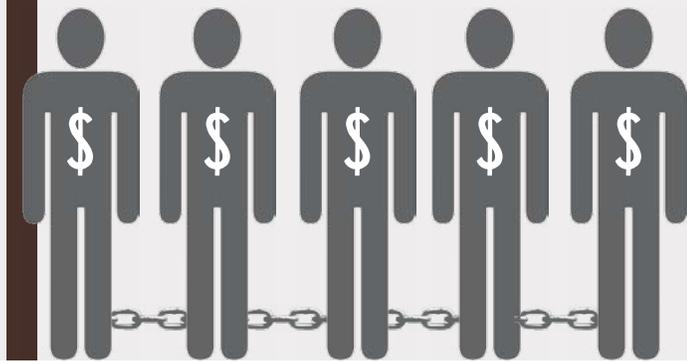
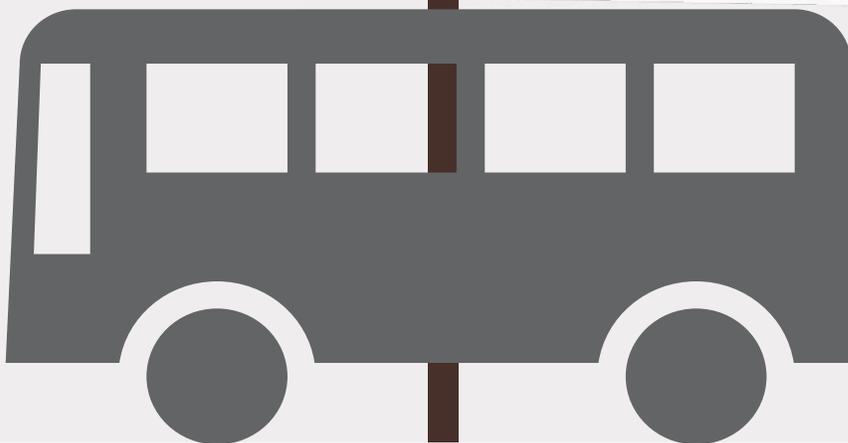


LOCKED UP & SHIPPED AWAY:

Paying the Price for Vermont's Response to Prison Overcrowding



LOCKED UP & SHIPPED AWAY:

Paying the Price for Vermont's Response to Prison Overcrowding

DECEMBER 2014

This report was compiled by Holly Kirby for Grassroots Leadership and the Locked Up and #ShippedAway Campaign.

Warm thanks to the following people for their support and contributions: Suzi Wizowaty, Meg McCarthy, Judith Harden, Sha'an Mouliert, Kymberlie Quong Charles, and Bob Libal.

Very special thanks to those who bravely shared their personal stories and experiences, which are included in this report.

Report design by Catherine Cunningham.

At Grassroots Leadership, we believe no one should profit from the imprisonment of human beings. We live in the most incarcerated society in the history of the world. Every day we confront a prison industry that preys on pain because our addiction to locking people up dehumanizes all of us.

LOCKED UP & SHIPPED AWAY:

Paying the Price for Vermont's Response to Prison Overcrowding

Table of Contents

Executive Summary ... 6

Introduction ... 7

SECTION I: History ... 8

SECTION II: Vermont Prison Population Snapshot ... 10

SECTION III: The Costs — Cheaper for Whom? ... 12

SECTION IV: The Face of Prisoner Transfers ... 18

SECTION V: Working for Change — Recommendations ... 24

References ... 26

Appendix A ... 27

Appendix B ... 27

Appendix C ... 28

Appendix D ... 28

Appendix E ... 29

Appendix F ... 29

Appendix G ... 30

Executive Summary

This report is a Vermont-focused, supplemental brief to the November 2013 report, *Locked Up and Shipped Away: Interstate Prisoner Transfers and the Private Prison Industry*,¹ which found that four states — Vermont, Idaho, Hawaii, and California — collectively send more than 10,000 prisoners to out-of-state private prisons. Grassroots Leadership now coordinates the national Locked Up and #ShippedAway Campaign to shed light on the experiences of those directly affected and demand that state leaders put an end to this inhumane practice, reduce the number of people behind bars, and cut ties with the private, for-profit prison industry. Grassroots Leadership has partnered with Vermonters for Criminal Justice Reform — whose mission is to work for a more restorative and effective criminal justice response — to fight for the return of nearly 500 Vermonters currently housed in out-of-state private prisons. This report presents the facts about Vermont’s practice of shipping prisoners far from home, and most importantly, gives voice to the Vermont prisoners and their families and loved ones enduring the consequences.

THE FACTS

- Today, there are nearly 500 men from Vermont being warehoused across state lines in private, for-profit prisons. Approximately 470-480 are incarcerated in Kentucky and 20-30 are incarcerated in Arizona.
- The two prisons that hold men from Vermont — Lee Adjustment Center and Florence Correctional Center — are both operated by the nation’s oldest and largest private prison company, Corrections Corporation of America (CCA).
- Vermonters’ tax dollars pay for the out-of-state transfer of these prisoners. In FY 2013 alone, the state paid CCA more than \$12.8 million to house Vermonters out-of-state.²
- Long distance and the cost of travel make visiting prisoners out-of-state extremely difficult, if not impossible. Families and loved ones bear the emotional and financial burdens of this separation.
- Research shows maintaining critical supportive ties positively impacts prisoners’ chances of successful reintegration upon release,³ which makes shipping prisoners out-of-state and severing those ties detrimental to all Vermonters.

Section I of this report outlines Vermont’s history of shipping prisoners to out-of-state private, for-profit prisons. **Section II** presents notable characteristics of Vermont’s prison population, including current barriers to reducing the prison population. **Section III** includes an examination of the “cost-savings” argument for sending Vermonters to out-of-state private prisons and discusses the costs to both the state and Vermont families. **Section IV** includes the voices of Vermont prisoners who have experienced being sent out-of-state and their families and loved ones who endure the consequences. Finally, **Section V** includes the work being done to reduce the number of Vermonters behind bars, bring prisoners back to Vermont, and end the use of private, for-profit prisons and recommendations for moving forward.

Introduction

In July 2014, Vermont Department of Corrections (VDOC) Commissioner Andy Pallito said, “*Back in the mid 90’s we made a decision that we’re going to lock up more people than we have beds for, rather than make a difficult decision that now we have to do 20 years later...*”⁴ Pallito was right. For more than a decade, Vermont, the Green Mountain State, known for its progressive values and liberal politics, has been paying a private, for-profit prison company to house roughly a quarter of its prison population across state lines.⁵ Now, grassroots organizing and advocacy efforts are pressuring state lawmakers to find sustainable solutions to Vermont’s over-reliance on incarceration and subsequent overcrowding crisis.

The November 2013 Grassroots Leadership report, *Locked Up and Shipped Away: Interstate Prisoner Transfers and the Private Prison Industry*,⁶ exposed the way the interstate transfer of prisoners to for-profit private prisons across the U.S. impedes prisoner rehabilitation, diminishes prisoners’ ties to family and community, serves the interests of an industry that views prisoners as commodities, and perpetuates our nation’s mass incarceration crisis.

Now, this report provides a closer look specifically at Vermont’s use of out-of-state private prisons and makes a case for why this must end and how to do so.

SECTION I: History

When prison populations spiked in the mid-90's, in large part due to "tough on crime" policy trends and the "War on Drugs," Vermont, along with many other states across the nation, struggled to find prison beds for the influx of prisoners entering the system.

According to a Vermont Public Radio interview in July 2014, Corrections Commissioner Andy Pallito explained that, despite building new prison space across the state, the Department of Corrections was unable to accommodate the unprecedented prisoner growth (See Appendix B). Consequently, they turned to available prison beds out-of-state, first leasing publicly-operated beds in New Jersey and Virginia.⁷

Then in January 2004, Vermont signed a contract with private prison company Corrections Corporation of America (CCA) to house up to 700 prisoners in Kentucky and Tennessee. Then-Corrections Commissioner Steve Gold said at the time, "The contract provides [for] up to 700 offenders but my hope and my goal really is to eliminate the need for any Vermonters having to go out of state while they are incarcerated. But at the present time we will need to use some out-of-state beds."⁸

Now more than a decade later, Vermont prisoners remain locked up for profit in Kentucky and Arizona, in most cases more than 1,000 miles from family and community. And, not without controversy...

September 2004

After a mass transfer of 400 Vermont prisoners to the CCA-run Lee Adjustment Center in Kentucky and a cutback in outdoor recreation time, prisoners rioted and set two buildings at the facility on fire. According to Prison Policy Initiative, prisoner advocates and others said crowding, cuts in privileges, and an influx of inmates far from home created an explosive situation there.⁹

June 2010

Kentucky officials pulled their inmates out of the CCA-owned Lee Adjustment Center leaving only out-of-state Vermont prisoners in the Kentucky facility. Removing the Kentucky inmates actually saved the state \$43.62 per inmate per day.¹¹

November 2013

Grassroots Leadership released a national report condemning Vermont, Idaho, California, and Hawaii for their use of out-of-state private prisons.¹³

October 2014

Thirteen Vermont prisoners in the CCA-run Florence Correctional Center in Arizona were placed in solitary confinement after they smashed equipment and fought with guards who "used a 'chemical agent' to quell the 30-minute rampage." According to a Seven Days report, they were "reportedly upset about being sent out of Vermont, beyond the reach of family and friends."¹⁵

November 2014

VT Digger reported that Washington Superior Court Judge Helen Toor ruled over the summer that Vermont's practice of shipping only male prisoners out-of-state is unconstitutional. Toor wrote, "The DOC policy of sending only men out of state is, for all practical purposes, equivalent to a regulation barring all contact with the inmates' minor children."¹⁷

2008

In a memo regarding the cost of housing Vermonters in out-of-state private prisons, Doug Hoffer, working as a private consultant for VSEA (Vermont State Employees Association), wrote that CCA lacks rehabilitative programming offered by the Vermont Department of Corrections; "Corrections Corporation of America (CCA) does not provide mental health services. [...] CCA does not provide services related to sexual abuse, substance abuse, or violent offenders."¹⁰ (Hoffer is currently the State Auditor.)

