

# **Vermont Department of Corrections**

*SFY 2017 Governor's Budget*

*Mission, Description of Appropriations, Divisions and Programs & Key Budget Issues*

## **Mission Statement:**

In partnership with the community, we support safe communities by providing leadership in crime prevention, repairing the harm done, addressing the needs of crime victims, ensuring accountability for criminal acts, and managing the risk posed by offenders.

The vision statement for the Department states it more broadly: To be valued by the citizens of Vermont as a partner in the prevention, research, control and treatment of criminal behavior.

## **Description of Appropriations, Divisions and Programs:**

### **ADMINISTRATION**

The Department of Corrections has five basic goals: to involve the community; to address the needs of victims; to restore the community; to ensure that offenders are held responsible; and to keep offenders safely in custody.

The administration of the Department consists of the commissioner, deputy commissioner, administrative services director, financial director and the supporting division of finance, as well as a legal division staffed by the attorney general. Information technology support is provided at the agency level overseen by DOC personnel.

### **PAROLE BOARD**

The Parole Board is an autonomous body that is included in the Corrections appropriation for administrative purposes. The board reviews recommendations made by the department to grant or revoke parole status, revoke or release offenders from Supervised Community Service (SCS) status, and also reviews requests for condition modifications, reprimands, and for early termination of parole. The Parole Board reviews all inmates in statutory reviews, and makes site visits to in-state facilities to perform parole hearings as required by law.

### **EDUCATION**

The purpose of the Community High School of Vermont (CHSVT) is to provide an accredited, coordinated and personalized education that assists students in their academic, social, and vocational successes. Through education, students in the custody of the Vermont DOC obtain knowledge and job skills that they can utilize to become contributing members of their communities upon their release. These skills support the reduction of recidivism and add to the economic health of our state.

The Community High School of Vermont awarded 54 High School Diplomas, 461 Industry Approved Trade Certifications, and 15 Workforce Readiness Certifications during Fiscal Year 2015.

## **CORRECTIONAL SERVICES**

In complying with the principle that placement of offenders should be in the least restrictive environment consistent with public safety and offense severity, the Department implements a gradient of restrictions and freedoms. The “legal status” is a frequently used term which relates to this concept. From most restrictive (and most expensive to implement) to least, these legal statuses are:

### **Incarceration:**

**Sentenced:** The sentence is confinement to a correctional facility, under the care and custody of the Commissioner.

**Detained:** A confinement pending court adjudication for a criminal charge or a violation of probation.

**Home Detention:** A program of confinement and supervision that restricts an unsentenced defendant to a pre-approved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections.

**Home Confinement:** A type of Pre-Approved Furlough, that is determined either by the court at sentencing or the Commissioner of Corrections, that restricts the offender to a pre-approved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions.

### **Reentry/Furlough:**

**Conditional Reentry:** At the completion of the minimum term of sentence, the inmate may be released to the community, still under confinement, subject to conditions of furlough.

**Reintegration Furlough Reentry:** Up to 180 days prior to completion of the minimum term of sentence, the eligible inmate may be released to the community, still under confinement, subject to conditions of furlough.

**Treatment Furlough:** At status for an offender who is participating in an approved residential treatment program outside of a correction facility.

**Medical Furlough:** A status for an offender who is diagnosed with a terminal or debilitating condition. The offender may be released to a hospital, hospice, or other licensed inpatient facility, or other housing accommodation deemed suitable by the commissioner.

## **Intermediate Sanctions:**

**Pre-approved Furlough:** The offender is sentenced to a term of confinement, but with prior approval of the Commissioner, is eligible for immediate release on furlough. Furlough status is a community placement, but the revocation is administrative, and the rules for behavior more stringent. Conditions of release typically contain treatment or community work crew. The offender is given a minimum and maximum sentence, and when the offender reaches their minimum sentence they are eligible for parole.

**Supervised Community Sentence:** Based on a law passed in 1990 that provides the legal framework for the intermediate sanctions program. The judge sentences, with prior approval of the Commissioner, to a set of conditions, minimum and maximum time frames and an intermediate sanctions program. The offender is under the supervision of the Department of Corrections. The Parole Board is the appointed authority and violations are resolved through a Parole Hearing. When the offender reaches his minimum sentence the Parole Board may continue on SCS, convert to Parole, or discharge from supervision completely.

**Parole:** The release of an inmate to the community before the end of the inmate's sentence subject to conditions imposed by the Parole Board and subject the supervision and control of the Commissioner of Corrections.

**Probation:** An offender found guilty of a crime upon verdict or plea, is released by the court without confinement, subject to the conditions and supervision by the Commissioner of Corrections. This is a contract between the offender and the court, to abide by conditions in return for the court not imposing a sentence of confinement. Violation of this sanction requires due process, with a court hearing, counsel, and preponderance of evidence. Within the probation sanction is the reparative probation program, which allows citizens on community panels to determine the quality of restitution made to the victim and repair of harm to the community, consistent with 28 VSA Chapter 12.

