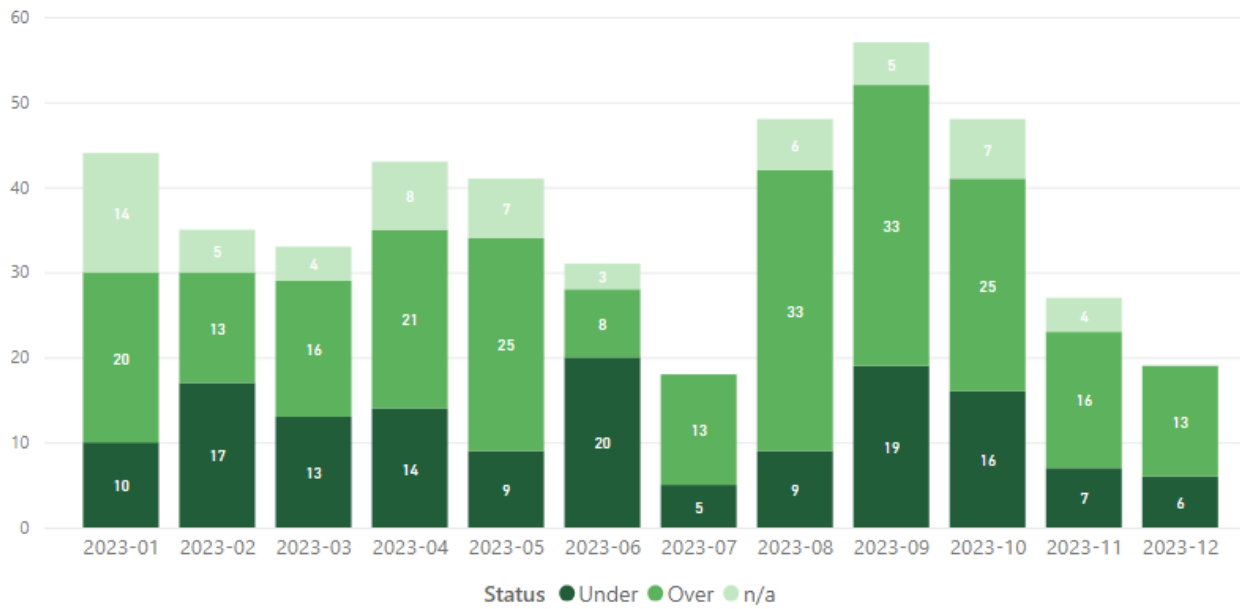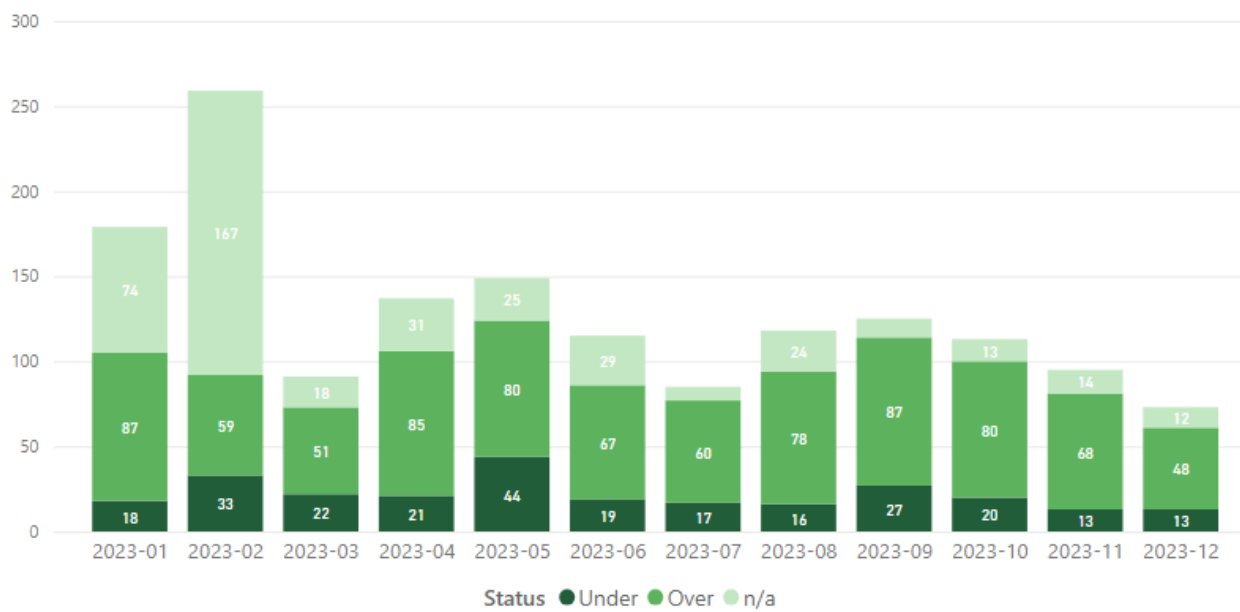
Rutland Felony:

Active Pending Cases by Disposition Guideline Status

Date	Under	Near	Over	n/a
2023-01	200	42	324	72
2023-02	212	38	320	66
2023-03	208	40	321	64
2023-04	202	45	306	62
2023-05	213	51	297	58
2023-06	210	51	292	62
2023-07	210	49	298	70
2023-08	215	51	280	66
2023-09	219	50	261	69
2023-10	211	43	242	70
2023-11	221	45	246	69
2023-12	230	44	242	71

Disposition Guideline Status ●Under ●Near ●Over ●n/a

Rutland Misdemeanor:

Active Pending Cases by Disposition Guideline Status

Date	Under	Near	Over	n/a
2023-01	319	83	1,058	209
2023-02	306	83	1,058	196
2023-03	294	101	1,057	191
2023-04	275	105	1,013	175
2023-05	292	69	998	171
2023-06	284	92	960	158
2023-07	316	75	950	143
2023-08	315	84	892	130
2023-09	295	77	837	149
2023-10	295	88	800	138
2023-11	283	106	790	129
2023-12	284	101	776	148

Disposition Guideline Status ●Under ●Near ●Over ●n/a

Rutland Felony:

Clearance Rate by Month

Legend: Meets or Exceeds Goal — ClearanceRate

Data points: 2023-01: 137%, 2023-02: 102%, 2023-03: 112%, 2023-04: 124%, 2023-05: 109%, 2023-06: 105%, 2023-07: 83%, 2023-08: 115%, 2023-09: 140%, 2023-10: 121%, 2023-11: 87%, 2023-12: 140%