2012

Vermont Democratic State Representative Suzi Wizowaty introduced for the first time a bill that "proposes to prohibit the transfer of a Vermont inmate to a privately operated out-of-state correctional facility unless living conditions at that facility meet or exceed those in Vermont."¹²

January 2014

A series of assaults and other expressions of violence led to the lockdown of more than 200 Vermonters at the CCA-run Lee Adjustment Center (LAC) in KY for nearly a month. Amidst the lockdown, LAC Warden David Frye abruptly resigned via an email sent from his iPhone.¹⁴

October 2014

CCA managing director of operations Kevin Myers admitted to VT lawmakers that prior to the January lockdown in KY, there was an established network of buying and selling drugs inside the prison, which contributed to the "spate of violent assaults."¹⁶

SECTION II: Vermont Prison Population Snapshot

According to the Vermont Department of Corrections FY2013 Facts and Figures, the total Vermont inmate population in 2013 was approximately 2,096. Below are seven notable characteristics of the Vermont prison population including barriers to reducing the prison population, which should be considered in the effort to bring out-of-state prisoners home.

1 For nearly 15 years, Vermont has housed roughly a quarter of its prison population in out-of-state contracted facilities. (See Appendix C) And, in 2011, Vermont ranked 11th in the nation among states with portions of their prison population housed in non-state-run facilities, with 25.4% of the prison population housed in for-profit prisons. (See Appendix D). All of those incarcerated in private prisons in Vermont are housed in out-of-state facilities. Back in 2004 then-commissioner Steve Gold's "hope and goal" was to "eliminate the need for any Vermonters having to go out of state while they are incarcerated." Yet, today the problem remains and though the number of Vermonters shipped away has seen a slight decline, not enough has been done to resolve this crisis. The state of Vermont has relied on this costly band-aid for far too long.



2 In June 2013, there were 157 incarcerated Vermonters whose most serious offense was a drug charge. (See Appendix E) While this may seem like a small number, 157 inmates accounts for about 31% of Vermont's prisoners housed out-of-state. If these individuals with drug charges were treated rather than incarcerated, it would be a significant step toward eliminating the need to send Vermont prisoners out-of-state. This is especially important to note as it becomes increasingly clear that incarceration is not a sustainable or effective response to drug use.¹⁸ Additionally, those 157 Vermont prisoners are only those whose *most serious offense* was a drug charge, not the many more Vermont prisoners in need of drug treatment charged with other crimes. Just as Vermont Public Safety Commissioner Keith Flynn candidly put it last year, "**You can't arrest your way out of a drug problem.**"¹⁹



3 In June 2013, 39% of Vermont's incarcerated males (738) and 63% of incarcerated women (107) were locked up for non-violent crimes. In other words 845 Vermonters, or 40% of Vermont's total prison population, were behind bars for reasons which arguably cause no threat to public safety. (Source: Appendix F)



4 According to Commissioner Pallito, on any given day, 200-250 inmates who are eligible for release remain incarcerated because they lack "approved" post-release housing.



5 African Americans are over-represented in Vermont's prison system. In 2013, despite comprising only 1.2% of Vermont's total population,²⁰ African Americans made up 9.5% of Vermont's inmate population. (See Appendix F) Our nation's history of racial disparities in policing and sentencing is an injustice that persists today and continues to devastate communities of color across the United States. A new report released in October 2014 by The Sentencing Project speaks to the need for incorporating racial equity in criminal justice reform and recommends strategies for implementation.²¹



6 According to the Defender General's office, 85% of criminal defendants are represented by the Office of the Defender General, 10% are self-represented litigants, and only 5% have private attorneys. State's attorney TJ Donovan said, "Criminal justice reform is deeply connected with anti-poverty work. As we talk about personal accountability, we must also look closely at economics, homelessness, addiction, mental illness and many other factors that play key roles in our criminal justice system."



7 Recent research from the Pew Charitable Trusts shows over the past five years, the majority of states are reducing imprisonment while experiencing less crime. Between 2008 and 2013, Vermont saw a 4% decline in imprisonment and 13% decline in crime.²² These numbers dispute the widely held belief that locking up more people increases public safety, suggesting there is little or no correlation between crime rates and incarceration. According to Suzi Wizowaty, executive director of Vermonters for Criminal Justice Reform, "To create a more effective response to crime, Vermont must further expand its use of alternatives to incarceration, building on Act 195's commitment to pre-trial services and migrating toward a system of restorative, rather than punitive, justice."



SECTION III: The Costs — Cheaper for Whom?

A common argument that arises when discussing the transfer of inmates to out-of-state private prisons is that it is cheaper for the state, but it is important to address why this is the case. Yes, an out-of-state bed in a CCA prison costs less than housing a prisoner in a Vermont prison, but this argument is multifaceted and misleading for the following reasons:

1

First and foremost, this argument does not account for differences in services provided in-state versus out-of-state. On Vermont Public Radio, when asked why it is cheaper to house prisoners out-of-state versus in-state, Commissioner Pallito said, “Out-of-state there’s no programming, no excessive medical or mental health issues, no booking unit... that’s why out-of-state tends to be cheaper.” In other words, the same level of care, treatment, and programming is not provided in the out-of-state CCA prisons, therefore skewing any cost comparison results.

In a 2012 memo re: the fiscal implications of prohibiting incarceration of Vermonters in out-of-state private facilities, fiscal analyst Nathan Lavery of the state’s Joint Fiscal Office wrote,

“There is a body of research that has been conducted with the intention of determining if private incarceration facilities save taxpayers money in the long run. These analyses note that comparing public facilities to private facilities is complicated by a number of factors, including the fact that private facilities are frequently unwilling to house “expensive” prisoners, such as those with significant, and therefore costly, health or mental health conditions. This research has not been able to substantiate the claim that private prison facilities save taxpayers money.”²³

And, in an open letter to CCA, U.C. Berkeley Researcher Christopher Petrella requested that the company cease citing a Temple University Study, which purported cost-savings to states yet failed to weigh the differences in prisoner populations. Petrella specifically cited CCA’s contract with the California Department of Corrections and Rehabilitation (CDCR), which included health-related exemptions that essentially allowed CCA to “cherry-pick” the youngest, healthiest, and therefore least expensive prisoners.²⁴

2

Secondly, private prison companies like CCA, driven by a profit motive, often slash costs through employing lower-paid and under-trained guards, in addition to understaffing the prisons they operate. The starting pay at the Lee Adjustment Center in Kentucky is \$8.35 per hour, just slightly above Kentucky’s minimum wage of \$7.23 per hour. Conversely, the median annual salary for correctional officers in Vermont is more than \$38,000 (\$18 per hour).²⁵ In late October of this year, for instance, Rep. Bill Lippert, Chairman of the Judiciary Committee, questioned CCA officials about adequate staffing levels in Kentucky after a series of violent incidents involving Vermonters occurred in the prison. Lippert went on to say, “It does come down to what you contract for. You get what you contract for, I guess.”²⁶

While these measures may account for direct “cost-savings” they often result in much higher turnover rates and less supervision, which correlate with greater incidences of violence, such as prisoner-on-prisoner and prisoner-on-staff assaults. For instance, researcher James Austin found that private prisons have 49% higher rates of prisoner on staff violence and 65% higher rates of prisoner on prisoner violence than publicly operated facilities.²⁷

3

One must also take into account the costs to the state and Vermont taxpayers when prisoners experience a higher rate of recidivism because their ties to family and community were compromised while out-of-state and family and loved ones could not make the long, expensive journey to visit them.²⁸ These additional costs include, for example, the cost of the crime itself to victims, plus the costs of law enforcement, courts, further incarceration, and supervision.

4

Finally, while the cost per bed may seem less for the state or DOC to ship prisoners to out-of-state private prisons, for the families and loved ones of those prisoners, out-of-state transfers come at an extremely high price, both financially and emotionally. These “cost-savings” translate to enormous burdens for Vermont families.

Family Matters

“Not only are our loved ones in prison, we are also prisoners of a different kind... We eat, sleep, and breathe the pain everyday.”

- Mother of Vermont prisoner serving time in KY

Social scientists and advocates across the board agree that it is crucial for families to maintain connections to an incarcerated loved one, as it is a key contributor to successful re-entry. Therefore, to transfer prisoners out-of-state, effectively diminishing the possibility for family visits, simply defies sound theory. Severing ties to family and community is detrimental not only to the prisoners and their loved ones, but to all members of society to which incarcerated individuals will ultimately return.

Additionally, shipping prisoners out-of-state can have devastating emotional and financial costs to families. First, many families cannot afford to take time off or pay travel expenses to get to Kentucky, let alone Arizona. And, if they can manage to make the trip, it is a significant expense, upwards of \$1,000. Many families are desperate to stay connected to their loved ones in order to give them hope or reassure them their family will be there when they are released. Being stripped of that opportunity takes a significant emotional toll.

And, it is critical to discuss the unique impact this separation has on children of incarcerated parents. The societal stigma tied to incarceration can result in feelings of shame and guilt for children of incarcerated parents. They are also “more likely to drop out of school, engage in delinquency, and subsequently be incarcerated themselves.”²⁹ For these reasons, ensuring children have the opportunity to maintain a human connection with their incarcerated parent is paramount. And, according to Vermont Legislative Research Services, “in-person visitation is regarded as the **most effective** form of child-incarcerated parent visitation.”³⁰ Shipping Vermont fathers away to private prisons deprives children of that opportunity.

Just this month VTDigger reported that Washington Superior Court Judge Helen Toor ruled over the summer that Vermont’s practice of shipping only male prisoners out-of-state is unconstitutional. Toor wrote, “*The DOC policy of sending only men out of state is, for all practical purposes, equivalent to a regulation barring all contact with the inmates’ minor children.*”³¹ Though it is yet to be seen how this ruling may affect all parents of minor children who have been shipped away, this is welcome news and further confirmation that ending this policy is the right thing to do for Vermont families and communities.

In Their Own Words...

Below are testimonies from family members and loved ones who have and/or are enduring the consequences of this policy. Some identifying information has been changed, omitted, or redacted to protect the privacy and safety of those sharing their personal stories.

