

Research Report
Corrections Reform Action
St. Paul's/CCP LOM
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The United States of America has the highest incarceration rate in the world. We account for 5% of the world's population, yet jail 25% of its inmate population. If we break the numbers down by race, the incarceration rate for people of color is considerably higher. These astonishing statistics translate into billions of dollars per year expense to the American taxpayer, and the collateral cost to communities and families, particularly children, and subsequent generations, is impossible to calculate.

Our research into the criminal justice and corrections systems began during the winter of 2013 at St. Paul's with an adult forum entitled "Crime and Punishment," led by Professor Robert Brenneman, a sociology professor at St. Michael's College and congregant here at the Cathedral. From there, our VIA group decided to look further into the criminal justice system here in Vermont, and thus began our research process.

Our investigation included a visit to the Chittenden County Correctional Center and interviews with 18 individuals, including the Chittenden County State's Attorney, the Vermont Commissioner of Corrections, the District Manager of Parole and Probation, numerous staff of non-profits working with inmates, and numerous offenders who have served their time.

Vermont is considered to be a relatively humane state in regard to our systems of justice and corrections, and should be commended for its innovation and improvements thus far. We did find areas where we saw room for betterment, as well, and we will highlight both the encouraging developments as well as deficits. To begin, we will give an overview of the path that might lay ahead for someone arrested on suspicion of a crime.

It is up to the county prosecutor to use her discretion in deciding whether and what charges to bring against an individual. The prosecutor may decide to charge the individual and bring that charge to the traditional court system. A judge decides whether there is enough evidence to bring the charge to trial, and also determines the sentencing if the defendant pleads guilty or is found guilty during trial. There are no mandatory sentencing guidelines in Vermont. A misdemeanor in Vermont carries a sentence of less than two years, and a felony carries a sentence of more than two. The judge might choose to suspend the sentence and place the offender on a period of supervised probation. A probation officer designs a probation plan based upon a risk assessment. There may be restrictions established, and the offender may be required to attend specific treatment and counseling programs. In the case of violation of probation, the offender will be brought back to court and must serve the time in prison.

The State of Vermont provides, by statute, that restorative justice be considered when appropriate. Some examples of alternative approaches to the traditional system are:

Court diversion, reparative boards, and community restitution. These are all community-based alternatives at different stages of the justice and penal system. They are possible, by the referral of prosecutors or judges, to individuals charged with a misdemeanor or first-time non-violent offense. All involve the accused, convicted, or sentenced individual to appear before a panel of community members, who then decide on appropriate accountability that often involves community service and making restitution to a victim.

Rapid Intervention Community Court – this special court is for individuals whose crimes have been driven by untreated drug addiction or mental illness and who are in imminent danger of re-offending without intervention. Individuals are linked to a social service agency for treatment. This program is not available to violent offenders. If successfully completed, no charges are filed. Rapid Intervention has resulted in a 7% recidivism rate.

Drug and mental health courts – individuals whose crimes are connected to either substance abuse or mental health concerns are referred to treatment programs rather than incarcerated. Their behavior is restricted and drug and alcohol testing is required. Treatment and support are provided. This program is not available to felons, violent offenders, or drug dealers.

These innovative alternatives are reported to be less costly and more effective than the traditional system. There are offenders, however, for whom incarceration is required. There are seven facilities in Vermont.

The facility in Rutland houses males who are detained after arrest and awaiting trial. As of May 19th, they number 141.

Non-violent males are incarcerated at St. Johnsbury, and the population there is 234.

Males incarcerated for long terms are housed at Newport, Springfield, and St. Albans. The combined population at these three is 974.

Violent males and sexual offenders are incarcerated in Windsor, and they currently number 100.

All women offenders are housed at the Chittenden facility, and they total 156.

Vermont imprisons offenders at two locations out of state, Arizona and Kentucky, and they total 487, which is about a quarter of the entire number of Vermont offenders.

In all, there are currently 2,092 Vermont offenders incarcerated or detained.