Rutland Misdemeanor:

Clearance Rate by Month

Legend: Meets or Exceeds Goal — ClearanceRate

Data points: 2023-01: 117%, 2023-02: 111%, 2023-03: 99%, 2023-04: 168%, 2023-05: 125%, 2023-06: 117%, 2023-07: 112%, 2023-08: 152%, 2023-09: 169%, 2023-10: 113%, 2023-11: 145%, 2023-12: 111%
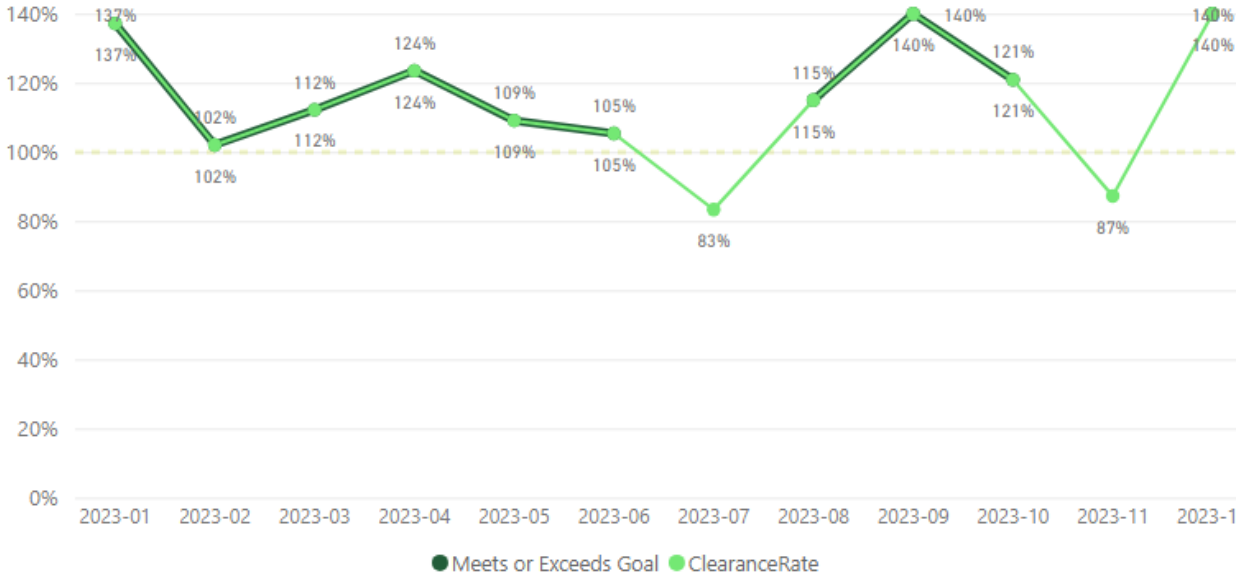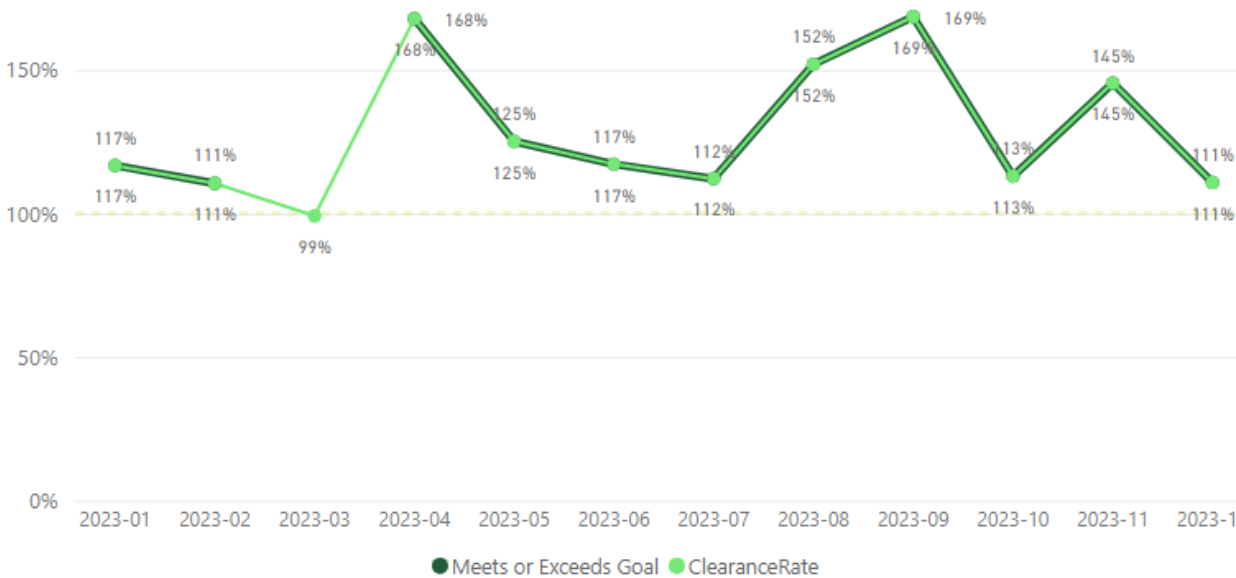
RUTLAND FELONY & MISDEMEANOR Age of Pending	
Case Age Group	Count of Cases
01. < 30 days	147
02. < 60 days	111
03. < 90 days	59
04. < 120 days	86
05. < 150 days	78
06. < 180 days	80
07. < 210 days	80
08. < 240 days	62
09. < 270 days	55
10. < 300 days	37
11. < 330 days	33
12. < 360 days	35
13. < 390 days	42
14. < 420 days	33
15. < 450 days	34
16. < 480 days	39
17. < 510 days	28
18. < 540 days	19
19. < 570 days	21
20. < 600 days	20
21. < 630 days	21
22. < 660 days	15
23. < 690 days	13
24. < 720 days	18
25. >= 720 days	324
Total	**1,490**

RUTLAND FELONY Age of Pending	
Case Age Group	Count of Cases
01. < 30 days	36
02. < 60 days	35
03. < 90 days	17
04. < 120 days	28
05. < 150 days	25
06. < 180 days	17
07. < 210 days	24
08. < 240 days	20
09. < 270 days	14
10. < 300 days	15
11. < 330 days	11
12. < 360 days	10
13. < 390 days	13
14. < 420 days	15
15. < 450 days	10
16. < 480 days	12
17. < 510 days	7
18. < 540 days	9
19. < 570 days	6
20. < 600 days	5
21. < 630 days	9
22. < 660 days	1
23. < 690 days	4
24. < 720 days	9
25. >= 720 days	102
Total	**454**