Jean is a Vermont mother whose son is serving time in the Lee Adjustment Center in Kentucky. In response to Commissioner Pallito's comments on Vermont Public Radio in July 2014, Jean called in and said:

"Mr. Pallito commented on the savings to the DOC of having someone in KY; it's almost half the cost of having someone in Vermont. Essentially that cost is passed along to families and every time you have to visit someone there [are] enormous costs. It requires days off from work, it requires a thousand mile trip to KY, it takes multiple days. We have a family with young children. We require hotel rooms, meals, gas, a car that can make those kinds of trips multiple times a year. The emotional cost on top of it is huge. Maintaining a relationship via phone is extremely expensive and that money has to be provided by families."

Sha'an is also a Vermont mother with a son in Kentucky. She shared her story online here. She said:

"Over thirty years ago I moved to the beautiful state of Vermont because of its family values and it's where I wanted to raise my son. Since 2007 my son has been housed at the Lee Adjustment Center in Beattyville, KY. I have not seen my son since 2007 as I live on a fixed, limited income and cannot afford to see him. My son has children. They are not able to see their father also because of their limited income. Vermont is known throughout the country for its progressive and family values, however, this has caused a major stress on our family. Christmases, birthdays, and other holidays - there is a big hole. My son is missing his children. He does not see them growing up. I am missing him. I would like to hold my son, look in his eyes, and tell him I love him. I want my son to receive the programming he needs for his mental illness if he were back in this state. I want my son back in Vermont."

Sharlene, another Vermont mother, wrote a letter describing her experience having a son sent away to an out-of-state prison. She said, "We eat, sleep and breathe the pain every day," and "there is no justice in hurting innocent families." See excerpts from her letter below.

Unless you've been in our shoes, you have no idea what we go through. Not only are our loved ones in prison, we are also prisoners of a different kind. We are at the mercy of the justice system...if you can call it justice. You are punishing us for the actions of our loved ones. It takes such a terrible toll on us that our lives are turned upside down. We eat, sleep and breathe the pain every day.

When my son was in Newport Vermont, he had visitors every Saturday. We could encourage him to keep strong and work hard to keep himself out of trouble and harm's way. He had a job in the summer mowing lawns. In the winter he worked in the [REDACTED] and was proud of himself for making the effort, even though the pay was minimal. He had self-worth and hope, something to look forward to each day when he woke up. It made it bearable for us, knowing he had something constructive to do every day.

Then, in the middle of the night, one evening, he was told to pack his stuff, and they trucked him off to Kentucky with no warning, and no time to say goodbye to his family! He wasn't even allowed to take

Shortly after he was brought to Kentucky, he became very depressed and wrote me a letter stating he was at the breaking point and didn't know how much more he could take. I was so frightened he would hurt himself that I contacted the warden about making a visit, and although the trip cost about \$1200.00, money I really didn't have, I knew I had to go anyway. My sister cried out for help, when she was 21 and my mother put off seeing her, and the next day she was dead, so my biggest fear was that I would not make it there in time, and he would end his life. That visit lifted his spirits and gave me hope that things would get better for him. I truly believe if I hadn't made that trip, he would not be here today. That is a terrible stress and fear to put on a family member, and horrible for my son and any other inmate.

I have seen a drastic change in my son, from when he was in Newport, where he could see his family every Saturday, to now when he never gets to see us. He used to have hope, now there is none. We used to be able to tolerate his being in jail, because we still had communication. We kept him grounded and sane. Now, the phone calls are few and far between, and the letters take so long to get back and forth that it's all old news when we get them. His letters are depressing and negative, as there is nothing positive about where he is. Try as we may to write positive things, and encourage him, it is just not the same as a personal visit. Our family is falling apart, and our hands are tied. There is nothing we can do from so far away. There is no justice in hurting innocent families.

CCA Lee Adjustment Center is a for-profit institution, and all they care about is the money the state of Vermont gives them to house the prisoners. They lie to the Commissioner of Corrections and the State of Vermont, telling them how much they want to help the prisoners, and I've seen and felt firsthand, that all they care about is the money.

It may cost Vermont more to house the prisoners in state, but it certainly costs the families much more money, time and pain, to have our family members so far away. Please do the right thing, and find a way to return the inmates to Vermont, and therefore return hope to us and our loved ones. Thank you.

The parents of a son who has been shipped away from Vermont to Kentucky had this to say:

Recently, my wife and I traveled to KENTUCKY to visit our son, [REDACTED] It is extremely difficult to travel there. In fact, it's cruel and unjust. The one consolation in our trip, was that most of the way we traveled by plane...but we needed a car rental and had to stay overnight... AT THE COST OF \$1,000.00.

Our son, on the other hand, was shipped there in an entirely different way.

IN SOME SORT OF VAN/BUS, - CHAINED TO SOMEONE ELSE - WHILE SITTING IN A CAGE. LENGTH OF TIME UNDER THESE CONDIDIONS - 30 HOURS.

We wish to inform you that shipping inmates out of Vermont -

- * subject the families to great expense
- * tear the families apart because they cannot visit their loved ones
- * subject those shipped to extreme danger (accidents, etc.)

The punishment is two-fold.....it s cruel and unjust

During the four hours we were visiting that facility, there were only 3 other visitors.

VERY SAD !

We strongly suggest that you abolish this policy, and

BRING THE INMATES BACK TO VERMONT

And, a sister of an incarcerated Vermonter in Kentucky also wrote a letter sharing her family's struggle and asking that her brother be brought home to Vermont. She said:

While in Newport he was a model prisoner. Followed the rules, kept to himself, worked in the [REDACTED] [REDACTED] and spent his time looking forward to Saturday when he would have visitors. It doesn't seem that it serves any purpose for him to have been transferred to KY.

We've always been a very close family. Always taking care of each other and supporting each other. While [REDACTED] was in Newport there was never a Saturday he didn't have at least one visitor and typically there would be three of us. The maximum visitors permitted at one time. I believe that helped him get through the week. I believe it helped him keep the emotional strength to get out of bed and go to work every day. It also gave us the opportunity to communicate with him on a regular basis. Phone calls from prison are not cheap and it's difficult to hear each other and they're kept very short. We write letters back and forth but the mail doesn't always get where it needs to go in a timely manner. Whether it's a USPS issue or the time it takes to handle incoming and outgoing mail at the prison.

I have made the trip to see him but only once as it creates a hardship for my family. It's practically impossible to get there and back for under \$1000. Making the trip to Kentucky also means at least two lost work days.

We would really love to see him return home to VT so that we would be able to see him. So that he would know what's happening with family matters in real time rather than the next time a letter gets to him or he feels like he has money to spend on a phone call. It would help us keep his spirits up and give him a reason to continue to be a model prisoner.

I truly don't see any benefit to moving our VT prisoners out of state. Thank you so much for your efforts and the efforts of the VCJR.

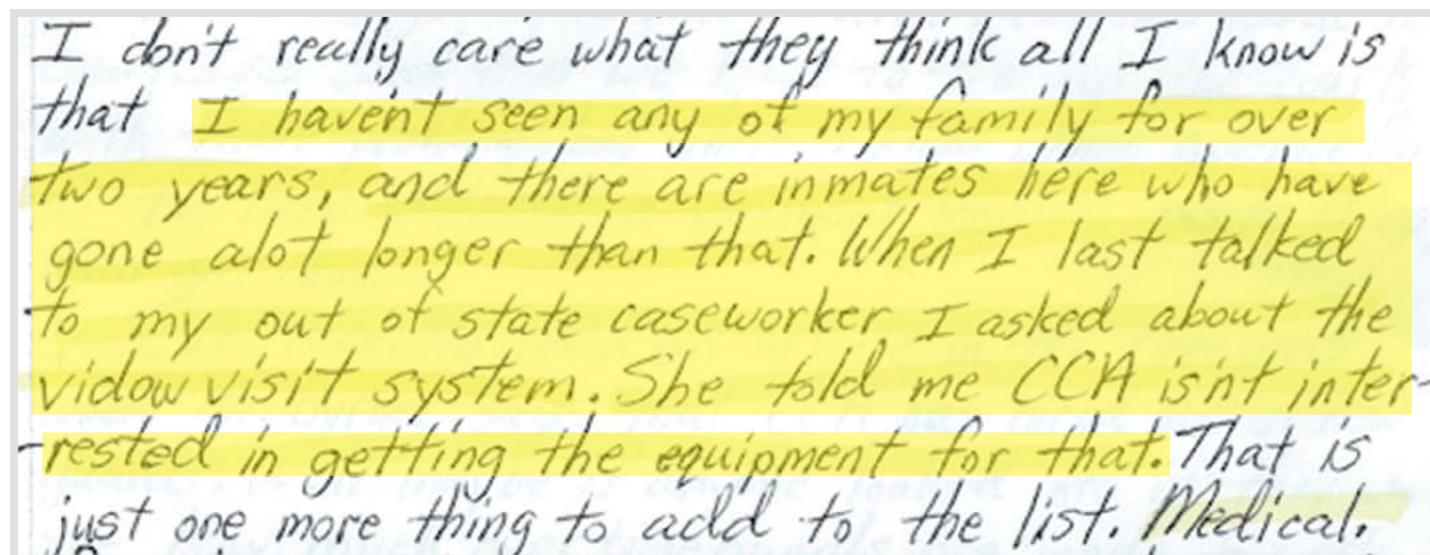
It is clear that Vermont families are suffering, both emotionally and financially, from the transfer of their loved ones out-of-state. Above all else, children of incarcerated parents deserve the opportunity to maintain a human connection to their parents. These testimonies bring to light the devastating costs to families, which must not be overlooked.

SECTION IV: The Face of Prisoner Transfers

In addition to shedding light on the stories of family members and loved ones enduring the consequences of out-of-state prisoner transfers, we also communicated with Vermonters who have been transferred to out-of-state private prisons. Below are excerpts from their letters. Some personal information has been changed, redacted, and/or omitted for their safety and privacy.