Not all prisoners serve the maximum sentence. Inmates are eligible for parole consideration after serving the minimum sentence, or after a year if no minimum sentence was delivered. The parole board makes this determination. Offenders who are released on parole are under the supervision of a parole officer and must live with certain restrictions. If in violation, the offender may return to prison.

Under statutory authority of the State of Vermont, 28 V.S.A. §1(a), the Department of Corrections' stated purpose is to *“administer a correctional program designed to do the following: protect persons against offenders of the criminal law; render treatment to offenders with the goal of achieving their successful return and participation as citizens of the state and community; foster offenders' human dignity; and preserve the human resources of the community.”*

The State recognizes that punishment solely by segregation from society is, for the majority, an incomplete method of addressing criminal behavior and root causes of crime. In accordance with this view, the Department has implemented a number of programs designed to address the behavioral problems or skill deficits that contribute to the individual's criminality and may put them at risk to reoffend. These programs include Cognitive Self Change for Violent Offenders and programs for Domestic Abusers, Substance Abusers, and Sexual Abusers, as well as Vermont Community High School and offender work programs.

The Program Services Department within the Department of Corrections administers the treatment programs and has recently changed its previous method of directing inmates to a program matched solely to the crime, to a comprehensive model that employs an individualized risk assessment to identify other areas of need. It could be that the individual is participating in several programs simultaneously.

The Community High School is a nationally-accredited program serving individuals in DOC custody, including parolees, and is located both within the prisons as well as in many Probation and Parole offices through the state. Participation is mandatory for all inmates under the age of 23 who do not possess a diploma, and is open to all inmates to attend. The Department feels that a diploma is essential and is no longer affiliated with the GED program. Students can also study to achieve industry certification in such areas as welding, automotive and food safety. The culinary program has received a specific nationally-recognized certification unavailable in any other high school in the state. Community High School seeks to assure that students learn not only academic and vocational skills, but social skills and reinforcement of good work habits, and emphasizes 16 problem-solving skills, known as “Habits of Mind” as part of the educational experience.

Offender work programs serve to provide inmates with employable skills so that they may more easily find work once out of prison. Vermont Correctional Industries operates as a business within the prisons, and contracts to provide products to state agencies in return for modest wages to the inmates.

In addition to these Programs, there are Activities provided within the prisons to offer support, including Alcoholics Anonymous, Narcotics Anonymous, and Worship.

Two caseworkers are assigned to each prisoner, one who works inside the facility where the inmate resides, the other an officer from the Probation and Parole office where sentencing took place or where the inmate will reside upon release. They work cooperatively on a re-entry plan for the inmate, including housing options and community supports. The Department of

Corrections' facility case management guidelines provide for routine discussions between the two workers and a timeline of reviews involving the inmate beginning at a year before release. A re-entry checklist is used in the planning.

The re-entry checklist gauges the readiness for release by identifying the immediate needs of the inmate. The list includes the basic requirements of shelter, clothing, transportation, and available cash. The checklist asks if applications have been made for health care, food assistance, and, if applicable, veterans benefits or disability. There is a section for identifying treatment facilities, physicians and pharmacies for those with ongoing chronic medical conditions, mental health or substance abuse. Possession of photo identification is to be checked. Means of transportation upon leaving the facility is also included.

Despite the presence of these items on the re-entry checklist, our research revealed that there is not consistent attention to all of the items for all inmates. A concern that was expressed to us in our research was that in some circumstances the inmates left with nothing more than they had in their possession upon arriving at the facility, that they were not educated about what their needs would be when leaving and therefore did not know what to ask for. They wished they had known how to obtain food stamps, health care, a hotel voucher, or to contact a housing authority. A two week supply of medication was provided to those with chronic conditions, but they were sometimes released without a referral to a doctor or medical facility for care or to write prescriptions for the necessary medications. Transportation from the facility was at times less than ideal. One released offender spoke of having been dropped off in the town of the correctional facility although the probation officer and area of residence was more than an hour away. It was winter, and the only outerwear the inmate had been provided were the light coat and shoes worn at the time of spring incarceration.

