



**ACLU Testimony on H. 543
House Corrections
James Lyall, Executive Director, ACLU of Vermont
May 3, 2019**

Thank you for the opportunity to testify on House Bill 543. Specifically, I am here to speak about Section 3(e)(1) and Section 26 of H. 543. As you know, the Bill as passed by the House would appropriate \$250,000 to the Department of Buildings and General Services to “evaluate options for the site location of a new correctional facility to replace the Chittenden Regional Correctional Facility” (CRCF) (Section 3(e)(1)). It would also establish state coordination with the Council on State Governments (CSG) to study programming and population trends in Vermont prisons Section 26 (which is Section 28 in the Senate version).

First, we want to thank this committee and this legislature for acknowledging the unacceptable conditions in CRCF, and for working to find solutions. We hope to support your efforts to address those needs and arrive at better outcomes for everyone.

The ACLU, our supporters, and allies have expressed concerns that this legislation would commit a quarter million dollars towards evaluating new prison construction before fully evaluating the other available options—step-down facilities, halfway homes, treatment and counseling, for example—alternatives to incarceration that though not necessarily appropriate in all cases, could be more effective and produce better outcomes for many of the women incarcerated in CRCF, their families, and their communities, on a shorter timeframe and at a much lower cost to Vermont taxpayers.

Even when faced with people who have committed serious offenses, we should remember that the vast majority of women in CRCF have histories of complex trauma and are primary caregivers for dependent children, and we should examine carefully the best ways to respond to a given individual’s situation and their offense. In many cases, the best response is not necessarily prison.

We are also concerned by the prospect of committing taxpayer dollars to studying prison construction before determining the appropriate size of Vermont’s future prison population, and by extension, the optimal size of its

prisons. Thanks to strong legislative leadership, in partnership with Department of Corrections, Vermont has reduced its prison population by 500 beds over the past decade—that said, there are numerous criminal justice reforms still under consideration by this legislature that could reduce the prison population further—sentencing reform, parole reform, and bail reform, to name a few, could have an enormous impact. It would be a mistake to base future prison plans on current prison population if that population can be reduced significantly, and many experts and many legislatures believe that it can. In short, planning for new prison construction before fully examining or implementing those policy reforms—policies that will determine the scope of and need for new prisons—puts the cart before the horse.

The ACLU is not alone in this position, rather we are joined by the Vermont Attorney General, the Network for Victims of Domestic and Sexual Violence, Vermont Works for Women, Vermonters for Criminal Justice Reform and thousands of Vermonters who want to see more creative and effective solutions to social problems than an overreliance on incarceration.

The ACLU takes the position that Section 28 in the Senate version of the bill, which addresses some but not all of our concerns, is an improvement over the House version. But we continue to have concerns that Section 3(e)(1) would commit a quarter million dollars to planning new prison construction. Those resources and that level of priority should go to more effective, more immediate, and lower cost alternatives, as well as the continuation of criminal justice reforms that have already significantly reduced Vermont's prison population.

Conclusion

As we said in the Senate last month, one of the things that makes Vermont special is its compassion and humanity. This is a state that cares about and invests in people, including people who are struggling and people who make mistakes—even serious mistakes—and who cause harm, as well as the children and families who rely on them.

Those values should be incorporated into our plans for the future, and that includes prioritizing and following through on the criminal justice reforms that legislative leaders have championed in recent years and that Vermonters overwhelmingly support.

Thank you.