

Joint Legislative Justice Oversight Committee

2017 Legislative Interim Summary

July 18, 2017

Overview

- Committee charge
- Relevant legislation enacted in 2017
- Reports due

Committee Charge

2015 Act No. 58, § E.335

- Committee Membership
 - Ten legislative members appointed biennially:
 - Five House members, not all from the same party, appointed by the Speaker of the House; and
 - Five Senate members, not all from the same party, appointed by the Committee on Committees

Committee Charge

2015 Act No. 60, § 23

- Committee Powers & Duties
 - Oversee the VT Department of Corrections, including:
 - evaluating DOC strategic, operating, and capital plans;
 - overseeing Departmental policy; and
 - encouraging communication between DOC and administrative branch and criminal justice system.
 - Oversee statewide juvenile and criminal justice system, including:
 - evaluating statewide system of pretrial services, court diversion programs, and community justice center services;
 - evaluating consistency and cost efficiency of system;
 - ensuring the statutes reflect principles of restorative justice; and
 - reviewing timeliness of judicial proceedings.

2017 Legislative Interim Committee Charge

2017 Act No. 78, § 11 (S.61)

- Evaluate approaches to substance abuse recovery services in correctional facilities for inmates.
- “During the 2017 legislative interim, the Joint Legislative Justice Oversight Committee shall evaluate approaches to substance abuse recovery services in correctional facilities for inmates, including the use of medication-assisted therapy. Any resulting legislative recommendations shall be introduced as a bill in the 2018 legislative session.”

Relevant Legislation Enacted in 2017

- Act No. 14 (S.5). An act relating to plea agreements
- Act No. 15 (S.7). An act relating to deferred sentences and the sex offender registry
- Act No. 28 (H.297). An act relating to miscellaneous court operations procedures
- Act No. 44 (H.74). An act relating to domestic and sexual violence
- Act No. 54 (H.308). An act relating to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel
- Act No. 57 (H.171). An act relating to expungement
- Act No. 61 (S.134). An act relating to court diversion and pretrial services
- Act No 62 (H.503). An act relating to criminal justice
- Act No 65 (S.16). An act relating to expanding patient access to the Medical Marijuana Registry
- Act No. 78 (S.61). An act relating to offenders with mental illness, inmate records, and inmate services
- Act No. 72 (S.23). An act relating to juvenile jurisdiction

Act No. 78 (S.61).

An act relating to offenders with mental illness, inmate records, and inmate services

- July 1, 2017 → DOC and DMH must execute an MOU establishing how to care for inmates with mental illness until a forensic mental health center is created on July 1, 2019 (also required by this act)
- January 18, 2018 → DOC, in consultation with DMH and the designated agencies, must develop a plan to create or establish access to a forensic mental health center and report on the plan to the standing committees
- July, 2019 → a special unit to serve inmates with mental illness shall be available and DOC must provide treatment, evaluation, or services within 48 hours to every inmate that is screened as requiring them

Reports

- August 1, 2017: DOC and DMH shall jointly report to Justice Oversight on the MOU
- By October 15, 2017, Secretary of Human Services will provide Justice Oversight with recommendations on how best to provide mental health treatment and services to inmates and detainees who are lodged in a correctional facility, including whether services should be provided by designated agencies, an in-house employee, or contract

Committee Directive

- Directs the Justice Oversight Committee to evaluate approaches to substance abuse recovery services in correctional facilities for inmates and to draft any legislative recommendations in the form of a bill for introduction in the 2018 legislative session

Act No. 85 (H.542). An act relating to appropriations for state government

SSCF repurpose report

- November 1, 2017 → DOC report on plan to repurpose Southeast State Correctional Facility to provide secure transitional housing for inmates preparing to reenter the community.
- Reentry facility population: inmates on the Lack of Housing (B1) list; moderate- to high-risk inmates who are either past their minimum release date or within 90 days of their release date; inmates who are eligible for reintegration furlough; and inmates who have served a significant sentence and are within six months of their release date.
- Reentry facility prerelease services: acquisition of identification; housing identification; employment readiness and retention; planning to address transportation barriers; money management; transition and reentry case planning; substance abuse treatment; work release; and information technology skills development.

