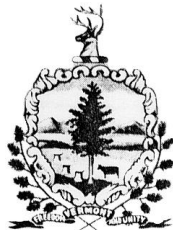


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**Joint Legislative Corrections Oversight Committee**  
**DRAFT REPORT**

December 2014

John Bloomer, Jr., Secretary of the Senate  
Donald G. Milne, Clerk of the House  
Vermont General Assembly  
115 State Street  
Montpelier, VT 05633

Re: Joint Legislative Corrections Oversight Committee

Gentlemen:

The Vermont General Assembly created the Joint Legislative Corrections Oversight Committee (the Committee) in 2002 to respond to: (1) concerns about the dramatic and continued growth in the size of the budget of the Department of Corrections (the Department) and in the population under its jurisdiction; (2) a perceived lack of comprehensive information about the Department’s policies and programs; and (3) a desire to make policy and funding decisions in a more coherent, cost-effective manner. The Committee’s membership is drawn from each of the Senate and House committees that most often address corrections issues. The Legislature ultimately codified the Committee’s existence in 2005.<sup>1</sup>

The Committee met six times during the interim between the 2014 and 2015 legislative sessions. It devoted a majority of its time to receiving updates from various individuals, administrative departments, and the Judiciary regarding ongoing issues, such as the number of persons in the custody of the

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<sup>1</sup> 2 V.S.A. chapter 23.

Department, security issues and management of contraband, and services provided to inmates to assist in successful rehabilitation and reintegration. Additional issues covered included receipt of the Community High School of Vermont report on services and costs; receipt of the 2014 Sexual Offender Registry Audit report; updates on the rollout of 2014 Acts and Resolves No. 195, the pretrial services bill; updates on the implementation of the recommendations from the Medication-Assisted Treatment for Inmates work group; and an examination of the issue of assaults on Vermont inmates in out-of-state facilities.<sup>2</sup>

The Committee is appreciative of the many agencies, departments, and people involved who are working cooperatively to achieve our common goals. The following is a summary of issues and recommendations that the Committee addressed in 2014 and will continue to follow in the coming year.

### Safety and Security

2013 Acts and Resolves No. 163 required the Commissioner to submit a report to the Committee on security and safety concerns at State correctional facilities arising from public or private entities employing offenders through work programs. At present, there is one program of this type operating in a State correctional facility: Salvation Farms at the Southeast State Correctional Facility in Windsor (SESCF).

In September 2012, SESCOF developed a plan that outlined what would be needed to establish a “pilot” operation that would facilitate Salvation Farm’s plan to grade, pack, and process commodity produce. Part of the task was to stay under \$10,000 and, if approved, have the program underway by November of the same year. At the time, security staffing was not part of the pilot proposal.

Currently, several challenges face this program. The Department does not have a position or post allocated to provide security coverage for the Salvation Farms operation. If the SESCOF were to provide constant security coverage, it would be at time and one-half dollars and would generate a budget deficit.

The Department is currently undergoing a staffing analysis by ASCA (Association of State Corrections Administrators). The staffing analysis will provide more details as to the viability of a program like Salvation Farms to operate at the facility. This program can be considered as part of the staffing analysis. An additional camera or cameras in the Salvation Farm work space would give the ability to review the activity taking place for concerns.

### **COMMITTEE RECOMMENDATIONS HERE.**

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<sup>2</sup> See committee agendas and a complete list of issues and witnesses in the Appendix.

### Contraband

The Department defines “contraband” as the following: an item used by an inmate in an unauthorized or prohibited manner or altered in any way; property in excess of allowable property limits; any item that an inmate, staff person, volunteer, or contractor is not specifically authorized to have in their possession in a correctional facility; and/or anything that can pose a danger or risk to the safety and security of staff, the facility, or public. Directive on Inmate Mail, Publications, and Audio/Video Regulations, 409.05, December 6, 2010.

2013 Acts and Resolves No. 163, an act relating to temporary employees, Sec. 2, set forth certain requirements of the Commissioner of Corrections with respect to controlling contraband. Sec. 2(a) directs the Commissioner to consult with the Corrections Oversight Committee in developing rules for conducting searches of people entering State correctional facilities and periodically report to the Committee on the implementation of those procedures. Sec. 2(b) directs the Commissioner to report to the Committee on the types and amounts of contraband discovered in State facilities and how such contraband is entering the facilities.

