

Written Testimony for the Thursday, September 20, 2018 meeting of the Joint Legislative Justice Oversight Committee:

After 5 years, 2 legislative reports, 4 bills and 14 drafts of the bill that passed, hours of testimony, multiple votes by legislative committees and bodies, and a governor's signature, Act 176 became the law of the land. But our communities will not fully enjoy the benefits of our efforts unless the Vermont Department of Corrections promptly, fully and consistently implements the law. The Vermont legislature and Governor Phil Scott got this right when S.166 was passed and signed into law as Act 176, and the Vermont Department of Corrections should fully comply with both the letter and spirit of the law. That is not happening yet.

I spoke to one man today, from Chittenden County, who is currently several months past his minimum. He has completed his programming and has been accepted at the Phoenix House RISE program in Burlington. He is likely to be released on short notice when a bed becomes available. He has been struggling with addiction for more than 20 years. He reports two drug tests that were positive for heroin and one for non-prescribed buprenorphine during his current period of incarceration. He has been requesting treatment since July and has been found appropriate for MAT, but has been denied treatment because he does not have an exact, confirmed release date. He is being punished for use of illicit substances even while he is being denied access to treatment for his opioid use disorder.

He is asking for access to MAT "as soon as possible" as required by state law, but he is not getting it.

Also today, I spoke to a Rutland man who told me about how he "cried for

45 minutes" on the telephone with his mother today because he felt so discouraged. He said he is using non-prescribed opioids daily. He said he is a non-violent, non-listed "offender" in his thirties who has been in and out of jail since he was 17 for addiction-related crimes and furlough violations. He has a little girl. He was most-recently incarcerated for a furlough violation two weeks before his appointment to begin treatment for opioid use disorder at the Rutland hub. He has had several positive drug tests while incarcerated, and says he openly stated on his medical request for treatment that he is using non-prescribed opioids daily.

While the punishment for the positive drug tests was prompt, the treatment he has been begging for and entitled to under state law has still not been forthcoming.

Both of these men are willing to testify before this Committee, and I encourage this Committee to hear their testimony directly via telephone.

I will provide their names upon request.

Failure to fully implement Act 176 is causing grave harm on a daily basis.

The failure to provide timely access to drug treatment perpetuates the illicit market for drugs in prisons and puts vulnerable staff and incarcerated people at risk. Incarcerated people report that lack of access to MAT is causing them to experience threats of violence, violence, and sexual exploitation. State employees can not safely perform their difficult jobs when they are subjected to the violence and corruption of an illicit drug market every day, and are forced to witness the traumatization of hundreds of desperate people who are addicted and denied treatment.

Why are incarcerated people vulnerable to seeking access to buprenorphine through illicit channels? Why are corrections staff vulnerable to supplying buprenorphine whether motivated by greed or empathy for the suffering of others? Because the Vermont Department of Corrections has left them vulnerable by failing to fully implement Act 176.

I thank the Committee for their ongoing efforts to ensure that incarcerated Vermonters have access to the treatment they need to stay safe and succeed while they are incarcerated and after they are released.

Tom Dalton, Executive Director

Vermonters for Criminal Justice Reform