

**AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

**REPORT TO THE LEGISLATURE
OF THE STATE OF VERMONT**

Act 43 Sec. 4. COMMUNITY HOUSING PLAN

October 2015

Submitted to:

Joint Legislative Committee on Justice Oversight

ACT 43 Section 4: Report Summary

- The Department of Corrections has multiple efforts underway to address the concerns of offenders held past their minimum sentence for lack of housing.
- A majority of the offenders held past their minimum are violent offenders who are at a moderate to very high risk to recidivate.
- Appropriate housing placement is a critical link in an offenders success upon reentry
- The Department of Corrections current policies promote release upon reaching a minimum sentence
- Criminal justice involved individuals face the same barriers (employment, child care, poverty) as many other Vermonters with the addition of a criminal history.
- Vermont has a housing shortage making affordable housing a major barrier for reentering individuals.
- Many of those held for lack of housing have been previously released and returned for violating conditions, new crimes, or loss of housing.

Introduction

The following information is provided to the Joint Legislative Corrections Oversight committee. Act 43 instructs the Commissioner of Corrections as follows: *On or before October 15, 2015, the Department of Corrections shall report to the Joint Legislative Corrections Oversight Committee regarding a plan for reducing the growing number of nonviolent offenders being held past their minimum sentence because of the lack of community housing and regarding its proposal for rulemaking. The report shall include data for offenders who are held past their minimum sentence for lack of housing, the offenders' risk levels, and whether they were released and reincarcerated due to violating conditions.*

I. Target Population

In an average year, there are approximately 1,500 offenders released to the community on a furlough status. Most are returned to the community to independent living situations or find housing in community based transitional housing programs. Over the course of a year, there are approximately 991 people designated as B1 – Lack of Housing.

In order to provide the information required for this report, the Department used two methods to analyze the population of offenders being held past their minimum sentence date because of lack of housing. The first method is a point in time analysis of the group on August 4th 2015. This method allowed us to look at a subsection of the population and review past violations and convictions. The second method was a collection of data over several months that allowed us to determine flow and movement.

The Department reviewed the list of offenders in the target population on August 4, 2015. At that time, there were 224 offenders (18 Females/206 Males) identified as lacking housing. Of those 224 offenders, 81 (36%) were convicted of non-violent offenses and 143 (64%) were convicted of violent offenses.

Of the 224 offenders, 179 (79%) have already been released and returned due to violating behavior, of which 118 (66%) were for new criminal charges. Below is a breakdown of these returns based on violent and non-violent behaviors.

	Violent	Non-Violent	Total
New Charges	72	46	118
Return on Violations	105	74	179

II. Risk Levels

Offender risk to recidivate is determined by using either the Level of Service Inventory- Revised (LSI-R) or the Ohio Risk Assessment System (ORAS). Both are validated assessments for risk of general recidivism, and are very common throughout the country. This analysis does not include information based on specialized risk assessments for Sex Offender or Domestic Violence risk.

The data below shows breakdown of the population by risk as calculated by the LSI-R. Based on the research from Multi-Health Systems (the creator of the LSI- R), offenders assessed at Very High/High risk have a 76% approximate chance of recidivism; High Moderates have 57.3% chance; Moderates have 48.1% chance; Low Moderate a 31.1% chance; and, Low a 11.7% chance. As the table below shows, 176 (78%) percent of the target population score between Moderate and Very High indicating that this group will a 48.1% - 76% chance of recidivism.

	Violent	Non-Violent	Total
Very High	2	2	4
High	12	14	26
High Moderate	29	11	40
Moderate	66	40	106
Low Moderate	20	7	27
Low	14	7	21
	143	81	224

In addition to the one day snap shot of this population, we also tracked the population over a three month period. A baseline was established in July of 2015 totaling 212 inmates. As of September 17, 2015, the number has slightly decreased to 202, or approximately five percent. The average monthly population during this period, for all legal statuses and to include inmates housed out-of-state, was 1,892. Therefore, and as of September 17, 2015 the percent of inmates held past their minimum due solely to a lack of housing represents approximately 11 percent of the total population.

The majority of inmates held were male (90 percent). Of the total population, the majority was convicted of a listed offense (67 percent) and had one or more violent felonies on their record (61 percent). In addition, and of significance, the majority (80 percent) scored moderate or higher in terms of risk and needs. These factors coupled with the unique character and needs of each individual present a challenge for the department in terms of placement and retention of this population within the community.