The Department began providing the Committee with a monthly contraband report in October, 2014. The report includes information about the types and descriptions of the contraband seized or discovered, the location in which the item was seized or discovered, the method of introduction, the offender movement at the time of discovery, and the method of storage at the time of discovery. **COMMITTEE RECOMMENDATIONS HERE.**

### Electronic Monitoring

The Committee looked at the Vermont Results First model analysis to evaluate the potential benefits and costs of increasing the use of electronic monitoring in Vermont. Results First is a pilot project of the Joint Fiscal Office (JFO) which is intended to provide legislators with a tool to compare the benefits and costs of State programs. JFO prepared an issue brief utilizing the Results First model to take a preliminary look at the proposed Windham County Electronic Monitoring Pilot Project, the goals of which were to reduce Department costs and improve public safety. This analysis examined the use of electronic monitoring as an alternative to incarceration and as a form of enhanced supervision. Based on the preliminary financial analysis, there is reason to believe the Pilot Project can achieve its goals. The analysis concluded that:

- 1) Increased use of electronic monitoring is likely to save money and reduce recidivism.

- 2) When used as an alternative to incarceration, electronic monitoring produces both immediate savings and long-term savings because electronic monitoring costs less than incarceration.
- 3) Electronic monitoring costs more than standard probation but saves money in the long run because participants are less likely to commit new crimes.
- 4) Electronic monitoring is expected to reduce recidivism regardless of risk level.

The Crime Research Group will continue to work with JFO on a results-based accountability program cost-benefit analysis. They will be evaluating three major segments, including an outcome evaluation, a process evaluation (documenting what was done to obtain results), and a results evaluation. The Committee will continue to monitor the results of these analyses in the next legislative interim.

The Committee also heard from individuals regarding voluntary electronic monitoring for those individuals who are no longer under Department supervision. There is interest among some offenders who have maxed out their sentences in having electronic monitoring available to them as a means of avoiding false accusations and fostering trust in their communities.

#### **COMMITTEE RECOMMENDATIONS HERE.**

#### Review of demonstration project to pilot the continued use of medication-assisted treatment within the Department for detainees and sentenced inmates.

The Department of Corrections, in consultation with the Medication-Assisted Treatment for Inmates Work Group created by 2013 Acts and Resolves No. 67, Sec. 11, was tasked with developing and implementing a one year demonstration project to pilot the continued use of medication-assisted treatment within Department facilities for detainees and sentenced inmates. The Department was to evaluate the demonstration project and provision of medication-assisted treatment to persons incarcerated in Vermont and report its findings to the Committee.

#### **MAT full report will be made at 12/1 meeting. MAT REPORT HERE. COMMITTEE RECOMMENDATIONS HERE.**

#### Contact Visits

2013 Acts and Resolves No. 163 required the Commissioner to provide the Joint Legislative Corrections Oversight Committee a process for permitting offenders to earn contact visit if the contact privilege is taken away. In October, the Department provided draft processes and decision points to the

Committee that direct staff when an inmate's visiting may be reduced, restricted, or suspended. It also details when an inmate's contact visits will be restored, and how decisions may be appealed.

**COMMITTEE RECOMMENDATIONS HERE.**

Animal Training/Adoption Program for Vermont Offenders

2013 Acts and Resolves No. 201 instructed the Commissioner of Corrections to examine the feasibility of beginning an animal training or adoption program in Vermont and, specifically, a program that would permit qualified offenders to care for animals that have been relinquished or seized pursuant to a cruelty or neglect investigation. Act 201 directed the Commissioner to consider similar programs in other states and consult with local humane organizations in determining what type of program would be appropriate for Vermont and which facilities would be most appropriate to sponsor such a program. The Commissioner reported on these recommendations to the Committee in December of this year.

The Department is currently working with the Blue Star Mothers of Vermont to address the needs of returning veterans. This program matches a dog with an offender for a 12-month program that trains the animal to assist a veteran with special needs. Two dogs will be placed in the Springfield facility over the winter. Prior to placement in the facility, an animal spends 6–8 months with a community volunteer to receive basic behavior training. Once that period ends, the animal is placed with an offender who has been screened and trained to provide the specialized training. Dog trainers provide the offender with initial training and provide on-going training once the dog is placed inside the facility. Blue Star Mothers of Vermont has already identified an additional three dogs for placement. Additionally, the Corrections Corporation of America facility in Beattyville, KY, has a canine program that takes animals designated as hard to adopt from a local shelter. These animals live with an offender in their cell in the designated "Dog Unit" at the facility. The animal spends 12 weeks with the offender handler and then returns to shelter to be adopted out. This program also requires significant training of offenders and a special screening process to hire the offender for this job.

The Department of Corrections is examining the operation of this program to assess if it can be replicated in a Vermont facility. At this point, the Department plans to move forward with the program that trains dogs for Veterans. The program will be monitored to understand all the issues related to the introduction of dogs at a facility. At this time, the Department does not recommend establishing a program in the Department to care for animals that have been seized or relinquished pursuant to a cruelty or neglect investigation.