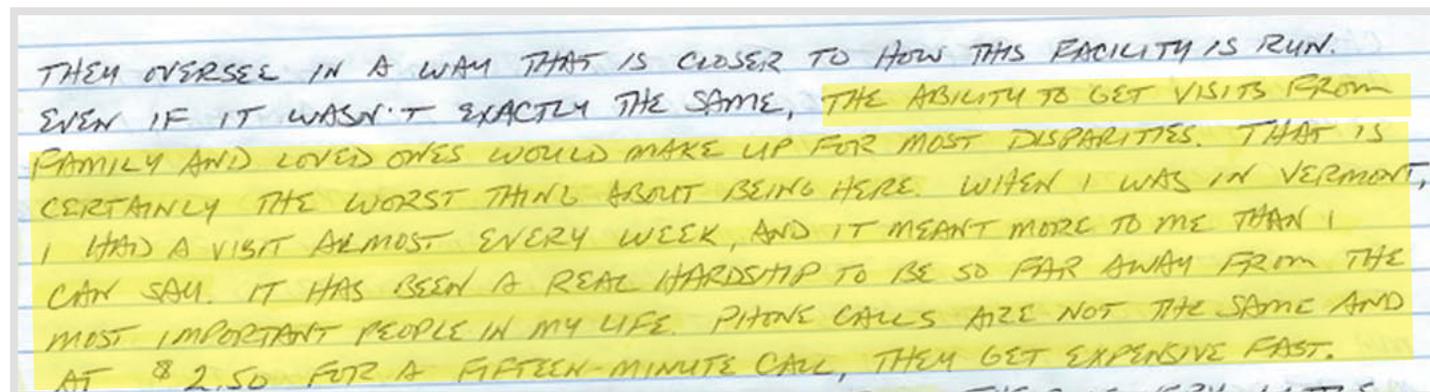
Common themes that arose from prisoners' letters include hardships associated with being separated from loved ones, frustrations around the inability to find post-release housing, claims of corruption among guards, and lack of medical care.

A Vermont prisoner currently in Kentucky said, "I haven't seen any of my family for over two years, and there are inmates here who have gone a lot longer than that." Additionally, he claims he was told by his caseworker that CCA is not interested in getting the necessary equipment that would enable prisoners to at least have video visits with their loved ones.



I don't really care what they think all I know is that I haven't seen any of my family for over two years, and there are inmates here who have gone a lot longer than that. When I last talked to my out of state caseworker I asked about the video visit system. She told me CCA isn't interested in getting the equipment for that. That is just one more thing to add to the list. Medical.

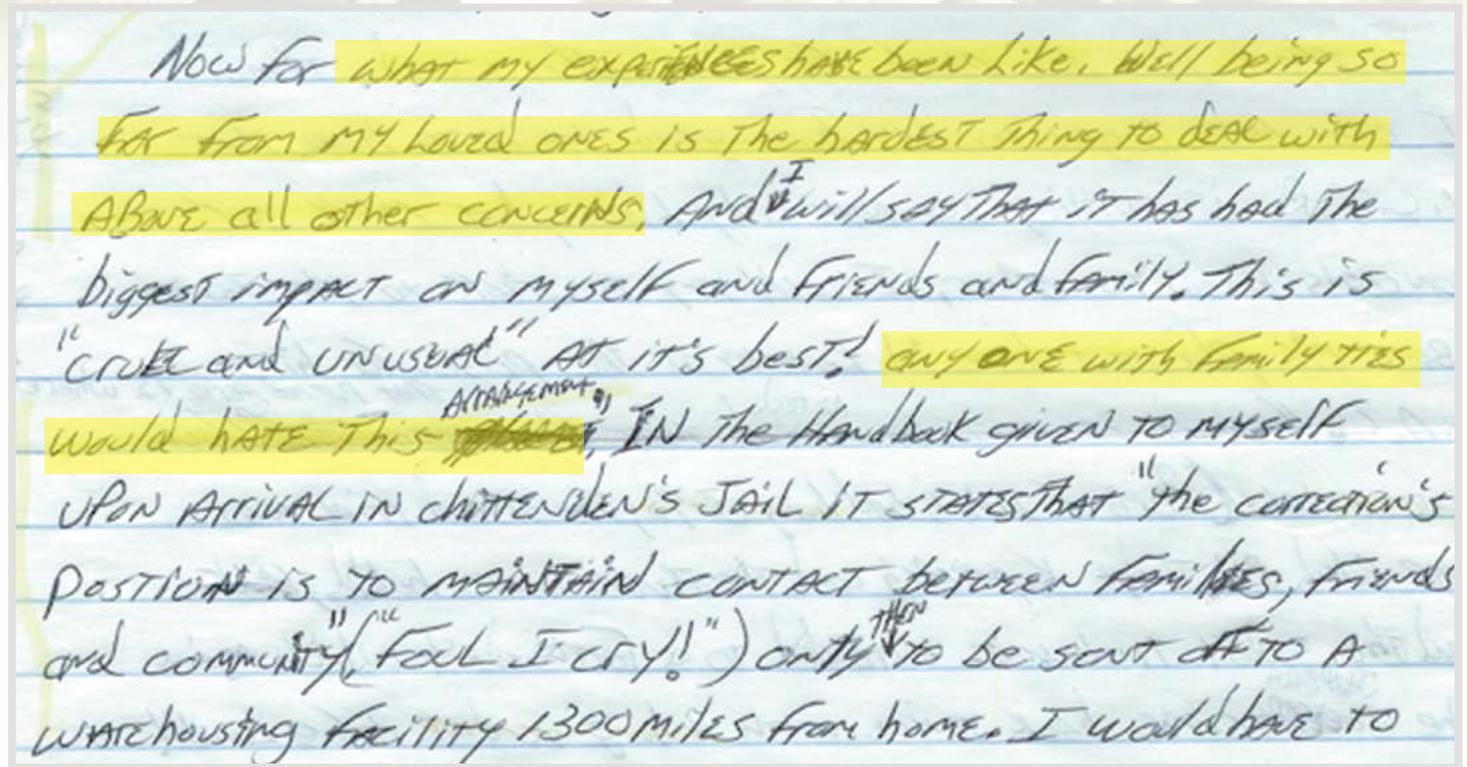
In addition to lacking access to video visitation services, phone calls are too expensive. One man said:



THEY OVERSEE IN A WAY THAT IS CLOSER TO HOW THIS FACILITY IS RUN. EVEN IF IT WASN'T EXACTLY THE SAME, THE ABILITY TO GET VISITS FROM FAMILY AND LOVED ONES WOULD MAKE UP FOR MOST DISPARITIES. THAT IS CERTAINLY THE WORST THING ABOUT BEING HERE. WHEN I WAS IN VERMONT, I HAD A VISIT ALMOST EVERY WEEK, AND IT MEANT MORE TO ME THAN I CAN SAY. IT HAS BEEN A REAL HARDSHIP TO BE SO FAR AWAY FROM THE MOST IMPORTANT PEOPLE IN MY LIFE. PHONE CALLS ARE NOT THE SAME AND AT \$2.50 FOR A FIFTEEN-MINUTE CALL, THEY GET EXPENSIVE FAST.

[... the ability to get visits from family and loved ones would make up for most disparities. That is certainly the worst thing about being here. When I was in Vermont, I had a visit almost every week and it meant more to me than I can say. It has been a real hardship to be so far away from the most important people in my life. Phone calls are not the same and at \$2.50 for a fifteen-minute call, they get expensive fast.]

Another Vermonter in Kentucky wrote about missing his daughter's graduation, losing his mother, and missing the birth of his grandchildren during the three years he has been out-of-state. He went on to say:



Now for what my experiences have been like. Well being so far from my loved ones is the hardest thing to deal with above all other concerns. And I will say that it has had the biggest impact on myself and friends and family. This is "cruel and unusual" at its best! anyone with family ties would hate this ^{arrangement} ~~arrangement~~. In the handbook given to myself upon arrival in chattenden's jail it states that "the correction's position is to maintain contact between families, friends and community" ("foul I cry!") only ^{then} to be sent off to a warehousing facility 1300 miles from home. I would have to

[...being so far from my loved ones is the hardest thing to deal with about all other concerns. And I will say that it has had the biggest impact on myself and friends and family. This is "cruel and unusual" at its best! Anyone with family ties would hate this arrangement. In the handbook given to myself upon arrival in the...Jail it states that "the corrections position is to maintain contact between families, friends, and community" ("foul I cry!") only then to be sent off to a warehousing facility 1300 miles from home.]

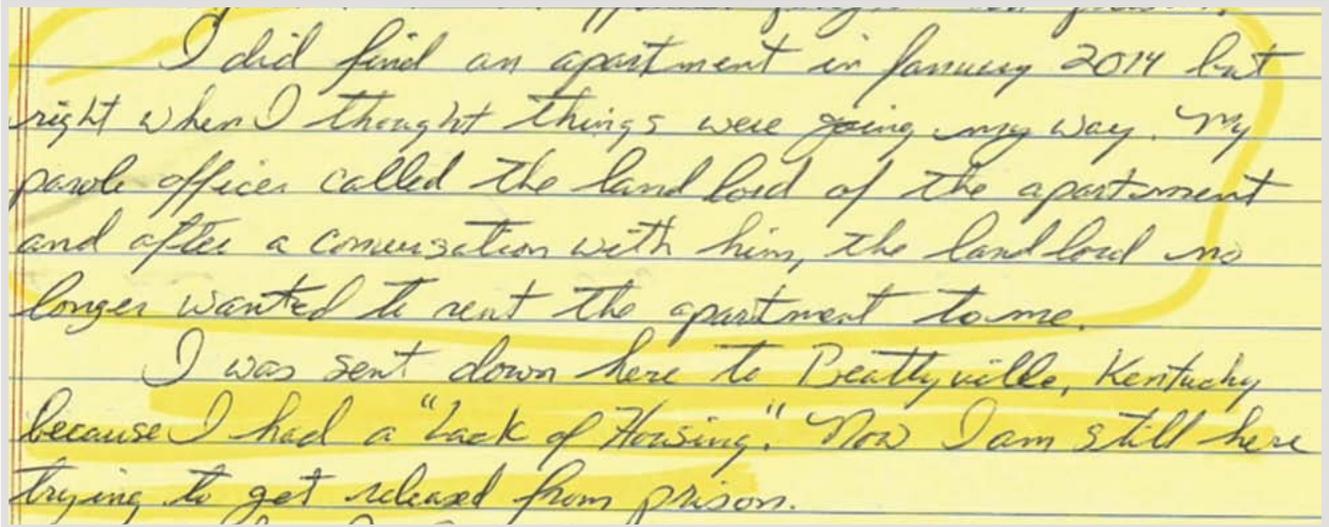
One Vermont man serving time in Kentucky said in the ten years he has been held out-of-state, he has only seen his loved ones twice and lost both his mother and father before having a chance to say goodbye. He also claims he is not getting credit for programming he has done because he is out-of-state.

