

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”), in accordance with Act 185 of 2022, details the use and impact of Justice Reinvestment funding in State Fiscal Years 2021, 2022, 2023 and 2024 (“FY21”, “FY22”, “FY23”, “FY24” 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 18, 2023, 126 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. In previous funding cycles, these savings were transferred to the Justice Reinvestment appropriations fund in the DOC budget to be spent alongside base-funded grants. In 2023, this line item was set at the sum of \$899,652 as Justice Reinvestment base funding in Act 78 Sec. B.338.1.

In 2023, Governor Phil Scott signed Act 40 (S.14), which created the Coordinated Justice Reform Advisory Council to make recommendations to the Commissioner of Corrections regarding “the appropriate allocation of not more than \$900,000.00 from the Justice Reinvestment II line item of the Department of Corrections’ budget for the upcoming fiscal year to support community-based programs and services, related data collection and analysis capacity, and other initiatives.” As per statute, the Commissioner is responsible for including these recommendations in the DOC’s annual proposed budget.

Introduction

In FY21, out of state bed savings totaled \$777,170. In FY22, out of state bed savings totaled \$1,986,000. FY23 bed savings were absorbed into the new out of state contract as the Legislature restructured the Justice Reinvestment funding mechanism to base funding. In FY24, the Justice Reinvestment base appropriation totaled \$899,652.

The surplus funds from the FY21 out of state appropriation were 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 that 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 moved to the new Justice Reinvestment appropriation created at FY22 year-end close. Further legislative reform reset the Justice Reinvestment funding structure for FY24 to reduce operational challenges associated with unpredictable financial models.

Out of State Bed Savings Investment

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

Funds captured in FY21 and spent in subsequent year(s).

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"> 1. A significant change in the database structure to allow DOC to determine why an individual supervised in the community returned to incarceration and why (technical vs non-technical violations); 2. Expanded the OMS and OffenderLink data exchange to allow for bi-directional information sharing and tracking of supervision conditions; 3. Created a Staffing Module within OMS to accurately track the revocation process and outcome; 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; 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. <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>
Vermont Network Against Domestic and Sexual Violence, Domestic Violence Accountability Programming	\$300,000.00	<p>This one-time funding will help support 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 strives 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>

		The Vermont Network also received a \$200,000 appropriation in FY21 for a total budget of \$500,000.
Contract with Flint Spring Associates for public market research for Community Justice Centers	\$100,000.00	<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 CJCs 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 CJCs 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 CJCs 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>
Total Obligated	\$777,170.00	

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

Funds captured in FY22 and spent in subsequent year(s).

Justice Reinvestment Item	Investment Amount	Investment Description
Reserved for Offender Management System (OMS) Case Management Tool	\$1,000,000	<p>DOC established a contract with Vant4ge (<i>note: spelled with the numeral 4 in the place of an “a”</i>), a software engineering company, to 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 report, which is under executive review, will be used to inform the spending of the \$1,000,000 as allocated.</p>
Committed to Vermont Network	\$350,000	<p>The one-time \$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 was used to significantly improve data collection and evaluation of the effectiveness of DVAP. In calendar year 2023, in order to assess outcomes, DVAP providers implemented 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>Programs report weekly on the number of attendees, program completions and/or dismissals and referral sources. In 2023, programs were tasked with tracking additional 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>
Community Justice Center Funds	\$342,247	<p>These funds were divided amongst Community Justice Centers to support and maintain operations. Funding can be used to bolster services and programs to include but not limited to staff compensation, citizen panels, group conferencing, mediated dialogue, and Circles of Support and Accountability (COSA). CJC programming engages and mobilizes community volunteers to resolve challenges locally and uses timely, less costly services with greater effectiveness and efficiency. Additional uses of this allocation potentially include public education and engagement strategies designed to expand restorative justice frameworks and cost of living increases if desired.</p>
OMS Intelligence Layer Study	\$290,000	<p>This funding was used to procure the Vant4ge contract as outlined above.</p>
Total Obligated	\$1,986,000	

FY23 JR II Base Funds– Total: \$899,652

Funds captured in FY23 to be spent in subsequent year(s).

Justice Reinvestment Item	Investment Amount	Investment Description
Department for Children and Families (DCF)	\$108,700	As set in Act 78 Sec. B.338.1, this sum was dedicated to Balanced and Restorative Justice (BARJ) grants to leverage federal Medicaid dollars.
Committed to Vermont Network	\$300,000	Blended with additional base funds to support DVAP, needs assessment and implementation, training, data collection and technical support, evaluation, and grant administration. (\$850,000 total).
Community Justice Center Grants	\$250,000	CJC grants as recommended by the Coordinated Justice Reform Advisory Council. These grants were divided among centers to support and maintain operations. Funding can be used to bolster services and programs to include but not limited to staff compensation, citizen panels, group conferencing, mediated dialogue, and Circles of Support and Accountability (COSA). CJC programming engages and mobilizes community volunteers to resolve challenges locally and uses timely, less costly services with greater effectiveness and efficiency. Additional uses of this allocation potentially include public education and engagement strategies designed to expand restorative justice frameworks and staff cost of living adjustments.
Women’s Recovery and Reentry Services Grant Funding	\$240,952	<p>On December 12, 2022, Vermont’s Joint Legislative Justice Oversight Committee recommended remaining Justice Reinvestment Initiative (JRI) funds be considered by the House and Senate Committees on Appropriations and the House Corrections and Institutions Committee. This included a priority recommendation for use of funds for individuals exiting incarceration who receive medication for opioid use disorder (“MOUD” AKA “medication-assisted treatment” or “MAT”).</p> <p>The Joint Legislative Justice Oversight Committee voted to endorse this priority recommendation to the legislative committees of jurisdiction. These committees then made recommendations to the House and Senate appropriations committees. In their statement of Legislative Intent in Act 78 of the 2023 Legislative Session, the Chairs of the House and Senate Committees allocated JRI funds in Section B.338.1, including \$490,952 for “Justice Reinvestment II priorities including the Community Justice Centers (CJCs) and Women’s Reentry programs.”</p> <p>The Coordinated Justice Reform Advisory Council as created in Act 40 recommended \$250,000 of these funds be dedicated to Community Justice Centers (see above) and the remaining funds totaling \$240,952 be “allocated to reentry services provided by community organizations following a procurement process, consistent with DOC and State practice.”</p> <p>Accordingly, DOC issued an RFP for these funds on December 6, 2023, with an anticipated award date of February 1, 2024.</p>
Total Obligated	\$899,652	