



State of Vermont
Windham County Sheriff's Office
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PROPOSAL

WINDHAM COUNTY SHERIFF TO CONDUCT A PILOT PROGRAM UTILIZING ELECTRONIC MONITORING FOR PRE-TRIAL DETAINEES AND POST-ADJUDICATION SENTENCING OPTIONS

Overview

To create, manage and conduct a two-year, independently evaluated pilot program to utilize electronic monitoring for pre-trial detainees and post-adjudication sentences. The EM will be part of an integrated community incarceration program.

Proposal

The Windham County Sheriff's Office (WCSO) is proposing to the State of Vermont a pilot program be conducted in Windham County wherein the WCSO develops and maintains a 24 hour, 7 Day a week Electronic Monitoring (EM) program with supervision and immediate response. The program will support of home incarceration, home detention, and curfew as defined by the Bureau of Justice Assistance.

The program would be evaluated by an independent entity to determine if the stated goals have been attained, the cost and savings of the program, identifying what goals or objective were not met and if not, what could be changed to meet the goals and objectives to ensure program success.

Purpose

To determine if electronically monitored home detention can be utilized for pretrial detention and as a post-adjudication option to reduce Department of Corrections costs, reduce corrections bed space demands, maintain or improve public safety, reduce transportation costs, increase detainee access to services, reduce case resolution time and if the program can be replicated statewide.

Background

Sheriff's are elected as provided for in Vermont's Constitution. One of the traditional roles of a sheriff is to provide pre-trial detention and post-adjudication incarceration for offenders that have committed misdemeanors or sentenced to serve less than one year.

Prior to 1969 Vermont Sheriff's operated county based jails. The individual county sheriff was responsible for the traditional jailor role including pre-trial detention. Effective April 1, 1969, the Vermont Department of Corrections became responsible for jail operations through the regional correctional facility system.

In the intervening years, Vermont has seen a 50% increase in general population, a steady increase in criminal activity, increased costs for corrections, decrease in available bed space, and a need to utilize contracted prisons to meet the need of the state. The increased costs, limited bed

space options, and the need to keep communities safe via non-traditional corrections methods prompts the advocating of this proposal.

Electronic Monitoring

Electronic Monitoring has been in use for over 30 years. The first EM program was utilized in Albuquerque New Mexico in 1983. Since that time it has been utilized in some form in more than 20 states. With advancements in technologies and improvements in monitoring program criteria, additional states and communities are using or investigating the use of EM to reduce correctional costs and improve community safety.

Electronic Monitoring typically uses a device which is worn by the detainee or convicted offender. Through various communications formats to include Global Positioning Satellites (GPS) Cell technology and fixed landline phone systems, a detainee or offender's movements are tracked and confirmed real time.

Additional technology is available to allow for monitoring the individual for consumption of alcohol. There are no systems currently available that will provide for the monitoring of illicit drugs. If deemed necessary a drug testing system and protocol will need to be developed in conjunction with the EM program.

Current Capabilities

The Windham County Sheriff's Office currently operates a 24 hour/7 day a week dispatch which is funded by various sources. There is no direct state funding for the WCSO dispatch. The dispatch operation utilizes various technologies. The WCSO utilizes fiber network for internet access and has a cable based internet system for backup capability. The WCSO has emergency generator power which can provide seven days of continuous operation in the event of a grid failure. WCSO has the infrastructure capability to manage and conduct electronic monitoring.

Potential Benefits

Below is a list of potential benefits of a community based EM program.

- a. Improved public safety
- b. Significant cost savings as compared to traditional jail bed space.
- c. Increase number of corrections bed for serious or high risk offenders
- d. Decreased need for out-of-state prison beds
- e. Decreased amount of time needed for case resolution
- f. Improved communications between detainees and defense counsel
- g. Reduction in recidivism
- h. Increase in court efficiency
- i. Decrease in detainee transport costs
- j. Less chance a detainee will lose state or federal benefits prior to trial
- k. Increased access to healthcare, mental health treatment and substance abuse therapy by pre and post trial detainees
- l. Support of rapid intervention programs and the integrated domestic violence docket.
- m. Support of DOC current Probation and Parole EM program
- n. Criminal Justice Equality

Criteria for Eligibility for EM

As the program develops system participants (prosecutors, defense counsel, judges, court personnel and sheriff staff) will determine who will be eligible for EM. Initially WCSO will utilize screening tools developed by programs in other parts of the country for determining acceptability for EM. Potential considerations include:

- a. Type and severity of offense
- b. Prior criminal and motor vehicle history
- c. Court appearance history
- d. Employment Status
- e. Drug and Alcohol abuse
- f. Residence history and current status of available housing
- g. Pending court cases in other jurisdictions
- h. Need for treatment or care (physical, mental, substance abuse)
- i. Mental health history

Dept. of Corrections Support

The WCSO will need support from DOC for the proposed electronic monitoring of detainees and offenders in the community. The support will come in the form of recommended procedures and protocols for home based supervision, information as it relates to community based services available to detainees and convicted offenders, historical data as it relates to individual detainees and offenders, and emergent lodging support for EM detainees.

The WCSO may on occasion need to remove detainees/offenders from the EM program. Removal could be short term, long-term or permanently. Causes of immediate correction facility lodging of individuals remanded to the custody of the WCSO for EM include but not limited to: Violations of conditions of release, program violations, attempts to escape to include removing or tampering with electronic monitoring components, and alleged commission of new criminal offense(s).

Legislative Support (Funding): The WCSO is requesting the Vermont Legislature fund this pilot program for two years. The WCSO is recommending funding in the amount of \$300,000 per year be designated for the program based on initial cost estimates. The funding would be used for a FTE program coordinator, deputies for 24/7 field supervision and response, and EM hardware and supporting monitoring software. The WCSO would be able to monitor and supervise up to 50 individuals per day for a year at that funding level. Assuming the program reached its initial maximum of 50 detainees/offenders per day in the first year, the annual savings for the State of Vermont would be \$991,300.00. Projected savings amount is based on the 2013 DOC report of \$25,826.00 for out-of-state contracted bed. The cost savings would be higher if utilizing in-state facility costs estimates.

The legislature would also have to fund the cost of having an independent organization, such as the Vermont Center for Justice Research, assist in program documentation and analysis of the results.

Program Length: WCSO advocates this pilot program be funded and evaluated for a two-year period. This will provide sufficient time to develop and implement the program. Furthermore it will provide time to gather sufficient data for a determination to be made as to whether or not the program was successful and what, if any, cost saving were realized by the state.