

# State of Vermont

## House of Representatives



Montpelier, Vermont

### Joint House Resolution

J.R.H. 21

Joint resolution relating to a reduction in incarceration rates

Offered by: Representatives Emmons of Springfield and Grad of Moretown

Whereas, it is a core governmental responsibility to enforce its laws equitably, and to protect the citizenry from criminal behavior, and

Whereas, during the approximately past 20 years, the reported national violent crime rate has experienced a nearly 50 percent reduction, and

Whereas, Vermont's violent crime rate is approximately one-third the national average, and during the approximately past 20 years has remained steady, and

Whereas, despite these trends in crime rates, between 1975 and 2009, incarceration in federal and state prisons, on a per capita basis, increased almost fivefold, and

Whereas, the United States currently has the world's highest incarceration rate, with nearly one out of every 108 American adults behind bars, and

Whereas, Vermont's general population grew just over 35 percent over the last 40 years, but its incarcerated population grew by more than 300 percent, and

Whereas, at the end of fiscal year 2015, Vermont's incarcerated population included approximately 365 pretrial detainees and 424 inmates held beyond their minimum release dates, of whom approximately 131 lacked housing options deemed appropriate for supervised release, and

Whereas, Vermont has entered into contracts to house nearly 500 inmates in privately operated out-of-state prisons, and in mid-December 2015, 241 Vermont inmates were housed in a privately operated prison in Michigan, and

Whereas, more than 90 percent of inmates currently in the custody of the Vermont Department of Corrections (the Department) will eventually be released into the community, and

Whereas, correctional-related spending in Vermont has increased dramatically during the past 40 years, rising from approximately \$6.6 million in fiscal year 1975 to approximately \$152 million in fiscal year 2014, an inflation adjusted increase of over 400 percent, and

Whereas, in fiscal year 2014, the average cost to incarcerate an inmate in a Vermont prison was \$59,640.00, and

Whereas, since fiscal year 2010, between 40 and 50 percent of inmates in the custody of the Department have served time beyond their minimum release dates, and

Whereas, opportunities are available for some inmates to work, receive educational and vocational training, and participate in self-help groups, parenting groups, religious activities, and recreational activities, and

Whereas, many inmates, families, and advocacy groups have expressed a desire to increase opportunities for rehabilitative programming during the entirety of inmates' sentences, and

Whereas, community-based drug treatment programs, particularly when coupled with close supervision, can significantly reduce recidivism rates and correctional costs, and

Whereas, restorative justice is effective in holding offenders accountable, and meeting the needs of victims, while leading to a cost-effective reduction in repeat offending, and

Whereas, overall, controlling for other factors, incarceration itself increases the likelihood of criminal activity upon release, and

Whereas, California's Back on Track program costs \$5,000.00 per participant, compared to \$50,000.00 to house a low-level offender in a correctional facility, and program graduates have a 10 percent recidivism rate, compared to 53 percent among other California drug offenders, and

Whereas, Philadelphia's The Choice is Yours program achieved similar cost and recidivism rate reductions for offenders with comparable profiles, and

Whereas, 6,000 Vermont children have lived with the challenge of a parental incarceration, and

Whereas, incarcerating an offender in proximity to his or her family and community can reduce recidivism, and

Whereas, at three well-attended public hearings, conducted during December 2015 in White River Junction, Rutland, and Burlington, speakers, while recognizing the importance of victim and public safety, expressed overwhelming support for reduced reliance on incarceration, and for alternative approaches to the care of offenders, and

Whereas, these alternatives include nonincarcerative treatment options for those suffering from either mental health or addiction problems, or both; shifts of any savings resulting from less incarceration to improved treatment programs; more affordable and stable housing and transportation options; increased educational and vocational opportunities; and stronger community resources to support those released from prison and those convicted of crimes but not sentenced to periods of incarceration, and

Whereas, Vermont is a leader in attempting to reduce incarceration and recidivism, and these efforts include: the 2008 justice reinvestment strategy; adoption of incarceration alternatives such as intermediate sanctions; adoption of restorative justice as a State policy; enactment of 2014 Acts and Resolves No. 195 (An act relating to pretrial services, risk assessments, and criminal justice programs); the related provision of treatment options to individuals with either mental health or substance abuse problems, or both; and the removal of these treatment options from the traditional criminal justice process when appropriate, and

Whereas, Vermont can retain its commitment to an effective criminal justice system that protects the public while, at the same time, reducing its reliance on incarceration, and

Whereas, this commitment will not be realized without the full support and resolve of the General Assembly, State and local leaders, prosecutors, judges, Department personnel, Vermont communities, and Vermonters, and

Whereas, reducing the number of individuals detained before trial; reducing the number of criminal defendants sentenced to prison terms upon conviction and the length of sentences for those to be incarcerated; expanding early release options; modifying the penalties imposed for minor probation, parole, and early release requirement violations; and engaging in programming and practices that reduce recidivism can all result in a decrease in Vermont's incarceration rate, now therefore be it

Resolved by the Senate and House of Representatives:

That the General Assembly expresses its support for a State public policy that through individual and collective actions enhances public safety and Vermonter's confidence in the criminal justice system, while significantly reducing reliance on incarceration as a reaction to violations of the State's criminal laws.