

**Report to**  
**The Vermont Legislature**

**Justice Reinvestment II Initiatives Report**

In accordance with Act 185 of 2022

Section E.335.2 28 V.S.A. § 125

**Submitted to:** House Committees on Appropriations and on Corrections and Institutions and the Senate Committees on Appropriations and on Judiciary

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## Executive Summary

This report from the Vermont Department of Corrections (“DOC”) details the use and impact of Justice Reinvestment funding in State Fiscal Years 2021 and 2022 (“FY21” and “FY22”, respectively) across DOC, the Agency of Human Services, and associated State entities.

The source of these funds is attributable to reduced numbers of incarcerated individuals in state custody housed at Tallahatchie County Correctional Facility (“TCCF”), a private facility operated by CoreCivic in Tutwiler, Mississippi (i.e., “out of state [OOS] bed savings”). As of December 31, 2022, 110 individuals in Vermont DOC custody were housed at the CoreCivic facility.

The out of state bed savings described above are the primary funding mechanism for the State of Vermont’s Justice Reinvestment initiatives, which are discussed in detail below. These savings are transferred to the Justice Reinvestment appropriations fund in the DOC budget to be spent alongside base-funded grants, which are sourced from the State’s General Fund.

## Introduction

In FY21, out of state bed savings totaled \$777,170. In FY22, out of state bed savings totaled \$1,986,000. The increase in FY22 savings can be attributed to the reduced number of individuals in DOC custody housed out of state.

The surplus funds from the FY21 out of state appropriation are transferred to Correctional Services in the FY22 Budget Adjustment Act (BAA) and carried forward at year end. Approval for use of funds was not identified until the end of FY22 (Act 185 Sec C. 104); as such, these funds were not committed last fiscal year. Per Act 154, Section E.335.1, any remaining funding was to be reported and carried forward to FY22 for Justice Reinvestment. These funds were approved by Finance and Management (F&M), carried forward from FY22 and will need to be moved to the new Justice Reinvestment II appropriation created at FY22 year-end close. DOC welcomes the opportunity to collaborate with its legislative committees of jurisdiction during this process.

## Out of State Bed Savings Investment

FY21 Out of State Bed Savings – Total: \$777,170

Justice Reinvestment Item	Investment Amount	Investment Description
Offender Management Service (OMS) System Enhancements	\$60,140.00	<p>The Legislature dedicated \$60,140 to DOC Offender Management Service (OMS) enhancements in FY21 from OOS bed savings. To date DOC has not yet expended these funds as DOC was awarded an implementation grant through the Council on State Governments (CSG) to upgrade the OMS. The total grant funding for OMS was \$118,950 and ended on December 31, 2022.</p> <p>The grant was used to make enhancements to OMS so that DOC could satisfy the significant data monitoring as required by JRI. These enhancements include streamlining processes within OMS to improve the quality and accuracy of data collection. The modifications made to the system include:</p> <ol style="list-style-type: none"><li>1. A significant change in the database structure to allow DOC to determine why an individual supervised in the community</li></ol>

