

Witness background

- Resident of Windsor County since 1994, and a Vermont resident for more than 25 years.
- I educate inmates as a Correctional Instructor for the Community High School of Vermont at the Southern State Correctional Facility (or "SSCF").
- Before becoming a teacher, I spent 16 years practicing law in the Vermont and New Hampshire prosecuting or defending criminal cases in state courts in the Upper Valley, from White River Junction and North Haverhill, to Brattleboro and Keene. Held posts of Deputy State's Attorney for Windsor County; Assistant County Attorney & Regional Prosecutor in New Hampshire. Represented indigent clients as Windham County Public Defender. I know crime and punishment in the Twin States.

Why I am here to testify

The main reason why the Community High School of Vermont (CHSVT) should not have its budget cut for FY 2015-2016: CHSVT is an under-utilized resource that is crucial to the effort to reduce recidivism in the Green Mountain State.

Data from one correctional facility

A Presidents' Day review of the "Department of Corrections Alphabetic Headcount Report for Southern State CF" database on February 16, 2015, showed 347 inmates who were incarcerated at SSCF. A narrower search revealed that only 23 of those 347 inmates had yet to reach their twenty-third birthday. Consistent with the so-called "U-23 law" (28 V.S.A §120(h)), only those 23 inmates would be required to attend and participate in the educational programs offered by CHSVT at the Springfield jail.

A closer review of the records demonstrated, however, that of the remaining 324 inmates who were too old to be subject to the U-23 law, I located at least 112 inmates who had not completed their secondary education and earned a high school diploma. There were an additional 27 offenders for whom I located no educational information. 112 out of 334 = one-third of the entire population at SSCF, all OVER 23 years-old, each of whom had an educational need: a need that Community High School of Vermont is designed to address and meet. 112 offenders with an educational need, who would get no education under the governor's FY 2015-2016 budget proposal.

This week, among other things, I worked closely on Math and Writing with a 50+ year-old, a 38 year-old, a 40 year-old, a 37 year-old and a 31 year-old. None of these guys are high school graduates. They weren't the only students I worked with, but they were the most ardent and most interested in bettering themselves by obtaining a H.S. diploma. They were the ones who wanted to spend more time than their classes required trying to sharpen their skills.

The student who tested at a 5th grade reading level or the guy who has no high school records, since he did not continue school past 4th grade, neither one will be getting a diploma this year. Does that mean that the work each one is doing this year, the work that we do together every Math class or every Writing class to get them closer to the day they can graduate does not matter. For me, the Commissioner's budget proposal says that those older students of mine do not matter. They matter to me. And they should matter very much to the Commissioner, and to us all as Vermonters and Vermont taxpayers.

Policies & Procedures, & the Laws Relating to Corrections Education What matters to the commissioner?

According to *Department of Correction Philosophy and Goals Section 4.2.1* – "The [Department of Corrections or "DOC"] has a dual statutory mission – to protect the public from offenders who present risk to safety and property, and to provide those offenders with opportunities for change." Next, *Section 4.2.2* reads: "[DOC] believes that the two elements of the mission are clearly related: that the long term safety of the public is best protects the rehabilitation of offenders...." (sic). As an English teacher, I suspect that portion of the policy is meant to read "the long term safety of the public is best **protected by** the rehabilitation of offenders." It is worth adding, *Section 4.2.8* reads: We also believe that the primary task of the Department is the preparation for and eventual reintegration of the offender with the community.

Policy 389 Educations and Corrections, Section 4.1 notes: "The [DOC] adheres to the fundamental belief that education can increase the capability of people to grow and develop by providing them with the knowledge and skills necessary to be responsible and productive members of society. There are inmates in Vermont's correctional facilities who are entitled, under law, to elementary and secondary education. Therefore, it is the responsibility of the Department of Corrections to establish an education capacity which attains and maintains an enrollment that supports a Corrections School."

