



**ACLU Testimony on H. 543  
House Corrections  
James Lyall, Executive Director, ACLU of Vermont  
May 9, 2019**

Thank you for the opportunity to testify on H.543. First, I want to thank the committee again for its work on this legislation, and for recognizing and taking action in response to the unacceptable conditions in Chittenden Regional Corrections Facility (CRCF). The ACLU reiterates its commitment to working with the legislature on short- and long-term solutions to better address the needs of the women in CRCF, and to continue building upon the commendable progress Vermont has already made on criminal justice reform.

It is our position that H.543 has the potential to help do just that. In particular, we fully support the language in Section 28 (which the Senate just moved to the budget<sup>1</sup>) to coordinate with the Council on State Governments (CSG) to study programming and population trends in Vermont prisons.

In particular, we support the addition of language specifying that the evaluation may include particular attention to the women's population and may involve stakeholders. The ACLU and other stakeholders fully approve of the language that is now in the budget passed by the Senate, and we hope to contribute to that effort.<sup>2</sup>

As to Section 3(e)(1) of the House bill, we want to be very clear: we do not oppose or object to Vermont's legitimate interest and need to plan for the future. We understand that infrastructure evaluation and planning take time and preparation, just as we understand the urgent need to replace CRCF and other inadequate facilities.

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<sup>1</sup> See <https://legislature.vermont.gov/Documents/2020/Docs/CALENDAR/sc190506a.pdf>, at p. 59.

<sup>2</sup> We also support the latest language we've seen in the Senate version of the capital bill to appropriate funds for "justice reinvestment II." See <https://legislature.vermont.gov/Documents/2020/Docs/CALENDAR/sc190508.pdf> at p. 2008. Justice reinvestment considerations are currently listed in the Senate budget bill: <https://legislature.vermont.gov/Documents/2020/Docs/CALENDAR/sc190506a.pdf> at p. 67.

Our position has been simply that future planning should also a) include an evaluation of potential non-incarcerative alternatives; b) make explicit that planning for future prison capacity must take into account the possibility of further reductions in Vermont's incarcerated population, and not commit Vermont to a future prison population any larger than absolutely necessary; and c) involve stakeholder input as appropriate—not for site location or purchase options, but rather to ensure non-incarcerative alternatives and population reductions are adequately incorporated into and considered throughout the planning process.

We and other stakeholders have expressed our view that we did not believe Section 3(e)(1) of the original bill adequately accounted for those concerns. The current Senate capital and budget bills have addressed those concerns to some extent, though the ACLU continues to urge that stakeholders be involved in every step of the process going forward. Thank you, and again, we look forward to working with you on this and other important civil liberties issues.