		<p>returned to incarceration and why (technical vs non-technical violations);</p> <ol style="list-style-type: none"> <li>2. Expanded the OMS and OffenderLink data exchange to allow for bi-directional information sharing and tracking of supervision conditions;</li> <li>3. Created a Staffing Module within OMS to accurately track the revocation process and outcome;</li> <li>4. Created an incentives module to allow for tracking incentives for supervised individuals and to allow DOC to show the incentive-to-violation ratio CSG suggested;</li> <li>5. Created a caseload view module that allows staff to have customized views of their caseloads, which show missing data, items coming due, and items overdue.</li> </ol> <p>These modifications were completed on December 15, 2022. They are currently being tested by the business application support group. Once testing is complete, the changes will then move onto an implementation team that will review the changes, create documentation, provide training, and implement.</p>
<p>Vermont Network Against Domestic and Sexual Violence, Domestic Violence Accountability Programming</p>	<p>\$300,000.00</p>	<p>The Vermont Network Against Domestic and Sexual Violence’s (“Vermont Network”) Domestic Violence Accountability Programming (DVAP), formerly known as “Batterer Intervention Programs,” is treatment which addresses the behavior of individuals who use violence against their intimate partners. Groups give participants an opportunity to replace tactics of coercive control with respect and nonviolence.</p> <p>DVAP is meant to be an essential part of a continuum of human service and criminal justice system interventions to domestic violence. While the programs do not serve as the sole vehicle for holding offenders accountable or changing behavior, accountability programming does serve as an essential component to domestic violence prevention and improving outcomes for both survivors and people who use violence.</p> <p>The Vermont Network also received a \$200,000 appropriation in FY21 for a total budget of \$500,000.</p>
<p>Contract with Flint Spring Associates for public market research for Community Justice Centers</p>	<p>\$100,000.00</p>	<p>Over 20 years ago, Community Justice Centers (CJCs) grew out of a participatory process in which Vermont DOC commissioned public market research about what Vermonters wanted from DOC. In order to remain responsive to public need and the changing population DOC serves, DOC contracted with Flint Springs Associates (FSA) to gather a wide range of stakeholder input about community justice investments as DOC plans for the next generation of these vital and evolving resources.</p> <p>The contract with Flint Springs Associates went into effect on September 1, 2022 and will run through June 30, 2023. FSA is currently conducting statewide interviews and preparing to administer a survey about the services and geographical distribution of DOC-funded Community Justice Centers. As per contract, FSA will prepare a report for DOC detailing and theming their research findings. This report will inform the future scope and structure of CJC programming.</p>

Funding Earmarked for Community Justice Centers Projects	\$317,030.00	<p><i>Cost of Living Adjustment (COLA) -- \$204,450</i> DOC has funded CJs for many years, but had not upwardly adjusted the award amounts to account for the rising cost of living and inflation. In FY23, DOC responded to this longstanding need by increasing each CJC's base grant by 7% for CJs to ensure these sites can retain staff and continue to provide valuable services.</p> <p><i>Orange and Addison County CJC Parity -- \$20,000</i> The historical funding levels for CJs in Orange and Addison Counties have constrained their service capacities relative to referral volume. In order to ensure that these regions are more equitably resourced, DOC increased each of their base grant awards by \$10,000.</p> <p><i>DEI Training -- \$85,000</i> In order to ensure that the CJC services are delivered consistent with the values of diversity, equity, and inclusion, every CJC received an FY23 grant enhancement in the amount of \$5,000. While the specific uses of these DEI enhancement funds are to be determined locally by each CJC based on the needs of their center and community, the total sum of the \$85,000 investment is intended to increase the quality and integrity of restorative justice services through intentionally advancing racially just practices. Examples of local usage include independent organizational equity audits, implicit bias training for existing CJC staff and volunteers, and increased diversity-driven recruitment efforts for CJC staff and volunteers.</p> <p><i>Currently, \$7,580.00 of these funds have not been spent.</i></p>
<i>Total Allocated</i>	<i>\$777,170.00</i>	
<i>Total Spent</i>	<i>\$769,590.00</i>	