RUTLAND MISDEMEANOR Age of Pending	
Case Age Group	Count of Cases
01. < 30 days	111
02. < 60 days	76
03. < 90 days	42
04. < 120 days	58
05. < 150 days	53
06. < 180 days	63
07. < 210 days	56
08. < 240 days	42
09. < 270 days	41
10. < 300 days	22
11. < 330 days	22
12. < 360 days	25
13. < 390 days	29
14. < 420 days	18
15. < 450 days	24
16. < 480 days	27
17. < 510 days	21
18. < 540 days	10
19. < 570 days	15
20. < 600 days	15
21. < 630 days	12
22. < 660 days	14
23. < 690 days	9
24. < 720 days	9
25. >= 720 days	222
Total	**1,036**

STATEWIDE FELONY CASES:

Cases by Disposition Guideline Status

Month	Under	Over	n/a
2023-01	116	140	66
2023-02	115	147	53
2023-03	132	139	126
2023-04	104	131	94
2023-05	112	173	85
2023-06	116	109	61
2023-07	100	88	47
2023-08	99	119	60
2023-09	122	177	44
2023-10	145	124	61
2023-11	101	126	54
2023-12	74	88	24

Status ● Under ● Over ● n/a
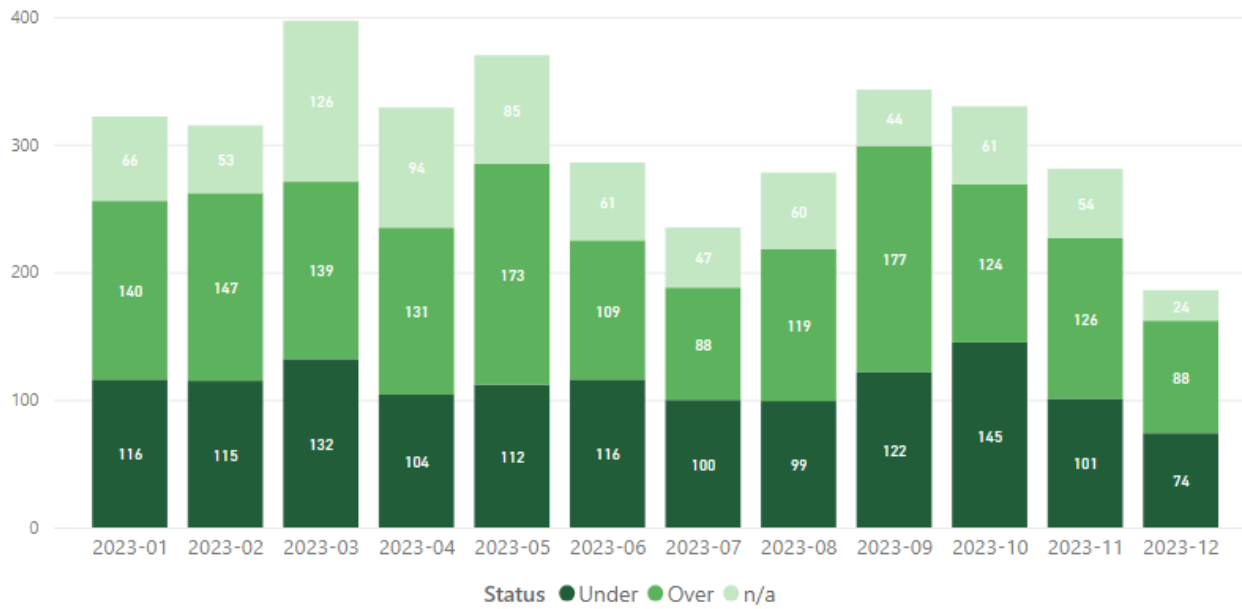
STATEWIDE MISDEMEANOR CASES:

Cases by Disposition Guideline Status

Month	Under	Over	n/a
2023-01	284	542	279
2023-02	245	468	335
2023-03	338	504	236
2023-04	254	486	249
2023-05	303	475	218
2023-06	229	404	171
2023-07	260	350	201
2023-08	246	419	259
2023-09	266	456	185
2023-10	288	484	244
2023-11	248	379	197
2023-12	159	266	108

