



Act 40 of 2023
Sarah Robinson, Deputy Director
House Judiciary Committee

Thank you for the invitation to speak with the committee about the implementation of Act 40 of 2023 which related to Vermont's Justice Reinvestment Initiative and created a Coordinated Justice Reform Advisory Council.

We appreciated the work of the General Assembly in 2023 to bring increased transparency, predictability and deliberation to Vermont's Justice Reinvestment goals. Act 40 sought, through the creation of the Coordinated Justice Reform Advisory Council, to ensure the predictability of Justice Reinvestment funds and create an allocation process that was more inclusive and transparent.

As with many new laws, we believe that the implementation of this law was imperfect in 2023 and fell far short of the policy goals of the General Assembly. We were frankly disappointed with both the process and outcomes of the Coordinated Justice Advisory Council, and we believe that improvements to that process will be required in the future if the Council is to be successful. Here are the areas for improvement in implementation:

1. Funding Allocations and Transparency

The charge of the Council was to discuss and recommend to DOC how to allocate up to \$900,000 that DOC was to make available for Justice Reinvestment for *each subsequent fiscal year* (in this case, FY25) in a transparent and informed process prior to the commencement of the legislative session.

- This past summer and fall, the Council discussed the FY24 allocation that was already appropriated. In addition to this not being the intent of the Council's duties, the Legislature had already directed the funding per their Letter of Intent which accompanied the budget (and also submitted here).
- The Council did not at all discuss or recommend an FY25 DOC appropriation of "up to \$900,000" for FY 25 per Act 40. It is our understanding that a dollar amount for FY 25 was never presented to the Council, and the Council did not ask DOC to identify those funds.
- As a result, there is no current plan (that we are aware of) to understand the amount of Justice Reinvestment Initiative funding available for FY25 ("up to \$900,000" or any other amount), nor is there a recommendation as to how to proceed and spend Justice Reinvestment funding. As such, we assume that this will instead be determined through the Appropriations process, contrary to the intent of Act 40.

2. Stakeholder Engagement and Data-Driven Decision-making

Act 40 required that the Council "consult with State and local partners to use a data-driven approach that improves public safety, reduces correctional and criminal justice spending, and reinvests savings or redirects funding in strategies that foster desistance or decrease crime, delinquencies, and recidivism."

- When the Coordinated Justice Advisory Council was created, it was decided that no community-based stakeholders would be appointed to the Council. Part of the rationale in committee

deliberations included concerns about those community-based stakeholders being recipients of Justice Reinvestment funding. There was language written into Act 40 to require stakeholder engagement.

- In our experience, there was no meaningful stakeholder engagement related to funding in that no external or community-based stakeholders were invited to present to the Council. Some stakeholders were asked to provide input informally by members of the Council – but this was not uniform and, as noted above, there was no opportunity to present testimony to the Council related to any Justice Reinvestment funding in FY25 (“up to \$900,000”), as that was never discussed by the Council.
- In addition, we are not aware of the Council’s use of data to drive the only funding decision-making they engaged in related to the past FY24 budget.

3. Implementation of Legislative and Council Intent

In the FY2024 budget letter of intent, the General Assembly indicated that Justice Reinvestment funds ought to be used “for other Justice Reinvestment II priorities including the Community Justice Centers and Women’s Reentry programs”¹. This was intended to be \$250,000 to the Community Justice Centers and \$240,952 to women’s re-entry programming. This proposed funding was initially presented to the Legislature by the Network and the CJs, which were the organizations that advocated for this during the Appropriations process.

- Despite the Legislature’s Letter of Intent, the funding to women’s re-entry services has still not been allocated. The Council did send a memo to the DOC outlining their recommendation and stated that “the Council recommends that these funds be allocated to reentry services provided by community organizations following a procurement process, consistent with DOC and State practice. This is consistent with the Memorandum dated August 21, 2023, which the Vermont Network provided to the Council in support of its request for this allocation.”²
- The DOC did create a Request for Proposal for women’s re-entry programming. However, the RFP was not shared proactively with any current community-based providers at the Chittenden Regional Correctional Facility and tailored very narrowly with preference and requirements included that would disqualify the majority of community-based re-entry providers from receiving funds.

We believe that Act 40 was well-intentioned - most of the legislative language is intended to result in stakeholder input, transparency and ultimately high-impact investments that will benefit our justice system. However, in order for this vision to be realized, significant improvements are needed to the implementation of the Act.

¹ [State House Letter with Logo Template \(vermont.gov\)](#)

² Memo from the Vermont Network and Memo from the Council to the Department of Corrections were both submitted with testimony.