The chart below is the crime type crossed referenced by their risk score as of September 17th 2015.

By Crime & Risk (To Date)	Crime Type		Risk Score													
			Low		Low- Mod		Mod		High-Mod		High		Very High		None	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Sex Offender	65	34%	10	15%	9	14%	24	37%	17	26%	4	6%	1	2%		0%
DV Offender	42	22%		0%	8	19%	20	48%	7	17%	5	12%	1	2%	1	2%
Other Viol. Offender	40	21%	2	5%	3	8%	23	58%	8	20%	4	10%		0%		0%
Other Non- Viol. Offender	55	28%	2	4%	5	9%	32	58%	8	15%	8	15%		0%		0%

During this timeframe the department released 117 offenders from the target population, of the total released offenders, 54 (46%) were convicted of non-violent offenses, 6 (5%) were sex offenders, 34 (29%) were domestic violent offenders, and 23 (20%) were convicted of other violent offenses. Of the 117 offenders that were released during this timeframe, 27 (23%) have since been returned to the facility for violating behavior. The below chart represents the final count of the target population reviewed over the 3-month period. On September 17, 2015, there were 12 (6%) offenders pending release into the community. Another 12 (6%) are no longer eligible for release subject to review. For these offenders circumstances have changed while incarcerated and are no longer held for lacking housing. 177 (88%) offenders on this date are still held waiting for a release plan and residence to be developed.

End Count		July 2015 Baseline	August 20,2015	September 17,2015
Released	#		68	117
	%			
Pending Release	#		10	12
	%		5%	6%
No longer eligible for release	#		5	12
	%		3%	6%
Remains incarcerated due to a lack of housing	#		175	177
	%		91%	88%
Unknown	#		3	1
	%		2%	0%

III. Legislative History

Act 157 from the 2010 legislative session (S.292) enacted 808(f) reads: *While appropriate community housing is an important consideration in release of inmates, the department of corrections shall not use lack of housing as the sole factor in denying furlough to inmates who have served at least their minimum sentence for a nonviolent misdemeanor or nonviolent felony provided that public safety and the best interests of the inmate will be served by reentering the community on furlough.*

This statute requires that, as long as public safety is protected and it is in the best interest of the inmate, the DOC release non-violent inmates who have served their minimum sentence and who remain incarcerated solely due to a lack of housing. This requires a decision making process through which the DOC will make a determination regarding releasing an inmate. Part of the decision making process takes into account the offenders risk and previous offender supervision history.

If the decision is to release an offender, and the DOC does not take into account the offender's residence while on furlough, this can result in releasing someone homeless. Depending on the circumstances, the offender may be required to report to the office on a daily for supervision purposes. For staff safety reasons, Department staff will not check on the offender at their place of residence. If the decision is not to release an offender, they have the ability challenge that decision in court. There have been numerous court hearings based on the 808(f) statute and the DOC has prevailed every time.

In addition to the above statute change, Act 157 of 2010 instructed the DOC that:

“During the first three months of the fiscal year, pursuant to 28 V.S.A. § 808 including subsection 808(h), the department of corrections shall release to furlough inmates who on July 1, 2010, are incarcerated for nonviolent misdemeanors and nonviolent felonies, except those who are serving a sentence pursuant to 23 V.S.A. § 1210(d), who have served at least their minimum sentence and who: (1) have not been released because of lack of housing; and (2) have completed or are not required to complete a program designed to ensure successful reintegration into the community.”

In July of 2010, the Department completed its requirement mandated by Act 157 of 2010.

The Department conducted reviews of all nonviolent offenders who are in jail for a lack of housing. On July 1, 2010, 74 incarcerated individuals were identified as eligible for release

under this Act. Fifty of these offenders were released between July 1, 2010 and October 1, 2010. Forty-two of the 50 were released on conditional re-entry, two were paroled, two maxed out to probation and four were released upon maxing out their entire sentence. An additional 22 of the 74 identified offenders were released at a later date (12 of them before January 1, 2011). Of the offenders the DOC did not release, it was determined that they would pose a risk to the public or themselves without approved housing. This was primarily decided by their being found to be at a high risk to re-offend based on risk assessments and past non-compliance with previous attempts at community supervision.