FY22 OOS bed savings – Total: \$1,986,000

<b>Justice Reinvestment Item</b>	<b>Investment Amount</b>	<b>Investment Description</b>
OMS Intelligence Layer Study	\$290,000	<p>DOC is seeking to establish a contract with a company that can provide an evaluation report for an Offender Management System (OMS) Digital Intelligence Layer. The objectives of the digital intelligence layer are to create efficiencies, increase automation of manual tasks, increase public safety, reduce costs, reduce prison population, reduce racial disparities, expand individual case planning, improve the transition of supervision between correctional facilities and community partners, facilitate increased data sharing between DOC and its partners, and reduce recidivism.</p> <p>The funding above will be used to produce an evaluation report that includes recommendations, priorities, and implementation methodology.</p>
Committed to Vermont Network	\$350,000	<p>The \$350,000 proposed increase to the Vermont Network funding will help the Network eliminate participant fees, increase engagement with providers, and expand LGBTQ+ and pilot programming.</p> <p>Justice Reinvestment funding is being used to significantly improve data collection and evaluation of the effectiveness of DVAP. In calendar year 2023, in order to assess outcomes, DVAP providers will transition to a database platform to track data at the participant level, rather than the program level. Data collection and reporting is now a condition of funding for certified domestic violence accountability programs.</p>

		<p>Currently, programs report weekly on the number of attendees, program completions and/or dismissals and referral sources. In 2023, programs will track information in an encrypted database about each of the individual program participants, including detailed intake and referral information, completion rates and more.</p> <p>The Vermont Network is also working with the University of Nebraska to develop an evaluation framework to assess efficacy of programming and conduct a preliminary assessment on the impacts of eliminating fees.</p>
<i>Total Currently Allocated</i>	\$640,000	
<b>Total Remaining</b>	<b>\$1,346,000</b>	<i>Remainder of funds yet to be allocated by Vermont Legislature. The Administration will make a proposal for the use of these funds in the 2023-2024 Legislative Session.</i>

## Additional Agency of Human Services Departments & State Entities

### Department of Mental Health (DMH)

**Total Justice Reinvestment Allocation Amount: \$400,000**

The \$400,000 of Justice Reinvestment funding were allocated to the SFY22 DMH base budget for community-based mental health programming. DMH did not explicitly track expenditures specifically for this funding. It does, however, continue to provide services to individuals who are or were justice-involved across Vermont.

Going forward, the \$400,000 will be specifically allocated for supporting the Forensic Assertive Community Treatment (FACT) program model described below.

**FACT Overview**

The Forensic Assertive Community Treatment (FACT) program is a new collaboration between the Department of Corrections, the Department of Mental Health, and Pathways Vermont that will help enhance treatment for individuals involved in the criminal justice system.

This assistance will come through FACT’s evidence-based practice, which is recognized by the federal Substance Abuse Mental Health and Services Administration (SAMHSA) as having shown success in treating individuals with mental health and/or substance use challenges and who are considered at risk of re-offending.

FACT will help to reduce the likelihood of individuals being incarcerated again, and increase productive, safe, and structured time in the community where they will be provided resources for housing, employment, and opportunities to build social connections.

Pathways Vermont will be providing those receiving FACT treatments with direct service providers and case management. The DOC team will include probation, parole, and community correctional officers. Social service agencies and healthcare providers will also be involved in the wider treatment team.

## Other State Entities

In addition to the Commissioner of Mental Health, the text of Act 185 of 2022 Sec. E.335.2 28 V.S.A. § 125 further names the Commissioners of Health, Children and Families, and the Attorney General as entities that shall report Justice Reinvestment funding. These entities affirm they have not been allocated these funds as of the writing of this report.

The Department of Children and Families (DCF) reports that the Balance and Restorative Justice Program (BARJ) did not receive Justice Reinvestment funding as the services that BARJ provides and the population that the program serves do not fit under the guidelines as outlined for Justice Reinvestment.

BARJ provides supports to youth who are involved with, or are at-risk of becoming involved with, the juvenile justice system in Vermont.

BARJ funding totaled \$881,016 in SFY22 and supported eleven programs statewide.

The Department of Aging and Independent Living (DAIL) reports that it has also not been allocated Justice Reinvestment funds. However, the Administration for Community Living awarded Vermont Adult Protective Services a three-year grant for implementation of Restorative Justice practices and principles. Vermont APS is currently operating this pilot within three counties of Vermont, serving victims and offenders of maltreatment, along with families and providers impacted.