Act No. 85 (H.542). An act relating to appropriations for state government

Residential care facilities report

- November, 2017 → DCF, DMH, DAIL, and AOE report on the use of residential care facilities, including Woodside.
- Report shall include:
 - Utilization for 2015-2017
 - Average daily costs 2015-2017
 - Measures to determine outcomes and cost effectiveness
 - Steps taken by Departments to increase community based supports while reducing residential care

Act No. 85 (H.542). An act relating to appropriations for state government

TBI report

“On or before September 15, 2018, the Commission on Offenders with Mental Illness shall report to the Joint Legislative Justice Oversight Committee recommendations regarding how to define traumatic brain injury for purposes of determining whether as the result of such an injury a criminal defendant was insane at the time of the offense or is incompetent to stand trial. The Commission’s report shall identify appropriate treatment options and venues for criminal defendants with traumatic brain injury and shall include the amount of funding required to implement the Commission’s recommendations.”

Act No 84. An act relating to capital construction and state bonding

Facilities report

The Secretary of Human Services, in consultation with the Commissioner of Buildings and General Services, shall evaluate and develop a plan to support high risk populations. The plan shall include:

- an evaluation and recommendation of the use, condition, and maintenance needs of existing facilities, including whether any facility should be closed, renovated, relocated, repurposed, or sold;
- an analysis of the historic population trends of existing facilities, and anticipated future population trends, including age, gender, court involvement, and medical, mental health, and substance abuse conditions;
- an evaluation of whether the design and use of existing facilities adequately serve the current population and future populations;
- an evaluation of whether constructing new facilities would better serve current or anticipated future populations, including whether the use of out-of-state facilities could be reduced or eliminated.

Report to standing committees due in January, 2018. Status update due to Justice Oversight by September 1, 2017.

Act No. 54 (H.308).

An act relating to the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel

- Establishes a 3-year Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel within the Office of the Attorney General.
- Requires the Attorney General and Human Rights Commission, along with interested stakeholders, to develop a strategy to address racial disparities within the State systems of education, labor and employment, access to housing and health care, and economic development, and report on the proposal to the Justice Oversight Committee on or before November 1, 2017.

Act No 65 (S.16). An act relating to expanding patient access to the Medical Marijuana Registry

Testing report

By October 15, 2017, the Agency of Agriculture, Food and Markets and the Department of Public Safety, in consultation with registered dispensaries, shall report their recommendations to the Joint Legislative Justice Oversight Committee:

- Who should be responsible for testing marijuana-infused products.
- The approved methods and frequency of testing.
- Estimated costs associated with such testing and how these costs should be funded.
- If testing will be done through an independent testing entity, the process by which the State will certify such entities and oversee such testing.
- How to implement a weights and measures program for medical marijuana dispensaries.

Act No. 62 (H.503).

An act relating to criminal justice **Pretrial Communications Report**

Requires Court Administrator, Department of State's Attorneys and Sheriffs, the Office of the Defender General, and the Vermont Chapter of the ACLU to work together and with other interested parties to examine options for facilitating pretrial communication between the courts and defendants and report to Justice Oversight. Report should provide options and costs of such options to Justice Oversight Committee.

Goal is to reduce the risk of nonappearance by defendants.

Timeline of Reports Due

- **August, 2017:** DOC and DMH report on MOU regarding mental health services for inmates prior to establishment of forensic mental health center. (Act No. 78)
- **September 1, 2017:** Secretary of Human Services status report on facilities plan. (Act No. 84)
- **October 15, 2017:** Agency of Agriculture report on marijuana infused product testing. (Act. No. 65)
- **October 15, 2017:** Report from Court Administrator, State's Attorneys and Sheriffs, Defender General, and ACLU on options for pretrial communication between courts and defendants. (Act No. 62)
- **November 1, 2017:** AG and HRC report on strategy to address racial disparities across statewide systems of education, labor and employment, access to housing and health care, and economic development. (Act No. 54)
- **November 1, 2017:** DOC report on plan to repurpose Southeast State Correctional Facility to provide secure transitional housing for inmates preparing to reenter the community. (Act No. 85)
- **November, 2017:** DCF, DMH, DAIL, and AOE report on in-state and out-of-state residential placements. (Act No. 85)
- **September 15, 2018:** Traumatic brain injury report from Commission on Offenders with Mental Illness: definition, treatment options, venues for defendants, and required funding. (Act No. 85)