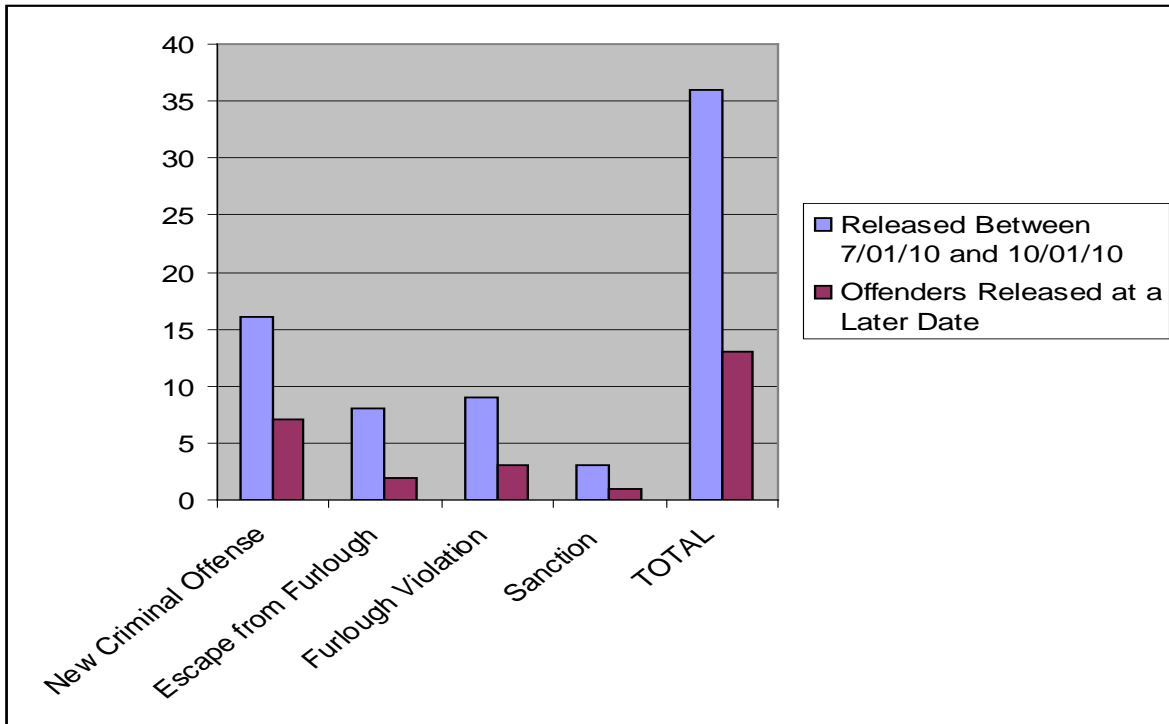
In 2013, the DOC assessed the outcomes of ACT 157 of 2010 for the group indicated above. The group of inmates that were released under Act 157 of 2010 was less successful than those that were not released. Thirty-six of the 50 (72%) offenders released between July 1, 2010 and October 1, 2010 were re-incarcerated. The length of time these offenders spent in the community before returning to jail ranged from eight days to 18 months. Twenty-four of them were returned to jail a second time after being re-released. Below is a breakdown of the reasons these offenders were re-incarcerated:

- Sixteen were charged with a new criminal offense;
- Eight were returned to jail after being charged with escape from furlough;
- Nine were re-incarcerated on furlough violations; and
- Three were given brief sanctions for violating their furlough conditions.

Thirteen of the 22 (59%) offenders released at later date have also been re-incarcerated. The length of time these offenders spent in the community before returning to jail ranged from one day to 17 months. Twelve of them were returned to jail a second time after being re-released. Below is a breakdown of the reasons these offenders were returned to incarceration:

- Seven were charged with a new criminal offense;
- Two were returned to jail after being charged with escape from furlough;
- Three were re-incarcerated on furlough violations; and
- One was given a brief sanction for violating furlough conditions.