Several men shared their frustrations that despite their eligibility for release, they are unable to secure housing — an obstacle more than 200 Vermont inmates experience on any given day. One Vermonter spoke to this frustration and other obstacles to reintegration, including no access to vocational or GED classes in Kentucky:

Also before I was sent down here I was in Newport Correctional Facility in Newport participating in the extensive education system they had to offer, this included welding vocational classes and a high school diploma. I did not have to do either of these well at Newport but with them I knew I could become a productive member of my community. But the State sent me here where ~~that~~ does not offer these classes, they don't even offer a High School Diploma. Now that I'm here I feel that it is going to be very hard to integrate back into the community.

Another thing is that the newspapers come 1 to 2 weeks late so it's almost impossible to find a residence, we don't have access to CoSA, we do not have access to a reintegration team. And residence is the #1 reason the jails are clogged.

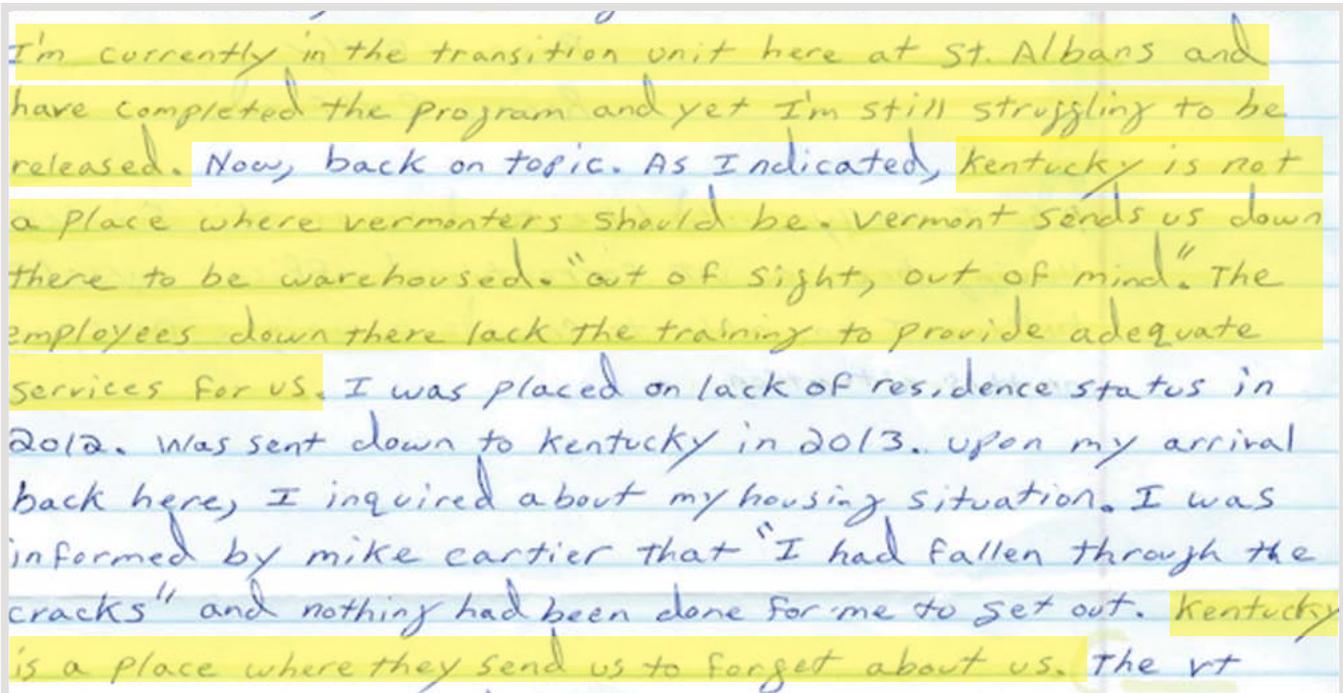
Finding housing from prison is always a challenge. Finding housing from 1,000 miles away, is even more difficult. Another Vermonter said he was four years past serving his minimum sentence, but could not find housing in order to be released. And, yet another incarcerated Vermonter said he got as far as finding an apartment back in January 2014, but the landlord changed his mind after a conversation with his parole officer:



I did find an apartment in January 2014 but right when I thought things were going my way my parole officer called the landlord of the apartment and after a conversation with him, the landlord no longer wanted to rent the apartment to me. I was sent down here to Beattyville, Kentucky because I had a "Lack of Housing." Now I am still here trying to get released from prison.

[I did find an apartment in January 2014, but right when I thought things were going my way my parole officer called the landlord of the apartment and after a conversation with him, the landlord no longer wanted to rent the apartment to me. I was sent down here to Beattyville, KY because I had a "Lack of Housing." Now I am still here trying to get released from prison.]

One Vermont prisoner who spent time in Kentucky and experienced similar housing obstacles shared this story:



I'm currently in the transition unit here at St. Albans and have completed the program and yet I'm still struggling to be released. Now, back on topic. As indicated, Kentucky is not a place where vermonters should be. Vermont sends us down there to be warehoused. "out of sight, out of mind." The employees down there lack the training to provide adequate services for us. I was placed on lack of residence status in 2012. Was sent down to Kentucky in 2013. Upon my arrival back here, I inquired about my housing situation. I was informed by Mike Cartier that "I had fallen through the cracks" and nothing had been done for me to get out. Kentucky is a place where they send us to forget about us. The vt

Some Vermont prisoners wrote letters sharing their experience as fathers separated from their young children. One father said, “when I was in Vermont doing my time, my kids were doing great in school and doing great at home. I call as much as I can, but as I am here my kids are starting to see I have no pull in the right or wrong they do. Please help. ... I am non-violent and hard-working and want to earn the trust and the right to be a citizen again and not be just another label, but a help to my family, friends, community.”

Another Vermont father said:

I'm not worried for my kids' safety. Their mom is great. But it is hard being single and raising children. (It is hard enough when there are TWO parents.)

When I was in jail in South Burlington, Vermont, they had a father-child visitation. I do not know if you are familiar with that, but it is a one-on-one with your kids, giving a father a chance to sit and talk out any problems or express feelings that can show them we are still their parents.

Being kept from them lets our children feel forgotten and alone even though they have their mom or a guardian. I hear that a child with a parent in jail has a high chance of going to jail themselves. Am I right? Why is that? Because we are not there for them?

Why are the MOMS who are in jail not shipped out of state? They get good time no matter their charges ... they can go to work camp to earn good time no matter their charges ... why can't we?

I'm not given the opportunity to prove my worth to D.O.C. or the community. My worth before was not much as I was a drug addict and alcoholic. Coming to jail saved me but had a horrible impact on my kids and my family. My wife has struggled to keep housing. She has back problems that keep her extremely restricted. I love my wife so very much and never thought she would need to struggle this much.

One Vermonter worries he won't have the chance to see his elderly father before he dies. He said, “My father is 82 years old and he is not in good health. He is not physically capable of making the trip down here to visit me. My family and I have always been close. For the three years I spent in prison in Vermont, there was barely a week that went by that my father and mother did not come visit me. I have been down here now for three years. My worst fear is that my father is going to pass away without me being able to see him one last time.”

Additionally, he shared his perception of the CCA guards in the prison:

Since I have got here, I have had the feeling that the staff here do not believe that we are human beings, but just another number; another paycheck for them. The majority of the staff here are unprofessional, they live off of carnage, they turn their backs on problems and issues, they love to see chaos and fights; that way they get to fog or pepper spray someone. That's what one CO said to me once. Favoritism is rampant, and sex with inmates is not unheard

of. Not only do we have to deal with all of that, but we have to suffer from the disconnect from not being able to see our family members.

Another Vermont inmate in Kentucky had this to say about the CCA guards:

In general, the COs here do not get paid enough to care enough to be truly proactive in their law enforcement. They are doing the minimum to keep the job. No one here wants to 'take one' for the CCA team. One CO said, a new guy, 'I make \$8.35/hr. & I don't give a fuck what you guys do to one another.'

[In general, the COs (correctional officers) here do not get paid enough to care enough to be truly proactive in their law enforcement. They are doing the minimum to keep the job. No one here wants to take one for the CCA team. One CO said, a new guy, 'I make \$8.35/hr and I don't give a fuck what you guys do to one another!']

Finally, Vermont prisoner had this to say:

Again, I'm not in a hurry to return to Vermont except for the improved travel time of mail between the courts and me; but my circumstances are unique in that I don't have family there. So many men here are heartbroken, lonely, and impaired because they are so far removed from their support systems, or from effective resources for finding acceptable housing while they are long-past their eligibility to be released. (That makes me ill: HUNDREDS of prisoners are entitled right now to walk out of prisons, reconnect with their families, and resume working, contributing to society, and tax-paying, but the VTDOC refuses to LET THEM GO?! That ... is criminal.)

Too often the experiences of those behind bars go unheard and unknown, perpetuating a lack of empathy for incarcerated people and their families. But, these men are not simply another number or statistic. They are sons, brothers, and fathers struggling to maintain supportive, human connections to their loved ones.

SECTION V: Working for Change — Recommendations

In response to the transfer of prisoners across state lines to private, for-profit prisons, Grassroots Leadership seeks to support state advocates across the nation to put an end to this inhumane policy, which solely serves a multi-billion dollar industry that thrives on imprisonment. Grassroots Leadership is proud to stand with Vermonters for Criminal Justice Reform (VCJR), who are leading the fight in Vermont, cultivating grassroots power to bring their prisoners home. More than thirty Vermont organizations across the state have signed on to support these efforts and hundreds of Vermont residents have signed the petition, which continues to gain more supporters everyday. Families and prisoners are speaking out and sharing their stories.

We recommend Vermont lawmakers take immediate action to prioritize reducing the number of Vermonters behind bars, end this inhumane practice by returning all out-of-state prisoners back to Vermont, and cut ties with the private, for-profit prison industry. In order to do so, state lawmakers should:

1. Fully support the statewide expansion of pre-trial services and increase the capacity to provide mental health and drug treatment opportunities.
2. Support the continued use of drug courts, court diversion, mentoring programs, and community justice centers that provide restorative justice panels and re-entry programs, such as Circles of Support and Accountability.
3. Expand restorative justice options.
4. Reform sentencing practices.
5. Reform supervision policies.
6. Re-evaluate the state's approach to transitional housing.