Status ● Under ● Over ● n/a
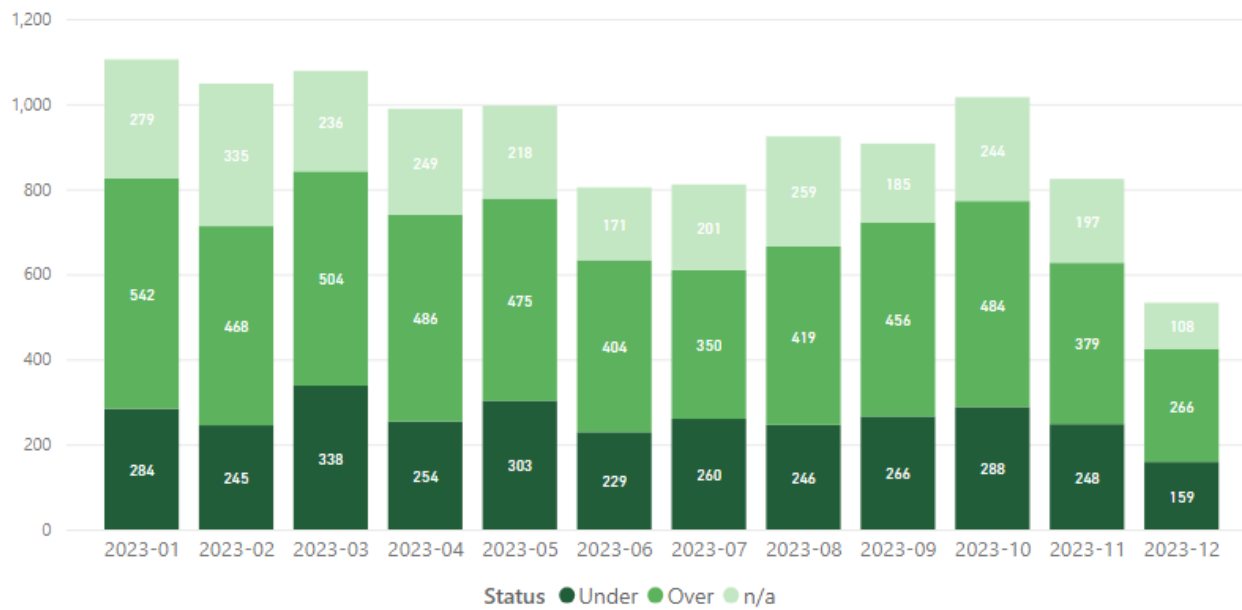
AGING OF PENDING CASES STATEWIDE ***
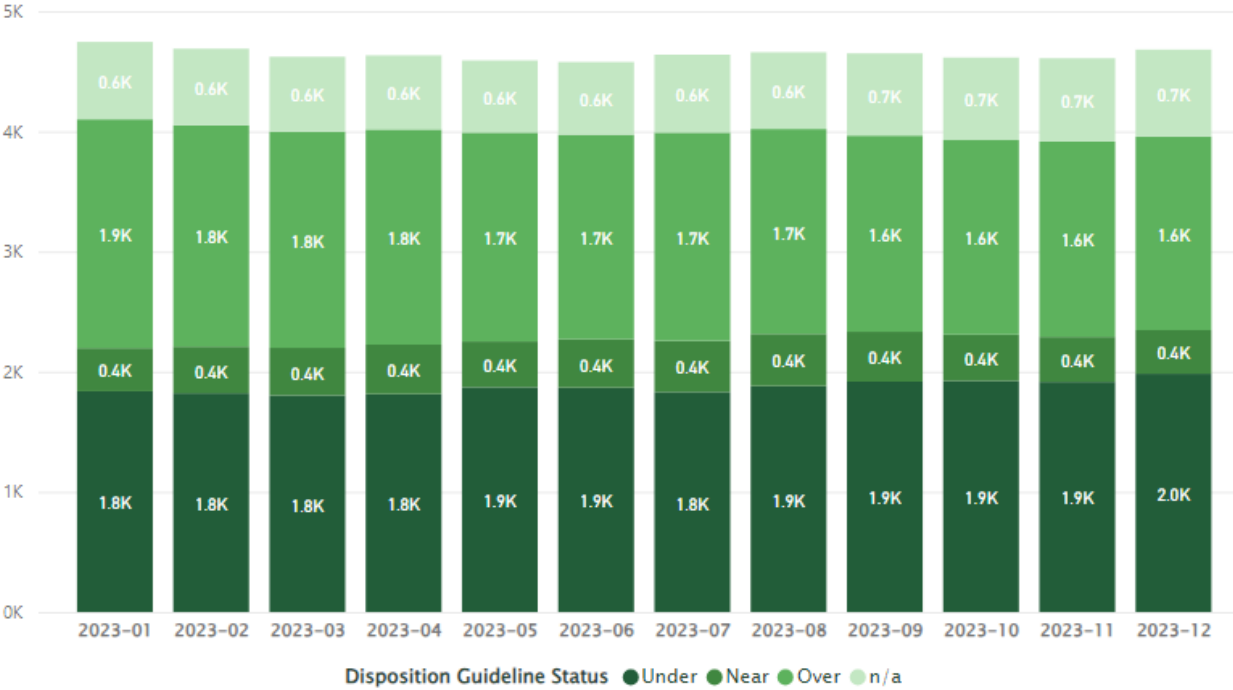## 12.18.23
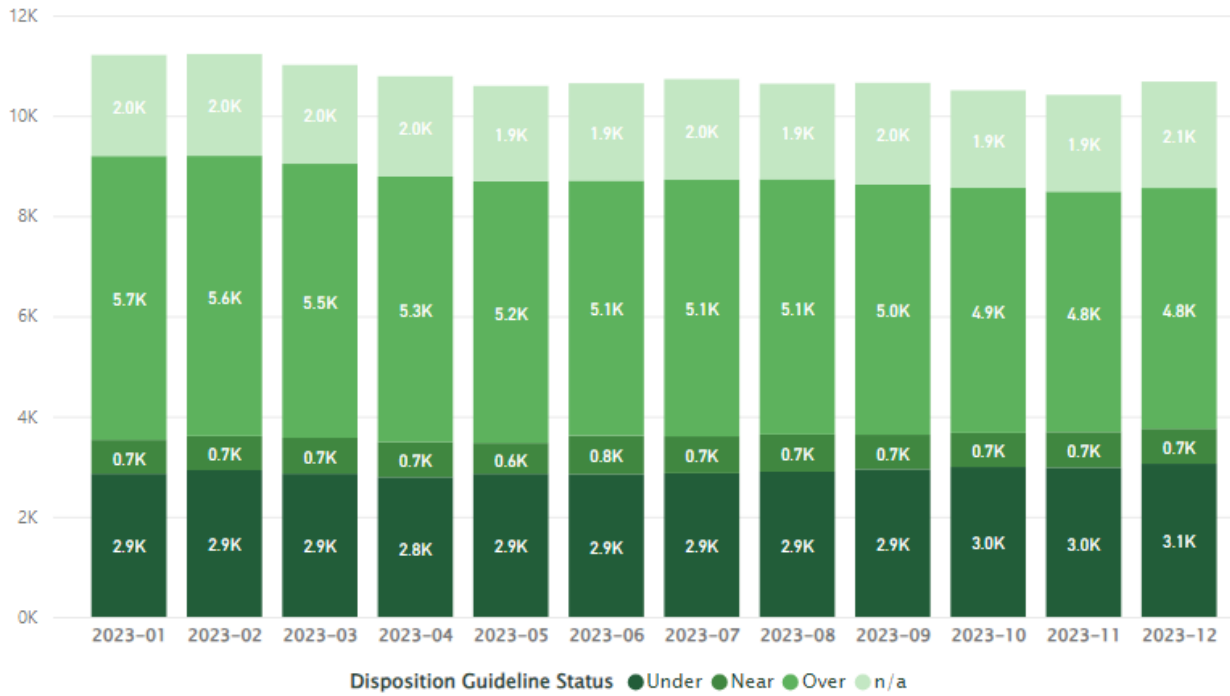
AGING OF FELONY CASES:

Active Pending Cases by Disposition Guideline Status

AGING OF MISEMEANOR CASES:

Active Pending Cases by Disposition Guideline Status

	2023-01	2023-02	2023-03	2023-04	2023-05	2023-06	2023-07	2023-08	2023-09	2023-10	2023-11	2023-12
n/a	2.0K	2.0K	2.0K	2.0K	1.9K	1.9K	2.0K	1.9K	2.0K	1.9K	1.9K	2.1K
Over	5.7K	5.6K	5.5K	5.3K	5.2K	5.1K	5.1K	5.1K	5.0K	4.9K	4.8K	4.8K
Near	0.7K	0.7K	0.7K	0.7K	0.6K	0.8K	0.7K	0.7K	0.7K	0.7K	0.7K	0.7K
Under	2.9K	2.9K	2.9K	2.8K	2.9K	2.9K	2.9K	2.9K	2.9K	3.0K	3.0K	3.1K

Disposition Guideline Status ●Under ●Near ●Over ●n/a

****Disposition Guideline Status: The categorization of case age using the Disposition Guideline. The categories are:

Under: Case Age is less than the Disposition Guideline multiplied by 0.75

Near: Case Age exceeds Under and is less than the Disposition Guideline.