## **PROGRAMS:**

### **Correctional Facilities:**

**Central Correctional Facilities:** Northern State [Newport], Northwest State [Swanton] and Southern State [Springfield] hold and treat violent and sexual offenders serving long sentences.

**Regional Correctional Facilities:** Northeast Regional [St. Johnsbury] and Marble Valley Regional [Rutland] serve courts and law enforcement agencies by providing detention, classification and short sentence housing.

**Work Camp:** The Caledonia Community Work Camp [St. Johnsbury] and the Windsor Community Work Camp [Windsor] provides restorative opportunities for appropriate offenders working in the community.

**Facilities for Female Offenders:** Chittenden Regional Correctional Facility [South Burlington] provides incarceration for women offenders.

**Program Services:**

Program services combines the research on evidence based programming with correctional best practice to provide a range of programs and services that address crime-related need areas (criminogenic needs) and lower the likelihood of recidivism or further criminal conduct by the offender. Programs primarily address criminal thinking and anti-social personality traits. Programs also address substance abuse, sexual aggression, general violence, domestic violence, cognitive skill deficits, and other relevant areas.

Risk Reduction Programming is offered to those offenders who score in the moderate to high range on general risk assessment tools or violence/sex offense specific risk assessment tools. Risk reduction programming may be offered to those offenders who score in the low range on general risk assessment tools but whose risk of harm scores are moderate or above. There is significant evidence that demonstrates the distinction between low risk and moderate to high risk offenders. With this in mind, the Department uses its resources wisely and efficiently to target those offenders who are most likely to commit another crime.

Offenders are entitled to standards of care such as nutrition, sanitation, recreation, education, religion, safety, medical, dental, and mental health care. More detailed data is presented in the Department's annual report on statistics and outcomes.

**Field Services:**

The Vermont Department of Corrections has 10 field offices across the state, called Probation and Parole (or just "P&P") offices. Through time, they have become more complex than the name suggests. The Field Services Division is responsible for the supervision of approximately 7,500 offenders in the community. There are fourteen different legal statuses. The legal statuses can be grouped as probation, parole, furlough, supervised community sentence, and home detention. Probation and Parole staff supervise individuals placed on probation by the Courts and those awarded parole by the Vermont Parole Board; individuals released from a correctional facility on furlough and supervised community sentence; individuals sentenced to a specified number of days on a work crew; and, individuals awaiting adjudication who are supervised in the community on home detention.

It is the responsibility of the Field Services Division to provide the most effective community supervision of offenders based on best practices research and available resources. Supervision intensity and duration is based on the offender's risk to re-offend, the severity of the offense, and the offender's legal status. The foundations of effective supervision are quality risk assessments and the application of appropriate supervision services.

P&P staff operates with a dual mission; public safety and offender rehabilitation that is carried out through the supervision of offenders. Supervision combines the use of risk

control and risk reduction strategies that are vital in order to have positive outcomes for offenders under community supervision.

*Risk control* strategies are directed at deterring future non-compliance by holding offenders accountable through reprimands, warnings, loss of privileges, and, when appropriate, the imposition of more intrusive/restrictive requirements and sanctions, that could include incarceration.

*Risk reduction* strategies are directed at promoting future compliance by assisting the offender through information, education/training, counseling, and/or treatment to bring about positive changes in the circumstances that led to their criminal behavior.

The implementation of purposeful interventions and activities is what distinguishes supervision from mere monitoring and reporting of offender activities. Research has demonstrated that, to reduce offender recidivism and obtain positive results from community supervision, combining risk control and risk reduction strategies is far more effective than selecting one strategy over the other.

Throughout everything that it does, the Field Services Division balances a variety of competing interests. In a P&P office, public safety is always a priority, as is offender growth, positive change, and acceptance of personal responsibility. We accomplish this by using the least restrictive supervision practices, consistent with community, victim, and offender safety.

There are currently a total of 20 Community Justice partnerships that operate 82 reparative boards in 32 host communities across the State. In the last year, over 650 citizen volunteers participated in restorative accountability processes for 391 offenders under DOC supervision and for another 1,800+ individuals who were diverted from prosecution to these local Community Justice Centers/Programs.

In FY15, there were 41 transitional housing programs across the state, with a total of 298 beds. There are also 6 programs that employ Housing Specialists to aid offenders in securing independent housing, and assisting them in retaining that housing for up to a year. In FY15, a total of 569 offenders were housed in transitional housing for over 78,342 bed nights (saving costly prison bed space).

## **CORRECTION FACILITIES - RECREATION**

The recreation program provides inmates with leisure activities that are meant to promote and create a better environment as well as help to prevent idle time. Some examples of the items provided through the recreation programs include gym and cardiovascular equipment, televisions, living unit furniture, incentives, and prizes for various tournaments. This also includes a variety of programs that are important to the inmates. The recreation program is funded by the receipts from inmate commissary purchases and the inmate telephone system. The recreation fund is managed by both the Department of Corrections and inmate committees for inmate recreational opportunities. In addition,

several of the inmate boards have decided to make substantive donations to victims' activities. The Recreation fund is also used to pay for inmate postage.