We believe these recommendations represent necessary steps toward investing in sustainable supports to keep people out of prison and to better serve those re-entering society.

CONCLUSION

For more than a decade, Vermont has relied on out-of-state private, for-profit prisons to house Vermont inmates far from home. The sheer distance and cost of travel create a significant, sometimes insurmountable, barrier to maintaining supportive connections to family and loved ones. Innocent families are torn apart and punished. In Vermont, allowing out-of-state transfers only benefits Corrections Corporation of America, whose business model is driven by a perverse incentive — the more people incarcerated, the better the company's bottom line. This policy is merely a costly band-aid, which illustrates a dangerous reliance on incarceration and a failure to prioritize sustainable solutions to reduce the number of people behind bars.

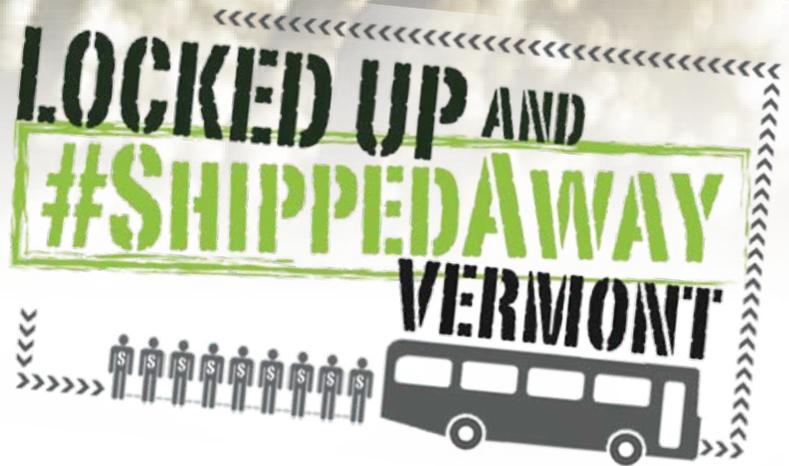
We know now that mass incarceration has not made us a safer nation, and that the collateral consequences have trapped millions of Americans in a cycle of poverty and dehumanization — a cycle which affects all of us. We also know that incarceration punishes not only individuals, but their families as well. The people willing to put their personal experiences in the public view and speak out against these injustices deserve to be treated with dignity and the utmost respect. Vermont leaders must recognize there's no justice in hurting innocent families and there's no sense in hyper incarceration. It's time to do what is best for all Vermonters — reduce incarceration, cut ties with prison profiteers, and bring prisoners home.

JOIN THE LOCKED UP AND #SHIPPEDAWAY CAMPAIGN

All Vermonters have a role to play in the fight to change this unsustainable and harmful policy.

What you can do:

- **All Vermonters** — formerly incarcerated people, directly impacted families and communities, students, and concerned individuals — can join the Locked Up and #ShippedAway Campaign by visiting: <http://nationinside.org/campaign/shipped-away/>.
- From the **TAKE ACTION** tab, sign the petition to bring prisoners back to Vermont and add your name to the growing list of Vermonters speaking out against this policy.
- **SPREAD THE WORD.** Share your personal story or why this issue is important to you.
- **CONTACT YOUR STATE LEGISLATORS** and tell them you want to see sustainable reforms that reduce incarceration and an end to shipping Vermonters to out-of-state private prisons.
- **Vermont organizations, businesses, congregations, and groups** — click the **TAKE ACTION** tab to sign on to the campaign and support these efforts by spreading the word to your members and employees.



To learn more about the role you can play connect with Vermonters for Criminal Justice Reform on Facebook and Twitter (@V4CJR), and/or email: vcjr@burlingtontelecom.net.

References

1. Grassroots Leadership, *Locked Up and Shipped Away: Interstate Prisoner Transfers and the Private Prison Industry*. November 2013. http://grassrootsleadership.org/sites/default/files/uploads/locked_up_shipped_away.pdf
2. Appendix A
3. Bales, W.D. & Mears, D.P., "Inmate social ties and the transition to society: Does visitation reduce recidivism?" *Journal of Research in Crime and Delinquency* 45:287-321. 2008; The effects of prison visitation on offender recidivism. Minnesota Department of Corrections. (2011). <http://www.doc.state.mn.us/PAGES/files/large-files/Publications/11-11MNPrisonVisitationStudy.pdf>
4. Lindholm, J. & Cingeri, R. "Returning Out-of-State Prisoners to Vermont," Vermont Public Radio, July 29, 2014. <http://digital.vpr.net/post/returning-out-state-prisoners-vermont>
5. Vermont Department of Corrections Facts and Figures FY 2013. <http://www.doc.state.vt.us/about/reports/latest-facts-figures-adobe/view>
6. See 1
7. See 4
8. Dillon, J., "Private prison company to house 700 Vermont inmates," Vermont Public Radio, January 2, 2004. http://www.vpr.net/news_detail/70230/private-prison-company-to-house-700-vermont-inmate/
9. Yetter, D. & Pitsch, M., Prison riot followed increase in inmates; Lee County center took in 400 prisoners from Vermont and cut back on privileges," *The Courier-Journal*, September 17, 2004. <http://www.prisonpolicy.org/news/courier09172004.html>
10. Leavitt, J., "One tiny state's movement to ban private prisons," *Counter Punch*, January 22, 2013. <http://www.counterpunch.org/2013/01/22/one-tiny-states-movement-to-ban-private-prisons/>
11. Barrouquere, B., "Kentucky pulls inmates out of privately run prison," *Bloomberg Businessweek*, June 22, 2010. <http://www.businessweek.com/ap/financialnews/D9GGH0AG0.htm>
12. <http://www.leg.state.vt.us/database/status/summary.cfm?Bill=H.0607&Session=2012>
13. See 1
14. Krantz, L., "Warden of Kentucky prison that houses Vermont inmates resigns," *VT Digger*, January 27, 2014. <http://vtdigger.org/2014/01/27/warden-kentucky-prison-houses-vermont-inmates-resigns/>
15. Davis, M., "Fracas in Arizona prison leads to lockdown for Vermont inmates," *Seven Days*, October 1, 2014. <http://www.sevendaysvt.com/vermont/fracas-in-arizona-prison-leads-to-lockdown-for-vermont-inmates/Content?oid=2449326>
16. Davis, M., "Vermont lawmakers quiz the state's private prison company," *Seven Days*, October 20, 2014. <http://www.sevendaysvt.com/OffMessage/archives/2014/10/20/vermont-lawmakers-quiz-the-states-private-prison-company>
17. Krantz, L., "Shipping only male inmates out-of-state unconstitutional, judge rules," *VT Digger*, November 14, 2014. <http://vtdigger.org/2014/11/14/shipping-male-inmates-state-unconstitutional-judge-rules/>
18. Brave New Films, *Over Criminalized*, http://www.bravenewfilms.org/oc_videos
19. Davis, M., "Reform v. Reality: Prison crowding compels Vermont to keep shipping inmates out of state," *Seven Days*, November 6, 2013. <http://www.sevendaysvt.com/vermont/reform-v-reality-prison-crowding-compels-vermont-to-keep-shipping-inmates-out-of-state/Content?oid=2266569>
20. U.S. Census Bureau. <http://quickfacts.census.gov/qfd/states/50000.html>
21. Mauer, M. & Nazgol, G. "Incorporating Racial Equity into Criminal Justice Reform," *The Sentencing Project*, October 2014. http://www.sentencingproject.org/doc/rd_Incorporating_Racial_Equity_into_Criminal_Justice_Reform.pdf
22. The Pew Charitable Trusts, "Most states cut imprisonment and crime," November 10, 2014. <http://www.pewtrusts.org/en/multimedia/data-visualizations/2014/imprisonment-and-crime>
23. Can provide upon request
24. Petrella, C., "An Open Letter to the Corrections Corporation of America," July 2014. https://www.aclu.org/sites/default/files/assets/open_letter_to_cca_final.pdf
25. Salary Wizard. <http://swz.salary.com/salarywizard/Correctional-Officer-Salary-Details-South-Burlington-VT.aspx>
26. See 16.
27. The Sentencing Project, "Prison Privatization and the Use of Incarceration," Updated September 2004. http://www.sentencingproject.org/doc/publications/inc_prisonprivatization.pdf
28. Bales, W.D. & Mears, D.P., "Inmate social ties and the transition to society: Does visitation reduce recidivism?" *Journal of Research in Crime and Delinquency* 45:287-321. 2008
29. The Sentencing Project, "Incarcerated Parents and their Children: Trends 1991-2007," February 2009. http://www.sentencingproject.org/doc/publications/publications/inc_incarceratedparents.pdf
30. Vermont Legislative Research Services, "Prison Video Conferencing," The University of Vermont. May 2011. <http://www.uvm.edu/~vlrs/CriminalJusticeandCorrections/prison%20video%20conferencing.pdf>
31. See 17

Appendix A

(Source: Vermont Department of Corrections Facts and Figures FY 2013)