Over: Case Age is greater than the Disposition Guidelines.

N/A: The Disposition Guideline is not applicable because none has been established or the case is Reopened

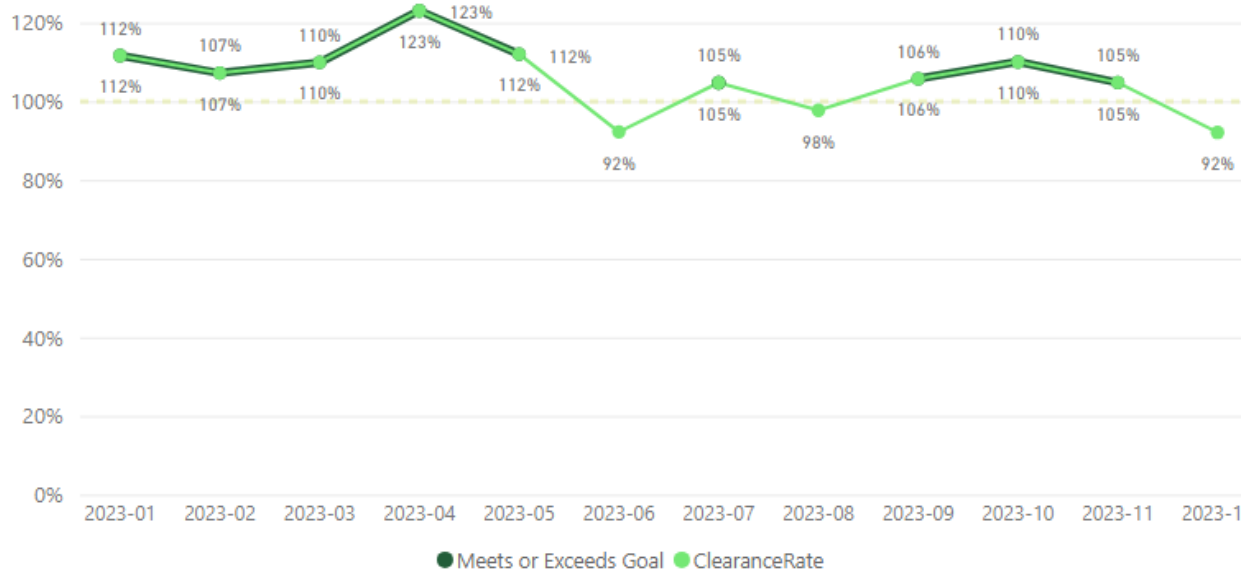# CLEARANCE RATE STATEWIDE
AS OF 12.18.23

FELONY CLEARANCE RATE:

Clearance Rate by Month

Meets or Exceeds Goal ● ClearanceRate

MISDEMEANOR CLEARANCE RATE:
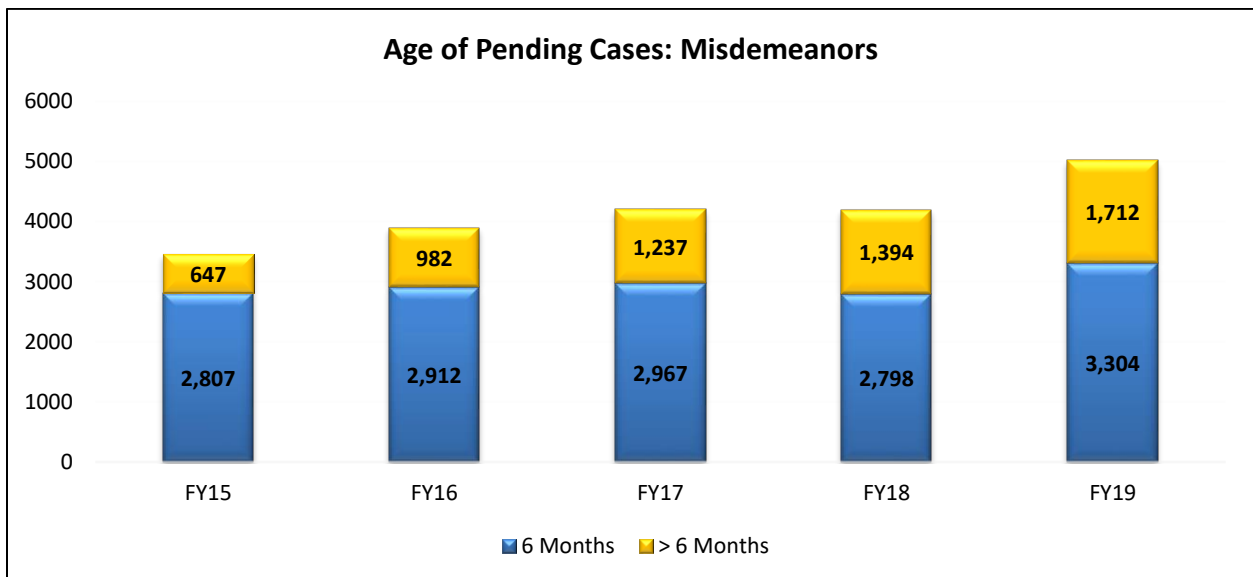
Clearance Rate by Month