Under the *Policy 371.05 Offender Case Planning*, DOC policy is to "effectively engage offenders in the case planning process" For an incarcerated offender, both a probation officer (field office) and a facility caseworker "share responsibility for ensuring that an offender's case plan is complete...and adequately identifies areas of need." A template for an Offender Case Plan that is an attachment to Policy 371.05 makes reference to education and employment – the two areas that CHSVT programs target directly - in three distinct locations: in a section on "Risk/Need Percents," in another section entitled "Risks needing responses" and in a section that notes: "Below are your risk and need areas as defined by the LSI-R. You and your PO will work together to devise a plan to address these areas." In its own case planning tool and risk assessment measurements, DOC recognizes how offenders must address educational and/or employment needs in order to succeed with rehabilitation and successful return to the community.

However, there seems to be a disconnect between these policies and what I and my colleagues in the Southern State Correctional Facility see each day (and what I have observed for the two-and-a-half years I have worked at SSCF). Almost exclusively, offenders referred to education are those who must attend, as required by 28 V.S.A. §120(h). The emphasis, as far as I have been able to determine, begins and ends with students obligated by law to attend. Rarely do SSCF caseworkers refer older students to

CHSVT. For some reason, very little is done to prompt the over-23s to address their educational or employment area(s) of need.

Where are the 112 older offenders who have an educational need? Why haven't those offenders been directed to CHSVT to learn about classes and career workshops, First Aid and CPR, or the Nurturing Fathers Program? I don't claim to know, but I suspect it is because from the top down (commissioner on down to caseworker and correctional officer), the department appears to have lost sight of its dual mission, its policy to protect the long term safety of the public by rehabilitating offenders. Officers justifiably focus on insuring that incarcerated offenders are safe from harm and do no harm, to themselves, to each other, or to facility staff. They may lose sight of the fact that the work we do in education is a significant part of making communities safer, since we present offenders with meaningful opportunities for change – a chance to better their prospects in the community with more education and/or more employment skills.

Corrections Education Reduces Recidivism

What matters to us all?

As recently as January 27, 2015, the Director of the Federal Bureau of Prisons, Charles E. Samuels, Jr., outlined for attendees at the Charles Colson Task Force on Federal Corrections evaluations by the Washington State Institute for Public Policy on the costs and benefits of a variety of correctional skills-building programs. These programs are just the sort of offerings that CHSVT provides, from ServSafe to welding, and Mathematics to Literacy. The evaluations examined program costs; the benefit of reducing recidivism by lowering costs for arrest, conviction, incarceration, and supervision; and the benefit by avoiding crime victimization. The benefit is the dollar value of total estimated criminal justice system and victim costs avoided by reducing recidivism, and the cost is the funding required to operate the correctional program. The evaluations found that the benefit-to-cost ratio of *residential substance use disorder*

treatment is as much as \$3.38 for each dollar invested in the program; for *adult basic education*, the benefit is as much as \$19.00; for *correctional industries*, the benefit is as much as \$4.97; and for *vocational training*, the benefit is as much as \$13.01. This body of research clearly indicates these inmate programs result in significant cost savings through reduced recidivism, and their expansion is important to public safety. The last three – adult basic education, correctional industries, and vocational training – describe in a nutshell what CHSVT provides to its students every day.

According to a 2013 study by the Rand Corporation, there is a clear correlation between corrections education and a 43% reduction in recidivism. The study also found that for every \$1 spent on corrections education, \$4.00 - \$5.00 are saved in incarceration costs during the first three years post-release. Allowing CHSVT to continue to do the work we do, at the campuses where we operate, is simply good, practical policy that saves Vermont's taxpayers money and helps to cut down on the costs associated with crime. No other DOC program impacts our quality of life, and the quality of our communities more than the work CHSVT educators do with offenders every school day, year round.

Conclusion

To take the budgetary cleaver to CHSVT - the DOC program that provides the greatest reduction in recidivism - to borrow liberally from, and to clumsily paraphrase Ben Franklin, trades "a little temporary [security] at the loss of a [greater] liberty." The Commissioner, constrained by the ever-rising cost of jailing an aging population and the return of Vermont offenders from far-off facilities, seems willing to eliminate a valuable, research-based program that strengthens our state over the long haul.