Facility Per Capita Cost (Accrual) – FY2013

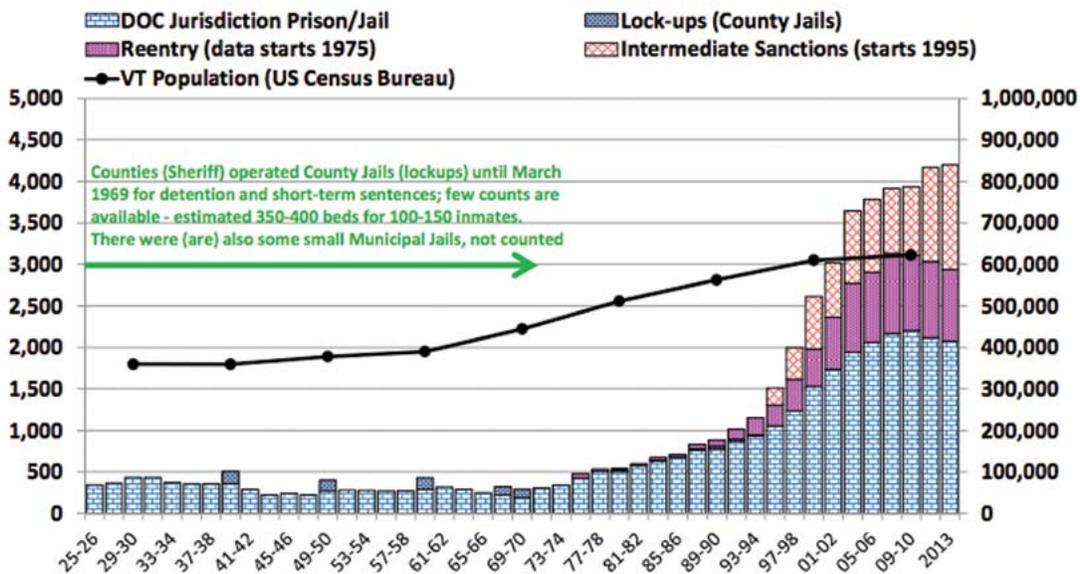
Facility	Average Daily Population	Total Expenditures	Cost Per capita
Chittenden RCF (Women) (S. Burlington)	151	\$12,934,267	\$85,657
Northeast Complex (RCF&WC) (St. Johnsbury)	230	\$11,395,252	\$49,545
Marble Valley RCF (Rutland)	135	\$8,245,538	\$61,078
Southeast Work Camp (Windsor)	97	\$6,788,185	\$69,981
Northern SCF (Newport)	408	\$18,772,772	\$46,012
Southern SCF (Springfield)	345	\$19,975,028	\$57,899
Northwest SCF (Swanton)	213	\$13,698,559	\$64,312
TOTALS (Instate)	1,579	\$91,809,600	\$58,144
Out-of-State (CCA)	498	\$12,861,316	\$25,826

Source: VTDOC Business Office. All operations at the St. Johnsbury site (Northeast Correctional Complex, comprising regional and work camp services) were combined.

Appendix B

(Source: Vermont Department of Corrections Facts and Figures FY 2013)

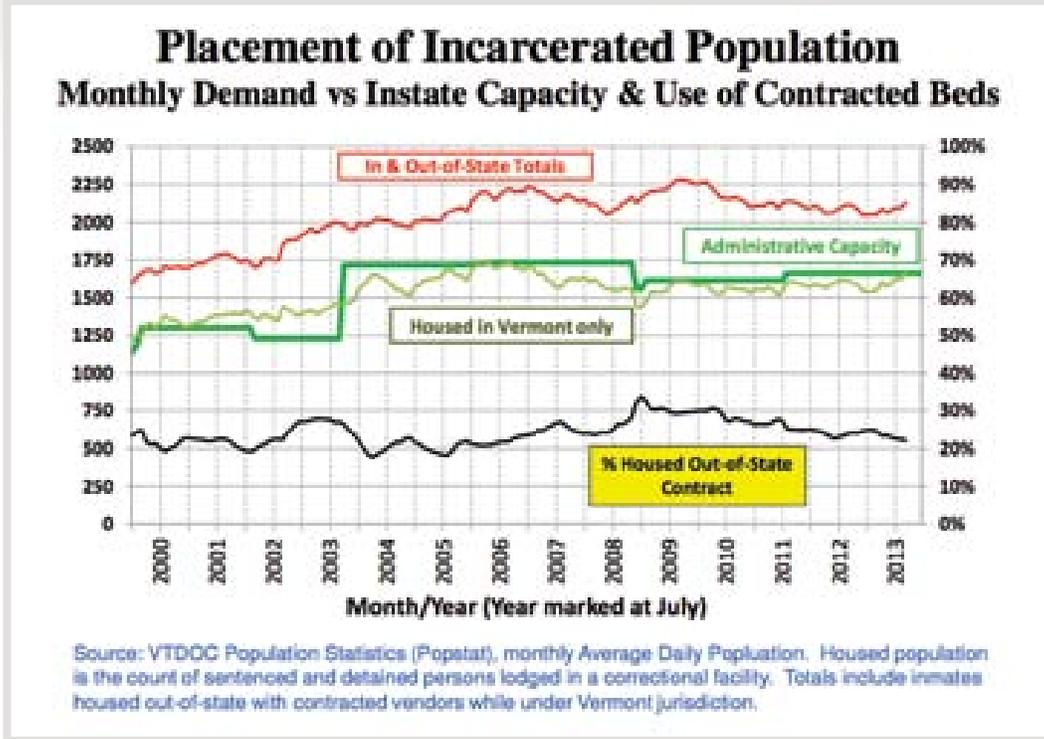
Corrections Population less Probation & Parole The Long View (1925-2013)



Source: US Bureau of Justice Statistics, Correctional populations in the US 1925-83 through 1969. Thereafter, VTDOC data. Various quarterly & daily reports averaged for 1970-1988. Computer records thereafter: FY1989-2000, average daily populations (ADP) from PopStats; FY2001 and beyond ADP from daily Snapshot. "Custody" is used here to include both sentenced and/or detained offenders who may be housed either in-state or out-of-state under Vermont jurisdiction or were being supervised while sentenced in the community, but excludes probationers on suspended sentences and parolees.

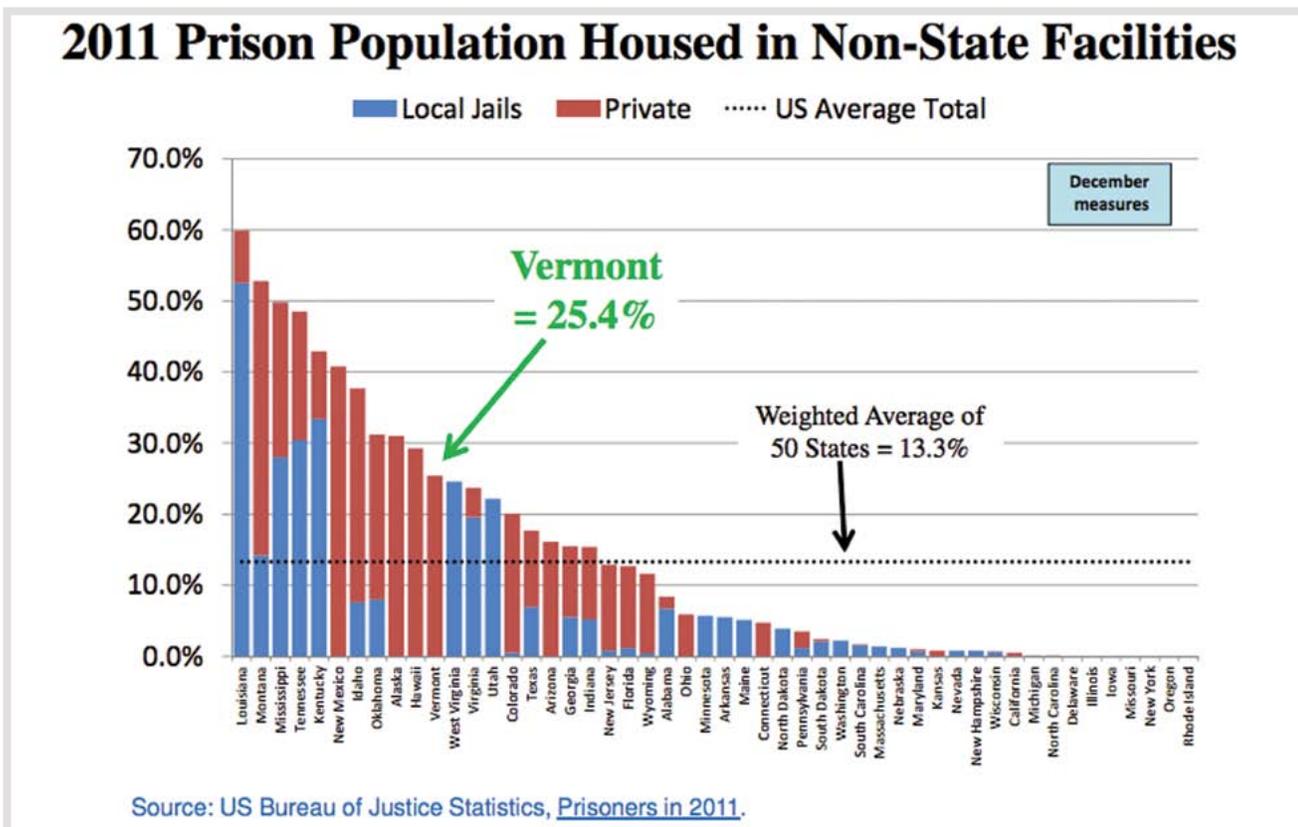
Appendix C

(Source: Vermont Department of Corrections Facts and Figures FY 2013)



Appendix D

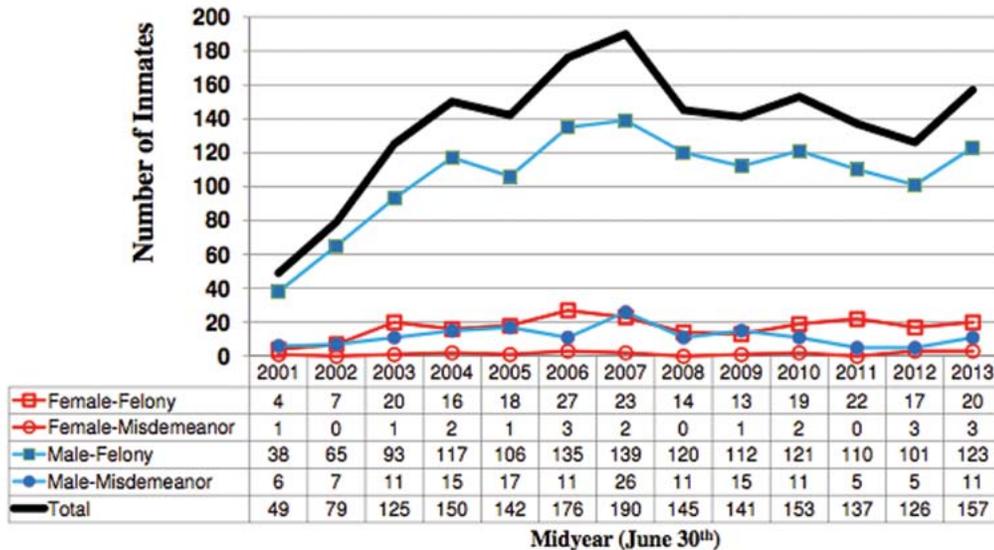
(Source: Vermont Department of Corrections Facts and Figures FY 2013)