Meets or Exceeds Goal ● ClearanceRate
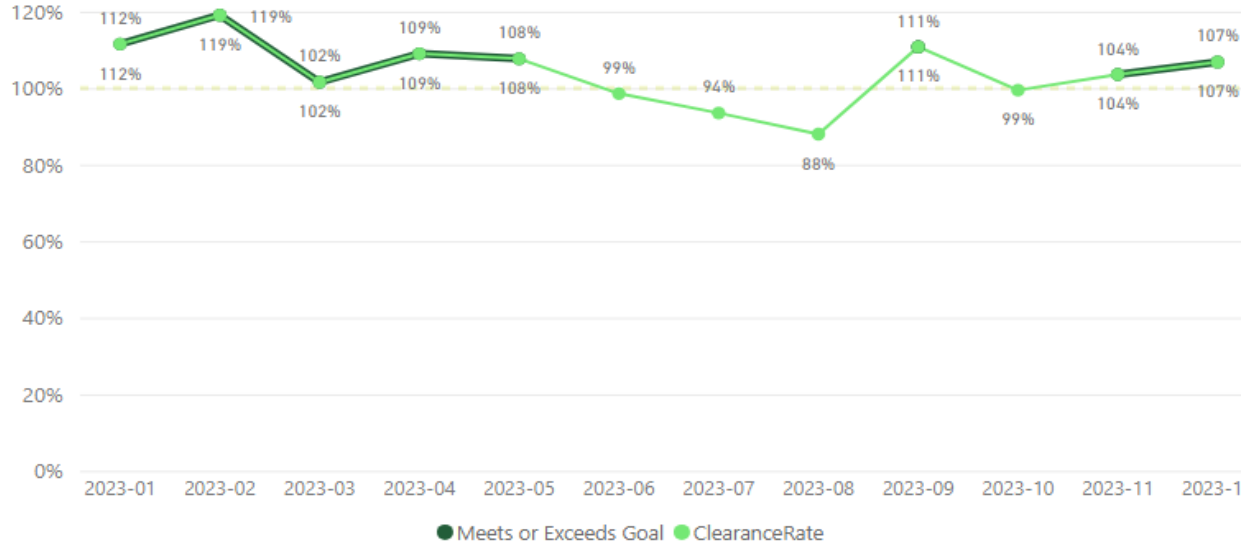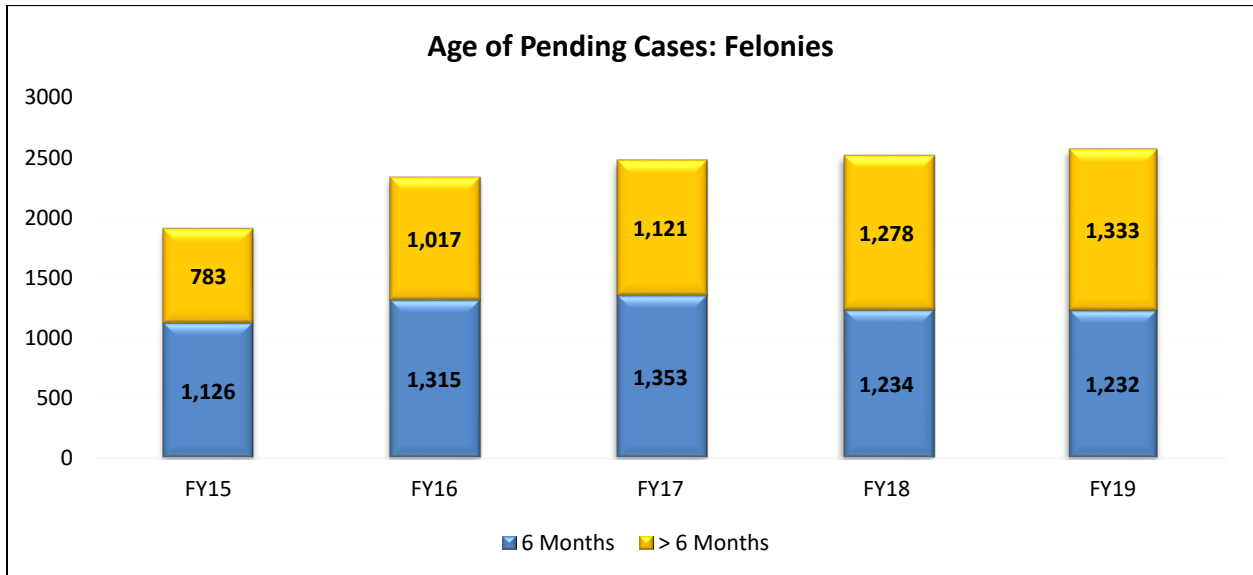
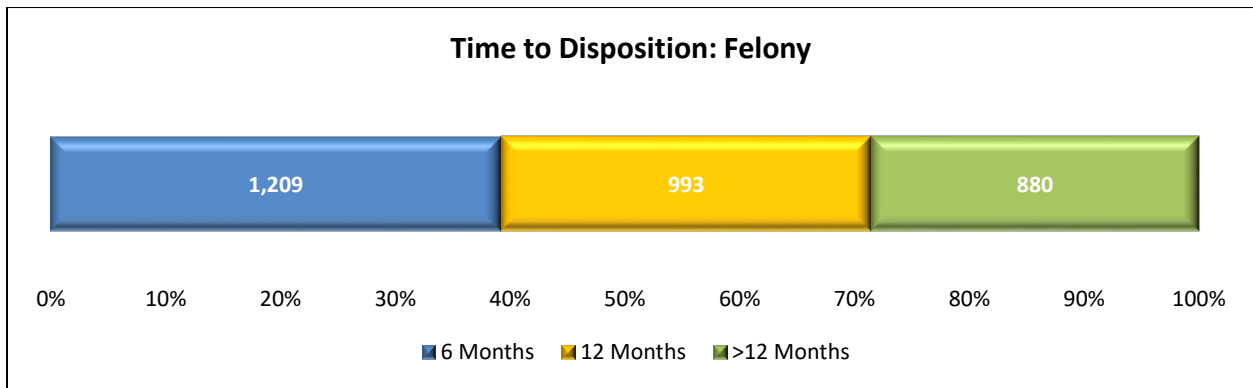| STATEWIDE FELONY & MISDEMEANOR Age of Pending		STATEWIDE FELONY Age of Pending		STATEWIDE MISDEMEANOR Age of Pending	
Case Age Group	Count of Cases	Case Age Group	Count of Cases	Case Age Group	Count of Cases
01. < 30 days	1,580	01. < 30 days	360	01. < 30 days	1,220
02. < 60 days	846	02. < 60 days	223	02. < 60 days	623
03. < 90 days	763	03. < 90 days	227	03. < 90 days	536
04. < 120 days	730	04. < 120 days	230	04. < 120 days	500
05. < 150 days	659	05. < 150 days	197	05. < 150 days	462
06. < 180 days	515	06. < 180 days	152	06. < 180 days	363
07. < 210 days	482	07. < 210 days	161	07. < 210 days	321
08. < 240 days	423	08. < 240 days	143	08. < 240 days	280
09. < 270 days	459	09. < 270 days	184	09. < 270 days	275
10. < 300 days	353	10. < 300 days	116	10. < 300 days	237
11. < 330 days	341	11. < 330 days	105	11. < 330 days	236
12. < 360 days	272	12. < 360 days	94	12. < 360 days	178
13. < 390 days	277	13. < 390 days	97	13. < 390 days	180
14. < 420 days	261	14. < 420 days	97	14. < 420 days	164
15. < 450 days	263	15. < 450 days	98	15. < 450 days	165
16. < 480 days	293	16. < 480 days	98	16. < 480 days	195
17. < 510 days	200	17. < 510 days	59	17. < 510 days	141
18. < 540 days	193	18. < 540 days	65	18. < 540 days	128
19. < 570 days	159	19. < 570 days	57	19. < 570 days	102
20. < 600 days	150	20. < 600 days	56	20. < 600 days	94
21. < 630 days	145	21. < 630 days	64	21. < 630 days	81
22. < 660 days	137	22. < 660 days	51	22. < 660 days	86
23. < 690 days	115	23. < 690 days	44	23. < 690 days	71
24. < 720 days	109	24. < 720 days	50	24. < 720 days	59
25. >= 720 days	1,846	25. >= 720 days	686	25. >= 720 days	1,160
Total	11,571	Total	3,714	Total	7,857