In addition, obtaining housing and employment is difficult when the offender must disclose conviction and incarceration on an application. Those released went through a long process to search for a place to live or work before finding a landlord or employer willing to take a chance on them. We recommend that a list of likely property owners and employers be made available to offenders and their families, ideally accessible electronically, so that the transition can be made more smoothly before the offender's resources run out.

One of the biggest concerns we heard was regarding the photo ID supplied to them by Corrections. This ID bears the inscription "Department of Corrections," furthering the stigma that incarceration holds. Another recommendation we make is to consistently provide offenders with a photo ID, so necessary in today's society, that does not stigmatize them with the corrections label.

In short, with so many barriers for inmates leaving the system, it is not surprising that so many of them return to prison. In the words of one of those we interviewed, "Sometimes the only way to stay alive is to commit another crime." We would like to see the checklist fully and successfully completed before the time of the inmate's release.

Another barrier to the success of the release process as it is intended is that there is often insufficient coordination between the caseworker within the prison and the probation officer on the outside, due in many instances to overburdening caseloads. We were told that the distances probation officers must travel to visit their charges and caseworkers at facilities spread far and wide, results in fewer visits. This often means that conversations, if at all, take place between the two caseworkers but exclude the inmate. For a plan to succeed, participation and commitment on the part of the inmate is essential. This is a call for more thorough and thoughtful planning.

As the inmate approaches release, there are opportunities to participate in programs sponsored by organizations whose purpose is to aid the transition from prison to the community. Many inmates have had little or no success in the work field, and enter the system with few identifiable, marketable skills. Before their move to the Chittenden Correctional Center in South Burlington, women inmates were provided job training through Vermont Works for Women that included 9-week programs in plumbing, electrical work and carpentry, which evolved into a nationally recognized modular home building program. The South Burlington facility, however, lacks the space necessary for such training, and so these programs are no longer available. Kitchen training and a sewing center are the only offerings at this facility.

Innovative job training programs like the modular home building program have not been extended to male inmates on a widespread basis, although when men were housed at the Chittenden Correctional Center, there was a transition unit holding 16-18 inmates who were released for work and returned to the prison for the night. This unique program produced good results.

We would like to see the Department of Corrections partner more extensively with organizations like Vermont Works for Women and counterparts for males in order to provide more extensive and more innovative job training programs. Not only will inmates learn marketable skills, but they will also benefit from the sense of accomplishment that such programs bring.

The final huge barrier to success we would like to discuss tonight is the lack of appropriate support networks for most offenders. Programs have been developed to address this difficult challenge. One prime example is the Vermont Women's Mentoring Program, a collaboration between Mercy Connections, Vermont Works for Women and the Department of Corrections. A mentor is an individual from the broader community, trained by Mercy Connections, whose role is to serve as friend and guide in navigating the world the inmate will encounter upon re-entry. A mutual commitment is made to work together for one year during which time the mentor and mentee meet in person once a week. This commitment may be extended through negotiation if both parties agree. The process is not without challenges, but the recidivism rate for mentees in this program is only 18%. Compare that to a recidivism rate of between 47% and 57% for non-violent offenders overall.

Circles of Support and Accountability is a community-based program available in many areas of Vermont, administered by the Department of Corrections and Community Justice Centers. Participation in a Circle of Support, known as a CoSA, is often a part of an inmate's release plan.

A team of 3 to 5 trained volunteers form a support group around one offender, known as the core member. The team is supervised and works closely with a coordinator. CoSAs are designed for high-risk offenders, in particular, sex offenders, who, often abandoned by their families and unwanted as renters or employees, have particularly difficult re-entry issues. The role of the volunteers is to assist the core member in defining a list of goals and staying focused, offering positive feedback, and providing friendship. Although the sample size is too small to provide definitive data, indications are that the recidivism rate for those with CoSAs is less than 5%.

We would like to see both of these programs expanded so that they are available to more offenders.

We acknowledge the difficult work facing our state officials and Department of Corrections staff and understand the limiting factors that budgets and time constraints place on them. It is our intention that by making public the difficulties that must be surmounted and working together with decision-makers into the future, we can live out our faith values of compassion and redemption, giving individuals a true second chance, and serving the public safety by making it more likely that offenders will not re-offend.