Number of Released Offenders Returned to Incarceration



IV. Department Plans Related to Reentry

The Department currently has several policies, programs, and activities that are in place that have a positive impact on the target population reentering the community. The Department has been very proactive at working on reentry and transitioning offender from the facilities to the community. Our policies are progressive in focusing on reentry; we have secured a grant from the U.S. Department of Justice to help address the challenges and barriers faced by the target population. We have added resources and personnel to better improve the outcomes for this population. The following are descriptions of our current processes that impact on the target population.

A. Guiding Policies on Reentry

The DOC has many policies that influence inmate releases into the community.

#371.14 *Furlough Residence Approval*, effective September 30, 2013, indicates what qualifies as an approved residence for an offender on furlough. It addresses staff and community safety while allowing an offender the opportunity to succeed in the community. Having appropriate

housing is crucial for an offender's success in the community. Department staff uses the following criteria when considering the approval of an offender's proposed residence:

- Household members agree to allow DOC staff access to the residence and grounds for the purpose of supervision;
- The residence allows for safe access for DOC staff;
- The proposed residence has the approval of the landlord and/or housing authority (if applicable) for the offender to reside there;
- The proposed residence has no weapons;
- The offender's placement in the residence does not pose a foreseeable risk of harm to children living at, in close proximity to, or regularly visiting the residence, to their domestic partner, or other household members;
- The offender's placement in the residence does not pose a foreseeable risk of harm to the community, the victim, or affected persons;
- The offender's placement in the residence does not violate a sex offender or domestic violence special condition of furlough;
- The offender's residence will not be approved if DOC is aware of a violation of any local or town ordinances;
- DOC staff will, at a minimum, contact the adult household members including the domestic partner. These household members must indicate their acknowledgement of the offense(s) for which the offender has been convicted, as well as provide referral and contact information to the appropriate resource for the purpose of safety planning, such as a victims service specialist; and
- If alcohol was a factor in the commission of the crime, there is a documented history of alcohol abuse, or alcohol becomes an issue during field supervision, then alcohol will not be permitted in the residence.

In addition, field staff will explore any actions that can be taken to mitigate any identified concerns. If mitigation strategies are identified, field staff has the responsibility to work with any other occupants of the home to carry out those actions. If the district manager/designee concurs with the mitigation strategies, the residence may be approved.

#340.01 *Supervision Transfer – Field*, effective July 1, 2015, is a new directive that sets out the process for transferring offenders from one field site to another. Historically the Department had prioritized offender reintegration back into the communities from which they came, but many of our offenders do not have available resources or family ties in the community in which they were convicted. Some have burned their bridges in that community and others were out of state

offenders at the time of sentencing. Additionally, some communities lack the housing and resources necessary to assist in reentry. This directive allows for an offender who has developed an adequate release plan in another district to transfer supervision to that district, thus being released into the community.

#503.01 *Transitional Housing*, effective January 1, 2015, sets forth the policy for offenders' access to transitional housing. Transitional housing supports the offenders in a successful transition from incarceration to the community, while maintaining public safety. The DOC recognizes that many offenders may not have suitable housing in the community and will benefit from safe, stable, and structured transitional housing. The DOC has spent a lot of energy and resources in developing community partnerships in order to help successfully transition offenders back to the community.

#371.02 *Facility Case Management*, effective June 1, 2012, this directive dictates the case management process for inmates from entry to release. With this directive the DOC placed more focus on, and expanded the actions for staff in, the reentry process. The reentry process begins one year prior to release. Below are the timeframes and steps for offender reentry:

- **One year till projected release date** - casework staff, along with the inmate, review and discuss release planning and residence options, obstacles, and barriers that the inmate faces around transition, community supports, programming, and other related or important case planning needs;
- **One-hundred eighty days till projected release date** - casework staff meet the inmate to review the inmate's case and Section 2 *Transition and Re-entry Plan* of the offender's case plan. The purpose of this meeting is to prepare for release and to bring the probation officer and the inmate together. There will be discussion and case planning around residence, obstacles and barriers to release, community supports, programming progress, community resources available to the inmate, field case planning, and field expectations. The case co-managers will also screen the residence for appropriateness (e.g., Section 8/subsidized housing, exclusionary zones, victim proximity, sex offender compliance, etc.);
- **Ninety days till projected release date** - the probation officer does a residence check review and if applicable, notify the occupants of the proposed residence of acceptability. If the residence is denied, staff discuss other residence options with the inmate;
- **Thirty days till projected release date** - the caseworker, probation officer, and the inmate review the inmate's case and preparation for release, review Section 2 *Transition and Re-entry Plan* and update it if needed, and discuss Section 3 *Field Expectations and Supervision Case Plan*. This meeting will be focused on field expectations, employment, transportation, and community referrals.