Appendix E

(Source: Vermont Department of Corrections Facts and Figures FY 2013)

Inmates with Drug Charges As Most Serious Charge (June 30th each year)

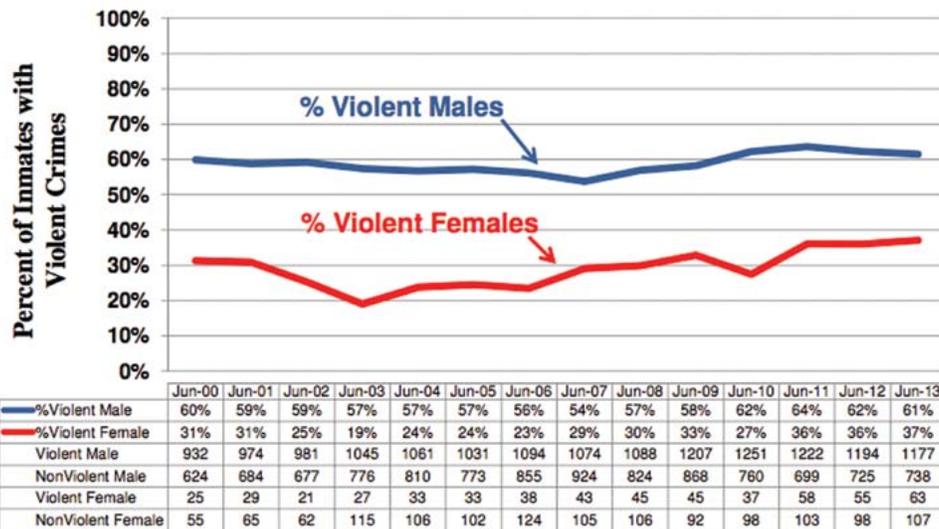


Source: VTDOC Daily Snapshot (June 30th). Note: The count is the number of sentenced and detained inmates housed on sample dates each June for whom the most serious crime is a drug crime. There may be additional drug offenders with more serious crimes (violent/personal and property).

Appendix F

(Source: Vermont Department of Corrections Facts and Figures FY 2013)

Incarcerated Population Violent Males vs. Violent Females

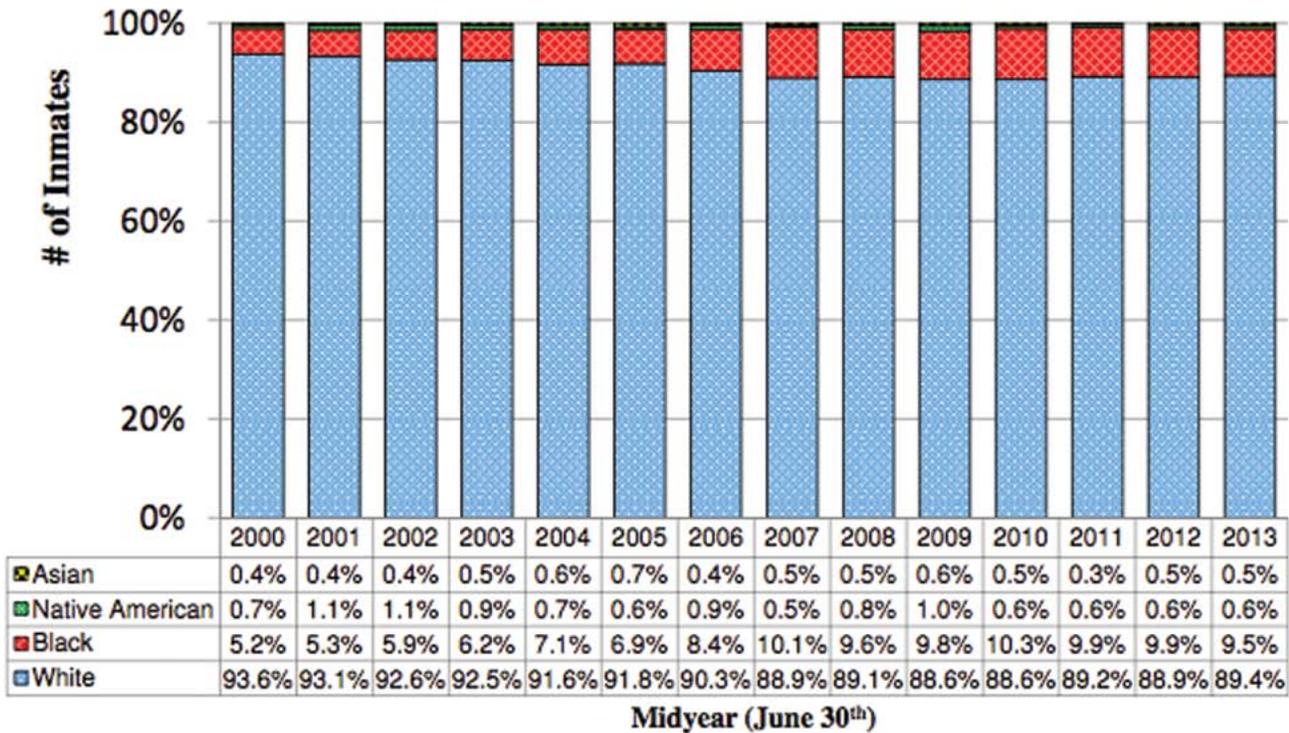


Source: VTDOC Daily Snapshot (June 30th each year). A "violent crime" was defined here as a "Serious Felony" or a felony or misdemeanor against a person. Counts include both sentenced and unsentenced inmates with recorded charges (i.e., inmates without recorded charges are dropped from the denominator). "Violent Felons" are about 90% of all "violent inmates".

Appendix G

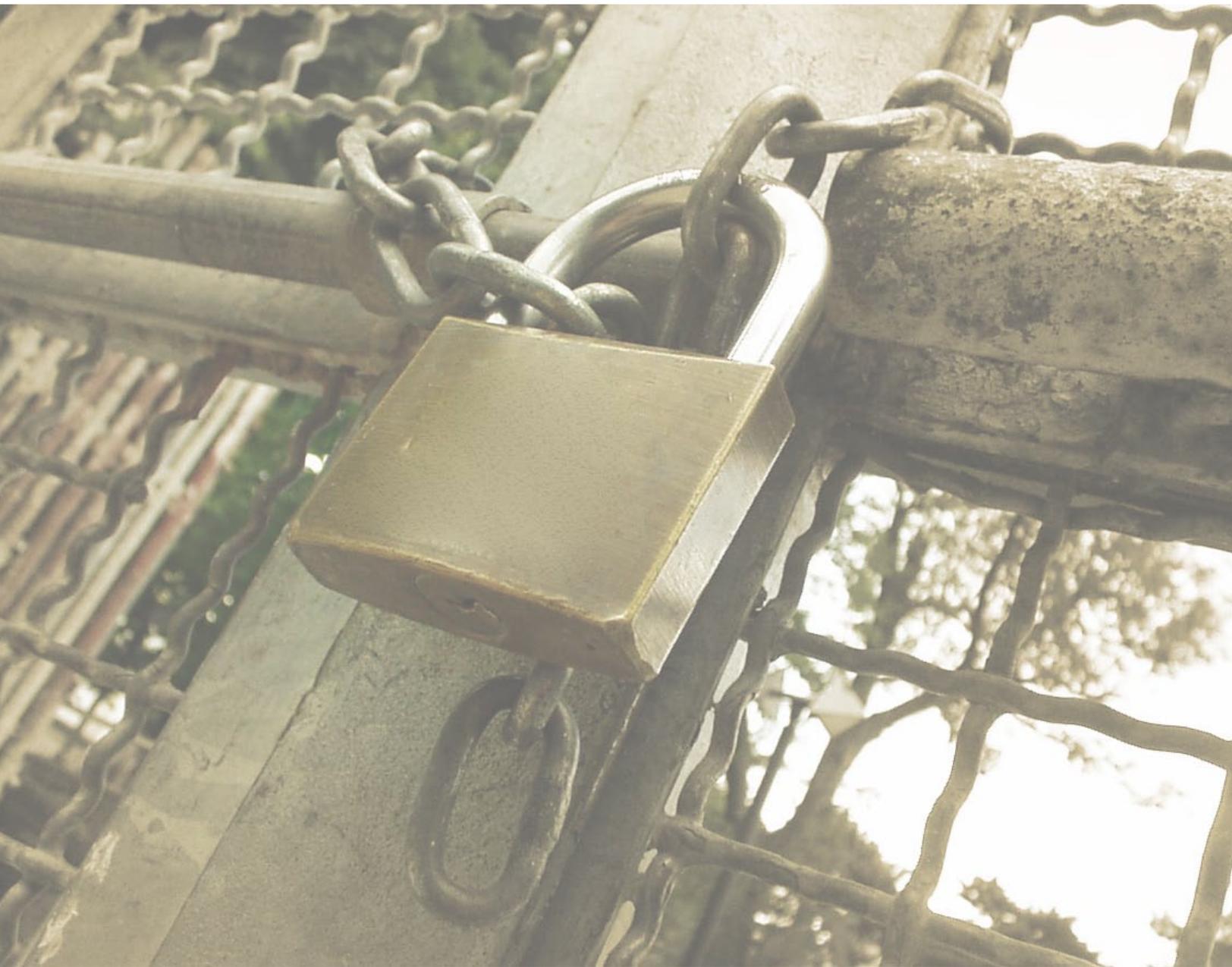
(Source: Vermont Department of Corrections Facts and Figures FY 2013)

Races Amongst Inmates Proportion of Population – June 30th each year



Source: VTDOC Daily Snapshot (June 30th each year). Persons with unknown or unrecorded race have been excluded in the calculation of proportion.

Notes



LOCKED UP & SHIPPED AWAY:

Paying the Price for Vermont's Response to Prison Overcrowding

For more information, please contact Grassroots Leadership at:

info@grassrootsleadership.org or (512) 499-8111

Twitter: [@Grassroots_News](https://twitter.com/Grassroots_News)

www.grassrootsleadership.org