**COMMITTEE RECOMMENDATIONS HERE.**

### Sex Offender Registry Audit

2009 Acts and Resolves No. 58 made the posting of addresses of sex offenders on the Internet Sex Offender Registry (SOR) contingent on a favorable audit. The Vermont State Auditor's 2010 SOR audit found a sizeable number of errors as well as control weaknesses. The auditor completed a follow-up audit in 2014, the objectives of which were to 1) assess the extent to which the data in the State's SOR is reliable and current, and 2) determine the extent to which the recommendations from the 2010 SOR audit were implemented. The auditor could not assess the extent to which data in the SOR was kept current because of errors in certain date fields. The auditor did not opine in the 2010 report or the 2014 report as to whether the audit was favorable. Nevertheless, thus far addresses have not been posted online.

The 2014 audit found a considerable number of errors in offender records, which calls into question the reliability of the State's SOR. Although, as of mid-May 2014, the Vermont Criminal Information Center (VCIC) had fixed almost all errors found during the audit, some of the underlying causes of the errors found in 2014 audit were similar to those found in the prior audit. As for the 2010 recommendations, both VCIC and the Department have taken actions to improve their SOR processes since the 2010 audit. One improvement by VCIC was the implementation of the new information technology system called OffenderWatch<sup>®</sup>. One recommendation that was not fully implemented is tracking the treatment status of sex offenders. Specifically, 13 V.S.A. §5411a(a)(5)(B) requires unsupervised sex offenders who have not completed treatment to submit proof to VCIC of continuing treatment every three months. VCIC has not established a process to track the treatment progress of offenders who are no longer under Department supervision, and therefore does not know whether offenders are following the statutory requirements.

### **COMMITTEE RECOMMENDATIONS HERE.**

#### Community High School of Vermont (CHSV)

2013 Acts and Resolves No. 179, an act relating to making appropriations for the support of government, directed the Commissioner of Corrections in Sec. E.337 to provide a report to the Corrections Oversight Committee on current trends relating to the student population at CHSV, including a detailed description of CHSV's programs, curriculum, outcomes, data on student population, a comparison of current costs per student with statewide averages on education spending per student, and an analysis of the use of more efficient delivery systems, including technology. The Committee received this report and also took testimony from officials from CHSV, Central Vermont Adult Basic Education, and the Agency of Education.

Community High School of Vermont provides services to all persons under the custody of the Commissioner of Corrections, including those incarcerated and those being supervised in a community setting. There are three distinct populations within the Department who are required by statute to receive Corrections Education services:

- 1) Persons who have not completed secondary education, which is supported by every Vermonter's right to an education regardless of their age, under 28 V.S.A. § 120(a).
- 2) All persons under the age of 23 that have not received their diploma under 28 V.S.A. § 120(f).
- 3) Those individuals, regardless of educational level, who do not have the academic, social, or technical skills that will allow them to successfully participate in the community upon release, supported by the Department's Risk Assessment and Case Planning process.

The reduction of recidivism is an intentional outcome of the Corrections Education Program of which CHSV is a component. The work of Corrections Education is mission and vision driven and provides rigorous and relevant academic, career/technical, and social experiences that support the living, learning, and working of offenders, in accordance with the VT Agency of Education's Educational Quality Standards. The programs and courses offered through CHSV are implemented and reviewed through evidence-based correctional, educational, and industrial practices, and are designed to meet the educational needs of the students who receive them.

The goal of Corrections Education is to provide seamless educational transition services from incarceration to community, increase enrollment in skill development courses, and place a greater emphasis on workforce readiness. The integration of CHSVT, Vermont Correctional Industries (VCI) and Workforce Development as Corrections Education support the findings of studies conducted on a national level that demonstrate inmates who are educated, employed, and trained during incarceration achieve a higher rate of employment upon release, and that employment is at a higher rate of pay.

CHSVT campuses are both traditional and nontraditional. Traditional academic courses are taught on a regular basis, and integrated learning environments are throughout the facilities. All campuses offer educational learning opportunities that culminate in a high school diploma or industry-based credential. Educational programming tends to have the greatest impact on employment outcomes if it results in credentialing or a trade license.

The curriculum of the Community High School of Vermont is integrated and specialized to the specific learning needs of each individual. Programs are tailored to provide a criminogenic needs assessment with the Ohio Risk Assessment System and an educational assessment with the Comprehensive

Adult Student Assessment System. The data and information from these assessments is then used to develop a Living, Learning, and Work Plan, which is designed to mirror the Personal Learning Plan. The existence and development of flexible pathways of learning recognize that traditional schooling does not fit everyone's needs or abilities.

CHSV has recently implemented an integrated program with VCI that integrates the learning opportunities and environments of the school and industries with real life learning situations. This process provides guidelines to help participants, teachers, and school partners offer school-supervised work-based learning programs. SolidWorks is a computer-assisted design program that is a CHSV technical education course, being taught in a classroom situated within the Wood Shop of VCI. The students begin by learning the basics of the program from a certified teacher, then transition into an apprentice experience directed by VCI to a full-time paid job working for VCI as an employee. Students are eligible for industry certification through this educational experience.