#371.05 *Offender Case Planning (OCP)*, effective June 1, 2012, outlines the DOC case planning process. The case plan covers the entire time from entry into the facility, through reentry/transition, and in the community. Section 2 of this directive focuses on transition and re-entry planning for inmates. The purpose of this section is to prepare the inmate for release and focuses on identifying acceptable housing and obstacles and barriers to release.

B. Statewide Recidivism Reduction (SRR) Grant

The Department of Corrections was awarded a three-year, \$3 million dollar grant from the U.S. Department of Justice to reduce recidivism. These funds will be used to create a system wide-approach to reentry that is unified and collaborative. The target population for this grant is moderate to high risk offenders on furlough. Data shows this population recidivates at a higher rate than the rest of the population under supervision. Through an extensive planning process, a Task Force identified eight strategies to address over the three-year period that will contribute to an overall reduction in the statewide recidivism rate. One of those strategies specifically addresses the transition period between incarceration and community supervision.

The Task Force highly prioritized the need for a case management system focused on sharing data, increased understanding of common goals, and greater collaboration. During the planning phase, the barrier of data sharing throughout the reentry process was noted as a deterrent to a collaborative case planning approach. Departments within state government and community providers did not have the information they needed to work together on successful reentry plans. The implementation plan calls for the project to start in the South-Eastern region of Vermont. The Project will serve as a learning laboratory for statewide implementation of strategies around improved case management. A workgroup team will identify common interests and clients, review the data needs for each stakeholder, remove confidentiality and other barriers needed for collaborative cases planning, develop MOU's, and design the overall procedure for a system of case management. The system will be tested within the region, modified as needed, and scaled up for statewide implementation.

C. Reentry Coordinators

Over the past year, the department assigned four reentry coordinators the task of assisting with reentry planning. Each coordinator is assigned to a region of the state and work with staff from the DOC, other Departments of government, and community providers to facilitate the transition from incarceration to the community. The responsibilities of reentry coordinators responsibilities include:

- Assisting with quality assurance around the reentry process including directive compliance, completion of case plans and the reentry checklist;

- Collaborating with and assisting the co-case managers (including transition PO's) in identifying and finding solutions to barriers to entry;
- Identifying, managing, and coordinating services within transition units, and assisting in the identification of appropriate inmates for participation in transition units/services;
- Establishing and maintaining links to community service providers to assist Correctional Service Specialists in their case planning efforts;
- Assisting in monitoring the utilization of transitional housing and developing a list of offenders incarcerated past their minimum dates for list probation and parole district managers to consider for various alternative housing options.
- Reviewing all cases within six months prior to release, and in the case of offenders who are identified as serious functioning impaired (SFI) or sex offenders, conducting another review one year from release. Reentry coordinators maintain and update monthly a list of inmates who are held for lack of housing, or are identified as SFI individuals, or max out cases; and
- Attending SFI reentry meetings, central case staffings, furlough violations case staffings, local interagency team (LIT) meetings, local reentry meetings, local risk reduction program (RRP) meetings monthly and transitional housing quarterly meetings.

D. Transition Correction Services Specialist (CSS)

Certain probation and parole districts have implemented transition CSS's in Burlington, Brattleboro, Springfield, and St. Johnsbury. These offices had resources which allowed the adoption of a transitional CSS while being able to remain in compliance with the caseload capacity statute. This initiative started as a pilot project with the Burlington Probation and Parole office and Northern State Correctional Facility. The theory behind the project was to have a dedicated CSS work on only reentry cases with the facility. Normally a CSS manages both a case load of offenders in the community to case co-manage a group of offenders in the facility. Transition CSS's only have a caseload of facility offenders and are primarily responsible for transitioning them into the community. The target population addressed in this report is one of their priorities. Their work is focused on case planning, release planning, transitional housing coordination, connecting to community resources, and programming/treatment needs. The initial indicators for this pilot project were positive and the DOC expanded it to the additional Probation and Parole Offices where possible. In the fall of 2014, Flint Springs Associates conducted a case study on this model with the Burlington Office and Northern State Correctional Facility. The study showed that this model leads to improved communication between the field and the facility, reduced time to process housing applications,

and more appropriate placements. Additionally, the offenders interviewed in the study stated they were more prepared and comfortable when released.