### **CORRECTIONAL SERVICES-OUT OF STATE BEDS**

Due to the current size of the sentenced and detainee populations in Vermont, additional space to house inmates is provided by correctional facilities outside the state. The Out of State population (at this time, 241+/- inmates) is currently managed by the Out of State Unit. This office coordinates the classification, casework, and movement of appropriate offenders between Vermont DOC facilities and the out of state facility located currently in Michigan.

### **VERMONT OFFENDER WORK PROGRAMS (VOWP)**

Vermont Offender Work Programs provides industrial and vocational training programs as well as work opportunities. The Vermont Correctional Industry (VCI) shops include a print shop, a furniture manufacture and assembly shop, a license plate and sheet metal working shop, and smaller correctional industries. The program also works with the CRCF (work camp component), Caledonia and Windsor Community Work Camps, providing many surrounding communities with work service crews that perform a wide variety of reparative services.

The majority of Vermont DOC Probation and Parole Offices that provide work crews composed of offenders supervised in the community. These crews provide work service to communities across Vermont. Among many other projects, correctional community work service crews maintain all fishing access areas managed by the Department of Fish and Wildlife, while also providing support to the Vermont State Parks and several forest projects. Crews work for nearly every town in Vermont, and many of the non-profit agencies ranging from food shelves to public libraries.

## **Key Budget Issues:**

### **Corrections – Administration:**

The Administration of the Department of Corrections continues to face fiscal, programmatic and infrastructure challenges. Despite these challenges, the Department has used the opportunity to continue to meet its mission, while presenting a level-funded budget..

### **Corrections – Education:**

Through education, students in the custody of the Department of Corrections obtain knowledge and job skills that they can utilize to become contributing members of their communities upon their release. These skills support the reduction of recidivism and add to the economic health of our state upon release. As educational and training needs for offenders continue to change, the CHSVT has transitioned. These shifts in business create challenges for the high school, but also opportunities. As such, CHSVT has begun to explore partnerships with voc-tech centers in an effort to better address the needs of their students.

Included in the Governor's Recommended Budget is the reduction of all community field sites. This reduction will result in the elimination of positions. As the student population has been declining over the past several years, the field sites have seen a smaller number of students. In addition, these community field sites offer services that are redundant to other services offered in the community.

### **Corrections – Correctional Services:**

The Department of Corrections continues to review current roles and operations to maximize their potential. Included in this request are the normal increases related to regular inflationary items which impact facility operations (food and utilities), normal internal service fund and employee fringe benefit adjustments. The department continues to face staffing challenges. Overtime requirements (particularly to provide transports and supervise emergency medical trips) have put considerable pressure on the correctional facilities and have created issues with staff retention. For this reason, the department has proposed a position pilot program, with the intent of replacing overtime usage with additional classified correctional officers. The department lost several positions with the retirement incentive, and the key components of those positions were transferred to other staff. The continuation of a level-funded budget has created a need to propose reductions, which can have a significant impact on operations.

The United States Marshalls Service has increased the utilization of beds within Vermont correctional facilities. While this has some impact on increasing the number of out-of-state beds, there is also an additional source of revenue to the State. Many of the USMS inmates are Vermonters awaiting adjudication in Federal Court, as opposed to State courts.

### **Corrections – Recreation Fund:**

This fund/program continues to benefit from a renegotiated commission structure related to commissary items. To ensure that the inmate recreation fund can continue to be self supportive, internal allocations are limited to annual fund receipts. The FCC has revised rules regarding receipts from inmate phone calls which potentially could impact nearly half of the annual receipts to this fund.

### **Corrections – Out-of-State Beds:**

Presently there are +/-241 male inmates incarcerated outside of Vermont in a private correctional facility. This is a decrease from a high of 589 inmates in Fiscal Year 2012. This decrease is the result of the implementation of additional transitional housing, working closely with our partners, with the judiciary community, and the hard work of our staff. The percentage of inmates who have served past their sentence minimum with no housing has also decreased significantly through the efforts of DOC staff. Currently Vermont houses male inmates in Michigan. While out-of-state providers are significantly less costly than Vermont DOC prisons, these funds flow out of the state with no positive impact on the local economy.

The in-state population has been declining over the past two years, allowing the Department to significantly reduce the number of offenders housed out of state.

### **VOWP:**

The VOWP is a self-funded operation, providing offender work and vocational training. All three divisions of VOWP (Correctional Industries, Community Restitution Service Units and Work Camps) expect stable revenues in the coming year and the Department has worked to minimize unnecessary expenses to continue increasing the solvency of the VOWP fund.

### ***VOWP Service Impacts:***

In addition to the programmatic value of preparing offenders for the work force, the VOWP adds value in several other ways. The majority of this money is spent in Vermont. All raw materials are purchased in the private sector, as are many services. Wages to offenders and VOWP staff are also spent mostly in the Vermont economy. Essentially, nearly all VOWP revenues represent an equal amount of money put into the local economy in the form of operating expenses.