Age of Pending Cases – All Criminal Cases

Another way to look at the data is to look at the number and age of the cases that are pending on the last day of the fiscal year. For both felony and misdemeanor cases, the number of cases pending over six months continues to rise, with 52% of felonies and 34% of misdemeanors pending over 6 months.

Age of Pending Cases: Felonies

	FY15	FY16	FY17	FY18	FY19
> 6 Months	783	1,017	1,121	1,278	1,333
6 Months	1,126	1,315	1,353	1,234	1,232

Age of Pending Cases: Misdemeanors

|	FY15	FY16	FY17	FY18	FY19
> 6 Months	647	982	1,237	1,394	1,712
6 Months	2,807	2,912	2,967	2,798	3,304

Time to Disposition

Felonies

The Supreme Court has set six months as the disposition timeline for a standard (non-complex) felony case. In FY19, 39% of all felony cases met this time standard. Seventy-one percent were resolved within one year. Almost a third (29%) took over a year to resolve.

Time to Disposition: Felony

1,209	993	880

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

■ 6 Months   ■ 12 Months   ■ >12 Months

Misdemeanors

The Supreme Court has set four months as the disposition timeline for a standard (non-complex) misdemeanor case. In FY19, 60% of all misdemeanor cases were resolved within four months of filing.

Time to Disposition: Misdemeanor

6,515	4,390

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

■ 4 Months   ■ > 4 Months
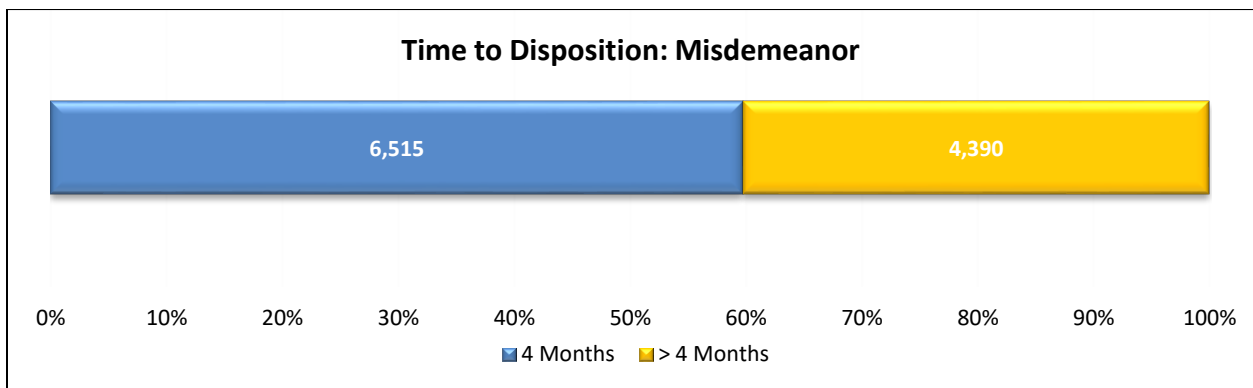
COURT BACKLOG INFORMATION

CASES FILED AND PENDING FY 2019 and FY 2023

CASE TYPE	CASES FILED FY 2019	CASES PENDING END FY 2019	CASES FILED FY 2023	CASES PENDING END FY 2023
Criminal	15,763	7,581	12,512	15,227
Civil	11,137	4,565	8,617	4,976
Domestic	6,612	5,364	2,927	2,357
Juvenile	2,300	909	1,847	1,597
Probate	7,821		7,880	7,321
Environmental	163	72	128	125
Judicial Bureau	82,102		41,737	5,317

CRIMINAL

StartOfMo	ClearanceRate	Total Incoming	Total Outgoing
2022-12	110%	1,539	1,696
2023-01	112%	1,919	2,142
2023-02	110%	1,674	1,840
2023-03	107%	1,956	2,101
2023-04	119%	1,627	1,939
2023-05	111%	1,852	2,051
2023-06	94%	1,914	1,797
2023-07	102%	1,640	1,666
2023-08	95%	2,072	1,969
2023-09	107%	1,793	1,924
2023-10	107%	2,027	2,161
2023-11	100%	1,361	1,366
Average	**106%**		

CIVIL

StartOfMo	ClearanceRate	Total Incoming	Total Outgoing
2022-12	177%	522	922
2023-01	95%	947	897
2023-02	99%	732	728
2023-03	92%	944	869
2023-04	128%	783	1,000
2023-05	108%	899	969
2023-06	110%	800	883
2023-07	100%	742	741
2023-08	121%	739	892
2023-09	123%	686	843
2023-10	91%	879	803
2023-11	108%	528	571
Average	**113%**		

DOMESTIC

StartOfMonth	ClearanceRate	Total Incoming	Total Outgoing
2022-12	123%	527	649
2023-01	97%	590	572
2023-02	90%	563	509
2023-03	116%	582	677
2023-04	90%	653	590
2023-05	110%	624	688
2023-06	98%	683	671
2023-07	89%	599	532
2023-08	94%	713	669
2023-09	100%	573	571
2023-10	83%	659	550
2023-11	100%	408	408
Average	99%		

JUVENILE

StartOfMonth	ClearanceRate	Total Incoming	Total Outgoing
2022-12	79%	165	131
2023-01	123%	152	187
2023-02	113%	125	141
2023-03	85%	163	138
2023-04	99%	142	140
2023-05	92%	165	151
2023-06	79%	172	136
2023-07	90%	121	109
2023-08	87%	128	111
2023-09	112%	124	139
2023-10	85%	171	146
2023-11	103%	100	103
Average	96%		

The Upshot

- The court system needs additional resources, especially judges and staff, to more efficiently process cases.