E. Transition Services (NWSCF and MVRCF):

Currently the Northwest State Correctional Facility (NWSCF) operates Transition Services for individuals returning to the St. Albans community and Chittenden County. Transition Services are also available to individuals at Marble Valley Regional Correctional Facility (MVRCF) returning to Rutland and Bennington Counties. The average length of stay at NWSCF is 2.5 months while at MVRCF it is 30 days.

In order to participate in the Transition Services individuals must be:

- Past their minimum release eligibility date;
- Within 90 days of their anticipated release date; or
- Eligible for Reintegration Furlough

The individual must also have a risk assessment score indicating they are moderate or high risk re-offend or have been convicted of a listed offense to be eligible. The risk assessment score is to be reviewed annually. Any significant changes (such as major disciplinary record, new charges/convictions, getting a GED/high school diploma) may necessitate an assessment update to capture an accurate risk level and appraisal of criminogenic needs. Referrals to the Transition Services are reviewed for acceptance by the reentry coordinator and facility living unit supervisor. Many of the offenders in the transitional units are offenders held for a lack of housing.

Throughout an individual's participation in the Transition Services, he or she will be presented with information to help them secure housing, find employment, rebuild relationships with family, and access health care and mental health and substance abuse services if necessary upon release. Upon completion, the individual will have a written transition plan and links to community resources.

Participation in the NWSCF Transition Services requires the individual to hold a facility job or volunteer position. In addition, participants must also attend employment readiness classes, take on job skill class (e.g., OSHA, ServSafe, Auto Shop, Restaurant Management), maintain an education plan, and attend the "Mapping your Reentry Plan: Heading Home" class.

F. Southeast State Correctional Facility (SESCF)

With the transition of the sex offender treatment program from SESCOF to NWSCF the DOC will be working on repurposing SESCOF. We will be implementing programs designed to make SESCOF a reentry facility. The DOC is still in the design and implementation phase of this transition, and will be looking at implementing many of the services that were identified in the transition units at NWSCF and MVRFCF.

G. Transitional Housing

Transitional Housing is a DOC funded program that provides temporary (generally up to 24 months) housing for offenders in need of a stable living environment and support for a transition to independent living. *Supportive Services* include case management, community referrals, transportation, employment support/training, and life skills education.

The Vermont Department of Corrections currently incarcerates approximately 1930 male and 155 female offenders in its correctional facilities and through out-of-state contracts. Upon reaching community reentry eligibility, many of these offenders lack appropriate housing and could benefit from services which support successful reintegration, increase public safety, and reduce recidivism. The DOC recognizes the need to develop community partnerships in order for the men and women leaving its facilities to successfully transition back to the community.

The Department utilizes structured transitional housing sites which collaborate with DOC to address the criminogenic and behavioral health needs of moderate to high risk offenders. These need areas include combinations of criminal attitudes and orientation, co-occurring mental health and substance abuse disorders, and vocational needs. The Department will subsidize the provision of transitional housing with supportive services, through direct grants or sub-granting. The contractors who operate these transitional housing sites or provide services through them have expertise in working with offenders who may have developmental disabilities, difficulty with emotional and /or behavioral regulation, and who may have been incarcerated for long periods of time.

Inmates being released from prison are the priority target population; however the Department may include projects that serve offenders in the community who are at risk of being (re)incarcerated due to a lack of suitable housing and individuals who are engaged in community-based treatment programs.

V. Barriers and Issues with the Reentry Population

Individuals involved in the criminal justice system face many barriers and obstacles in reentering the community and becoming stable productive members of society. They face all the same

issues as the rest of society, such as employment, child care, stable housing, medical care, and other family needs, but have the additional burden of addressing these needs with a criminal record and while under supervision of the DOC. Below are some barriers that the DOC and our population are working on overcoming.