Additionally, CHSV is currently developing a Workforce Development Program, which will integrate into the culture of the Department the efforts to develop, educate, and prepare offenders to be successful and reduce the rate of recidivism. All 'facility' jobs that are performed by offenders will be structured to follow the tenets of the Workforce Readiness Certificate process. The intent of the Workforce Readiness Certification is to recognize a participant's mastery of workforce readiness skills valued by employers, to help participants explore career interests, and to provide a credential of participant mastery. This process allows participants to document their employability skills; employers and teachers to assess the skills they are looking for in quality employees; teachers to customize instruction to help participants overcome their barriers to employment.

In the past, CHSV has been measured by the number of diplomas granted. With their changing population over the last eight years, they have seen a gradual reduction in the number of the diplomas granted and a significant increase in the number of industry certifications and higher paying jobs acquired upon release (Department of Corrections Fact and Figures 2008 – 2013). While students are entering the Department system with more high school diplomas, many are still lacking the technical and job skill development needed to obtain and sustain a job. As of July 1, 2014, CVHS will begin measuring the success of its programs using the Outcome-based Evaluation Plan for Corrections Education.

In 2012, CHSV implemented a new Student Information System – FOCUS. Prior to 2012, the system used to collect student data was integrated with the Department system. The information was collected and entered by approximately 70 people, leaving room for human error. Under the FOCUS



system, only one person is responsible for entering and verifying the information and data CHSV collects. This data collection is being done in line with the State and federal reporting requirements and criteria for the Agency of Education and the Department of Corrections.

Over the last eight years, CHSV's student population has remained relatively stable. On an average daily basis, CHSV has had approximately 500 – 600 students. Between 2,700 and 3,500 unique individuals have been served by CHSV. The total number of students enrolled in CHSV between July 1, 2013, and June 6, 2014, was 600. Of those students, 494 were incarcerated and 106 received education in the street campuses. The number of individuals has not increased nor has the total overall enrollment, but the needs of the student population are different and more complex. The student population in 2006 included a large percentage of people under 23 years of age and 40–45-year-old males without diplomas. The number of students under 23 years of age without a diploma has dropped in the last three years, impacting CHSV's eligibility for Federal Title 1 funding. There has been a downward trend in the number of 17–23-year-olds who are entering the corrections system without a diploma. This same population is lacking in workforce development skills and the technical skills needed to obtain and sustain a job. Student population has increased in the 20–35-year-old range and these individuals are also in need of workforce development, career, and technical education.

The Committee is concerned about the ability of CHSV to adequately serve the populations it is mandated to educate. The Committee has been careful not to make inappropriate comparisons between the cost per pupil for CVHS students and the cost per pupil for other students under the Agency of Education, because of issues with equalized pupil cost. **COMMITTEE RECOMMENDATIONS HERE.**

#### Out-of-state correctional facilities

Vermont does not have facilities sufficient to house its entire inmate population within the State; thus, the State contracts with two out-of-state facilities to accept Vermont inmates: The Lee Adjustment Center in Beattyville, KY, and the Florence Correctional Center in Florence, AZ. The Committee discussed several issues related to the out-of-state facilities, including assaults taking place at these facilities and conditions at these facilities.

**COMMITTEE RECOMMENDATIONS HERE.**

#### Paperwork reduction study

In 2011 Acts and Resolves No 41, Sec. 11, the Legislature declared that the existing burden of administrative paperwork on probation and parole officers was a substantial interference with their ability to supervise offenders in the community. The Legislature directed the Department of Corrections to undertake a review of the administrative burden placed on field officers and aim to reduce paperwork handled by these officers by 50 percent by July 2012.

The Department issued its report to the Committee in September 2012. The report focused on reducing paperwork in several areas, including offender responsibility plan/offender case planning, due process case staffings, sex offender case staffings, designation case staffings, and offender residence approval. The report noted that the age and defects in the Department's IT system were a continuing obstacle to some of the desired changes for streamlining recordkeeping. The paperwork reduction group halted its meetings after issuing the report in 2012.

The Committee encourages the Department to continue to pursue innovative ways to ensure the management of offenders is conducted with as much efficiency as possible. **COMMITTEE RECOMMENDATIONS HERE.**

In sum, the Committee has been very active during the interim on a number of issues and hopes that this dialogue will continue into the legislative session. The Committee recognizes that a number of legislative committees are examining various issues concerning criminal justice, corrections, mental health, and substance abuse, and the Committee recommends that these committees engage in a coordinated analysis and response to addressing the needs of our correctional system.

On Behalf of the Committee

Rep. Alice M. Emmons

Sen. Richard Sears

DRAFT