- Judicial vacancies need to be filled more expeditiously.

- Simultaneously, the resource needs of State's Attorneys, the Defender General's Office, and Victim Advocates must be addressed.

State's Attorneys

- The SAs are carrying large caseloads.
  - 63 attorneys each with an average of 333 pending criminal cases
  - Best practices standards suggest prosecutors should not handle more than 150 felonies or 400 misdemeanors per year.

- Caseloads provide an incomplete picture. Workloads are also relevant. Workloads are affected by:
  - Number of family division and juvenile cases, post-conviction relief filings, and extreme risk protection order requests in State's Attorney's office.
  - How many complex felonies in a State's Attorney's office.
    - Murder and attempted murder cases are time-consuming and there are 80 such cases with State's Attorneys.
  - The active and resource intensive work for unsolved cases and investigation-related activities.

- State's Attorney administrative staff perform critical support roles. (See related document on Appropriation's website).

- Victim Advocates in State's Attorney's offices are responsible for an average of 691 pending victim-related criminal cases.

- To determine the resource needs of the State's Attorney's offices the Department of State's Attorneys should evaluate the caseload <u>and</u> workload of each county office and the disposition times of cases in the county's court.

Defender General's Office

- Increase in caseload

- Fewer conflict attorneys

- Workload Standards

    - [Rand Corporation, National Public Defense Workload Study (2023)](#)

    - To follow the best practices standard of this study would require approximately doubling the current staffing levels.

SUMMARY OF FY 2024 - 1/4
PUBLIC DEFENDER STATISTICS
RANKING OF CRIMINAL CASELOAD

The following two tables rank each office according to the percentage increase/decrease of added cases comp
to the same period in FY 2023, and second, according to the felony percentage of cases added during FY 2024

% ADDED CRIMINAL CASES		% FELONY CASELOAD	
Orange	48.6	Orange	32.7
Bennington	46.8	Orleans	30.0
Essex	42.9	Rutland	27.6
Chittenden	38.6	Caledonia	26.7
Washington	29.6	Addison	25.0
Franklin	23.8	Bennington	24.7
Lamoille	16.9	Windham	24.6
STATEWIDE	15.2	Franklin	24.1
Orleans	6.4	STATEWIDE	23.1
Rutland	2.3	Windsor	22.6
Grand Isle	0.0	Chittenden	21.4
Windham	-2.3	Essex	20.0
Addison	-5.1	Washington	17.2
Windsor	-8.2	Lamoille	15.5
Caledonia	-26.6	Grand Isle	7.7

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Importance of Caseflow

Courts need to be able to move cases efficiently, processing and adjudicating them in a timely manner. In addition to statutory time limits, all parties deserve certainty and immediacy.

In the criminal context, defendants' individual liberties are at stake and victims are seeking justice. For a deterrence effect, accountability must follow offenses as soon as possible.

Efficiency matters beyond the court's criminal docket, as well. Efficiency in case processing is an essential element in court users' belief that they received justice. Lengthy court cases can undermine perceived legitimacy and trust in the courts to resolve disputes fairly.

Research suggests that because of inefficiencies in the administration of justice, people may be less likely to turn to the courts with their legal issues or to believe they should comply with court orders. Prolonged court processes can be detrimental to a person's well-being and their ability to manage other responsibilities, along with their court involvement. Delays also result in increased financial costs.

Proper case management is not just about reducing delay. Speed should not favor resolving cases as quickly as possible at the expense of giving each case the attention and resources it requires. Efficiency is not about rapid case resolution, but rather good case management practices that can increase timely and just resolution, such as by ensuring all parties have adequate preparation time and making each court hearing productive.

Efficiency in caseflow resolution is vital. Properly resourcing the courts, State's Attorneys, Defenders, and victim advocates is key to the efficiency of the caseflow process.

Other Judiciary Committee Efforts to Address Public Safety

- Amendments to Judicial Nominating Process

- Reducing pressure on courts

  - Codifying Pre-Charge Diversion

- Addressing repeat offenders

  - Retail Theft

  - Treatment Courts

- Root causes - instability of families and community

  - Treatment courts

  - Legal Assistance for those of limited means

    - Vermont Access to Justice Coalition

- Starting in the Senate
  - S.58 – Fentanyl
  - Bail and Violations of Conditions of Release

- Previous efforts
  - Firearm violence prevention
  - Domestic Violence

Legal Assistance to Low Income Vermonters

Access to justice should not solely focus on moving cases through the courts. We also should ensure that individuals of limited means are assisted with their cases. These individuals generally cannot afford an attorney. Currently a large percentage of cases involve pro se litigants, individuals representing themselves without an attorney. In certain types of cases, this can lead to a power imbalance, where only one side is represented by an attorney. This is the situation in eviction cases where landlords are represented by an attorney in over 90% of the cases while tenants are represented in less than 30% of the cases.

Ensuring the stability of families and communities is key to crime prevention. Stability is challenged by housing and income inconstancy, substance use disorder, and untreated mental health conditions. Legal assistance organizations provide critical services that help low-income residents address critical legal issues impacting their families' homes, incomes, jobs and access to vital services. Low-income legal services bring stability to Vermonters by creating meaningful access to the legal system to resolve disputes, obtain benefits or services, and defend rights and processes.

 Legal assistance attorneys can help a tenant file an answer to an eviction proceeding, help a senior file an appeal of a Social Security overpayment, or ensure the reinstatement of a family's health insurance. They can represent a domestic violence victim in a relief from abuse hearing, guide a client through the divorce and custody process, or connect a low-income family with a pro bono bankruptcy attorney.

These services provide critical assistance to pro se litigants in poverty in a manner that advances public safety. In order to fulfill this role, legal assistance organizations need additional resources.