A. Lack of Housing

There is a shortage of affordable housing in Vermont. According to the *Vermont Housing Needs Assessment* that was prepared for by the Vermont Department of Housing and Community Development, there is a 1% statewide vacancy rate. In addition to the 1% vacancy rate, there is an affordability gap as well. Rents close to \$1,000 per month, coupled with the diminished economic potential of offenders, make renting suitable housing fall beyond the reach of many offenders.

County	Multifamily Rental Housing Supply							
	Market-Rate		Tax Credit		Subsidized		Total	
	Units	Vacancy	Units	Vacancy	Units	Vacancy	Units	Vacancy
Addison County	56	0.0%	129	0.0%	272	0.4%	457	0.2%
Bennington County	48	0.0%	276	0.4%	435	0.5%	759	0.4%
Caledonia County	54	1.9%	84	1.2%	317	1.0%	455	1.1%
Chittenden County	1,756	1.7%	1,516	1.6%	1,014	0.0%	4,286	1.3%
Essex County	-	-	-	-	-	-	-	-
Franklin County	74	0.0%	62	0.0%	436	0.9%	572	0.7%
Grand Isle County	-	-	16	0.0%	53	0.0%	69	0.0%
Lamoille County	7	0.0%	116	2.6%	179	0.0%	302	1.0%
Orange County	83	2.4%	74	0.0%	219	0.5%	376	0.8%
Orleans County	45	6.7%	9	0.0%	278	0.4%	332	1.2%
Rutland County	163	1.2%	183	0.0%	716	1.0%	1,062	0.8%
Washington County	97	2.1%	121	0.8%	927	1.0%	1,145	1.0%
Windham County	71	0.0%	290	0.0%	636	0.8%	997	0.5%
Windsor County	122	1.6%	282	1.4%	719	1.3%	1,123	1.3%
State of Vermont	2,576	1.6%	3,158	1.1%	6,278	0.7%	12,012	1.0%

Source: Bowen National Research

Note: Red text indicates highest, blue text indicates lowest.

Median Market-rate Rents by Bedroom Type								
County	Studio		One-Bedroom		Two-Bedroom		Three-Bedroom +	
	Low	High	Low	High	Low	High	Low	High
Addison County	-	-	\$825	\$825	\$975	\$975	\$733	\$975
Bennington County	-	-	\$680	\$680	\$750	\$905	\$755	\$890
Caledonia County	\$475	\$475	\$675	\$675	\$559	\$559	\$775	\$832
Chittenden County	\$1,200	\$1,200	\$1,200	\$1,200	\$1,175	\$2,100	\$1,103	\$3,300
Essex County	-	-	-	-	-	-	-	-
Franklin County	-	-	\$1,100	\$1,100	\$1,075	\$1,350	-	-
Grand Isle County	-	-	-	-	-	-	-	-
Lamoille County	-	-	\$525	\$525	-	-	\$700	\$700
Orange County	\$460	\$460	\$1,240	\$1,240	\$1,000	\$2,345	\$1,000	\$1,050
Orleans County	\$500	\$500	\$600	\$600	\$700	\$700	\$675	\$675
Rutland County	-	-	\$700	\$700	\$830	\$830	\$972	\$995
Washington County	\$515	\$515	\$695	\$695	\$785	\$785	\$850	\$1,200
Windham County	\$539	\$539	\$675	\$675	\$840	\$905	\$1,000	\$1,000
Windsor County	-	-	\$725	\$725	\$1,150	\$1,150	\$808	\$808
State of Vermont	\$950	\$950	\$997	\$997	\$1,011	\$2,100	\$832	\$3,300

Source: Bowen National Research

B. Offender Access to Subsidized Housing

For individuals returning to the community from incarceration, finding a landlord who is willing to take a chance is a challenge. With an average monthly cost of about \$1,000 for a one bedroom apartment, finding affordable housing is an especially difficult task.

Across the state, most Public Housing Authorities (PHAs) are not accepting applications for the Housing Choice Voucher Program (Section 8) because the waiting lists are at least five years long. The Burlington Housing Authority tells applicants to expect a seven to ten year wait for a voucher.

In addition, Federal requirements prohibit Public Housing Authorities from serving the following individuals:

- Any person who has been evicted from federally-assisted housing in the last three years for drug-related criminal activity;
- Any person who has unpaid rent or damages to another federally-assisted housing program;
- Any person who is subject to a lifetime registration requirement under a state sex offender registration program;

- Any person has been convicted of manufacturing or producing methamphetamine on the premises of an assisted housing project.

Although waiting lists for federally-funded public housing sites move quicker than the state lists (two to three years), tighter restrictions around criminal history exist due to the close proximity of children and other vulnerable populations. Many of the people reentering the community have already participated in federally-assisted housing programs and did not leave in good standing due to unpaid rent or damages or substance abuse-related program violations. This history may make them ineligible to live in federally-funded public housing under the above guidelines.

C. Transportation

Another barrier that our offender face when reentering the community is transportation. The vast majority of Vermont is rural with no or very minimal access to public transportation. Without transportation offenders will have difficulties in meeting their obligations of supervision. Offenders may be able to find housing but if they are unable to find employment, attend required risk reduction programming and treatment, and other supervision requirements, it is sitting them up to fail. This barrier will tend to force offender to find housing within larger towns and cities which gives them better opportunities to be successful.

D. Local Ordinance and Agreements

When the Springfield Correctional Facility was built the DOC entered into an agreement with the Town of Springfield indicating that the DOC would only furlough inmates into that town who originated from Springfield. This agreement impacts offenders from that area reentering the community. Most services for offenders in that area are located in Springfield, including the probation and parole office. Offenders from that area, but not specifically from the town of Springfield, need to reenter the community outside of the town. This creates a barrier to accessing resources and difficulty finding housing, which is typically in shorter supply outside the town. In addition, transportation becomes an issue as offenders need to travel to Springfield for supervision and treatment purposes.

The City of Rutland has a sex offender residence restriction in effect. It is unlawful for any sex offender to establish a residence or other living accommodations, permanent or temporary, within 1,000 feet of a school, recreation facility, or licensed daycare in the City of Rutland. In essence, sex offenders cannot reside in the City of Rutland, even if the sex offender is from Rutland. Similarly to the Springfield agreement, these offenders need to be re-enter outside of Rutland where resources are less available.

E. Opiate and Substance Abuse

Another issue facing this target population is substance abuse. Many of the target population, especially the non-violent population, are dealing with severe addiction issues. Substance addiction has a negative impact on many life functions, including securing and finding stable housing. Many offenders suffering from addiction issues have access to an array of treatment and services including transitional housing. Most of our transitional housing partners have a zero tolerance for drug use, as they are trying to maintain a safe and clean environment for all the residences that access their services. Most terminations from transitional housing are because of drug use.

VI. Proposal for Rule Making

The Department of Corrections proposes formalizing the following criteria for implementing the 808(f) rule through the rule making process. Under this rule, the DOC would release offenders who meet the criteria unless denied at a central level staffing. All cases that do not meet the criteria will be staffed centrally to make a determination on release under the 808(f) statute.

Criteria for 808(f) rule

When applying 28 V.S.A. § 808(f), an offender shall not be denied furlough solely for lack of housing when all of the following conditions are satisfied:

- (1) The offender has served at least his/her minimum sentence for a nonviolent misdemeanor or felony;
- (2) The offender is not designated SFI. If the offender is designated SFI, s/he shall be referred to a central level case staffing for release determination;
- (3) The offender has a risk level of moderate, moderate-low, and low as indicated on a risk assessment tool; and
- (4) The offender acknowledges to his/her caseworker that it is in his/her best interest to be released on furlough, notwithstanding the lack of housing. This acknowledgement shall be documented in case notes.

Other 808(f) cases that do not fit the above criteria, and for those cases that do fit the above criteria but the District Manager feels there is a risk to the public if released will be staffed centrally for 808(f) determination.

The department has recently applied the above criteria in determining 808(f) determinations. The decision process has been moved away from a local decision to a central level decision.

Over the next few months we will be tracking the outcomes of this change in policy to determine its impact on both the 808(f) population and public safety.

VII. Recommendation

The Department recommends the following actions to address the issues of offender held past their minimum sentence for lack of housing:

1. Continue to implement our current initiatives:
 - a. Reentry Coordinators
 - b. Transition CSS's
 - c. Transition Units
 - d. Transitional Housing
2. Adopt a rule based on the criteria outlined in 28 V.S.A. § 808(f)
3. Implement the strategies outlined in the SRR Grant. All work will be evaluated and reported to stakeholders.