



**Justice Center**  
THE COUNCIL OF STATE GOVERNMENTS

# Vermont Justice Reinvestment II Working Group Meeting

December 16, 2019

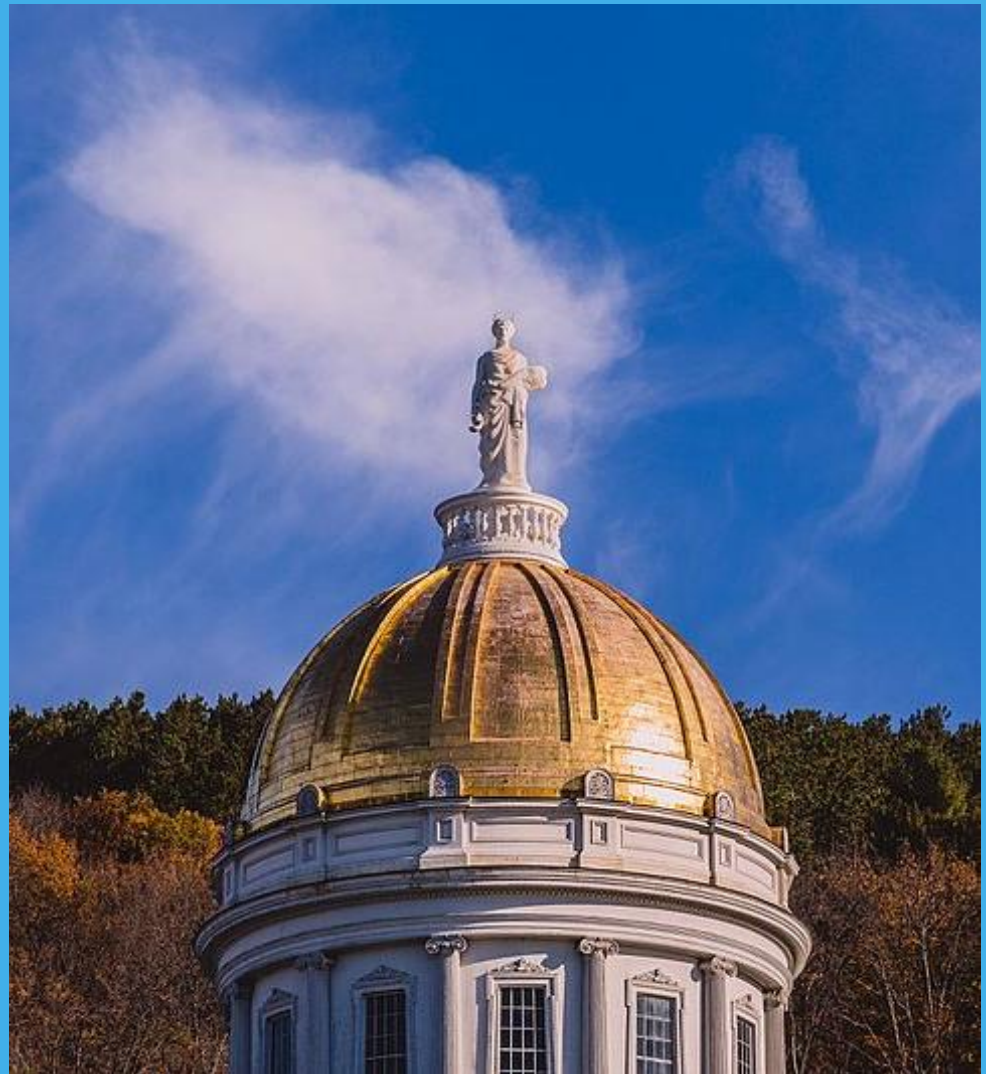
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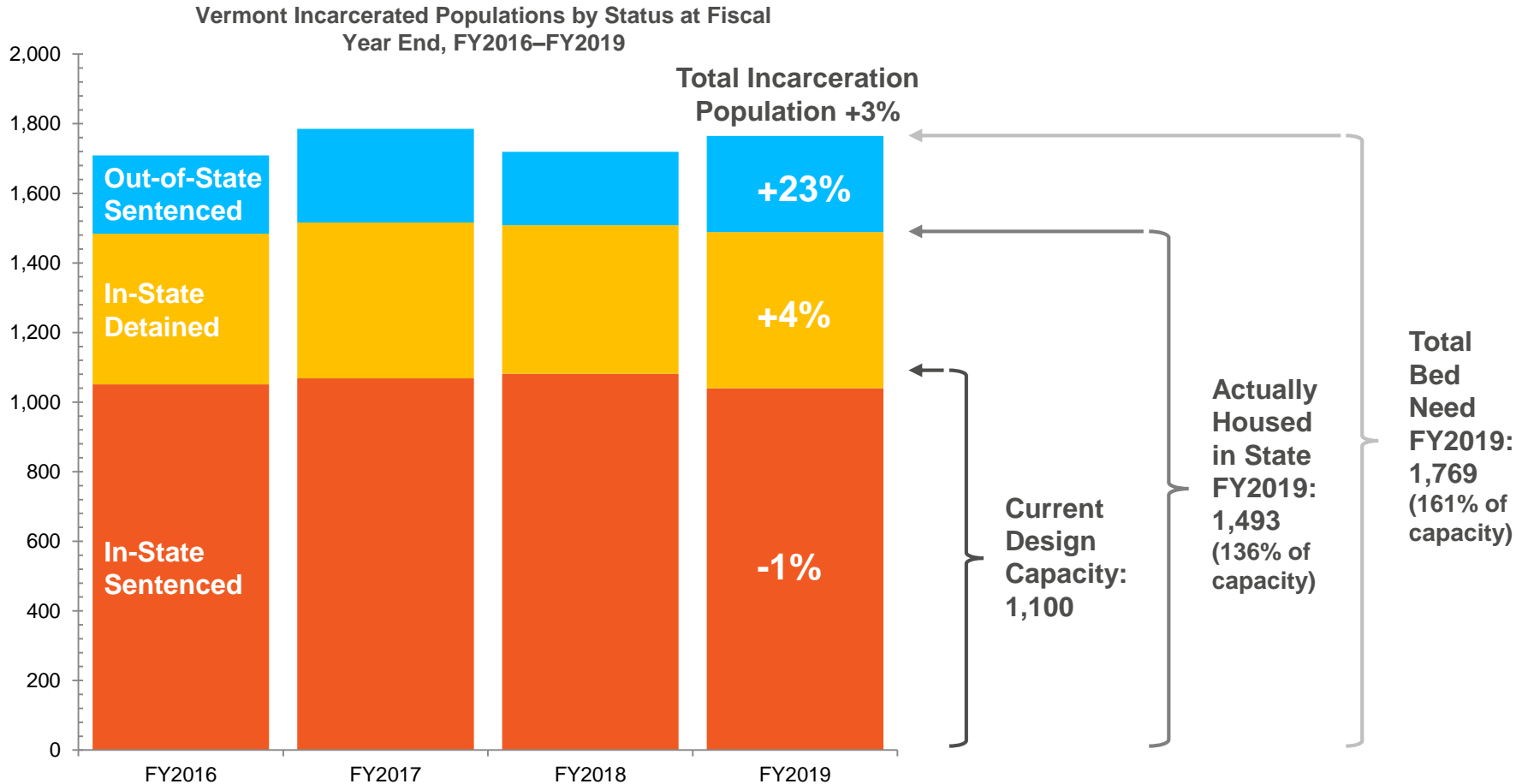


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## **Revocations and returns from supervision are driving prison populations, and limited funding leaves large numbers of high-risk people without the programs and services they need to succeed in the community.**

- The state's incarcerated population has grown in recent years, while funding for the DOC has remained flat.
- Over the last three years, the average annual proportion of admissions to sentenced incarceration that were people returning or revoking from furlough, parole, and probation was 78%.
- Technical violations make up large percentages of supervision returns and revocations, particularly for the furlough population.
- The length of stay for people who are returned or revoked to prison is generally short.
- Research indicates that people are most vulnerable and likely to recidivate in their initial months following release from prison into the community, and in Vermont most people are on furlough during that period.
- Level funding for DOC and limited community-based resources statewide result in large numbers of higher risk people who do not receive programming and services that would address their criminogenic risks and needs more effectively.

# Vermont incarcerates more people than current facilities can accommodate, and that incarceration population is growing.

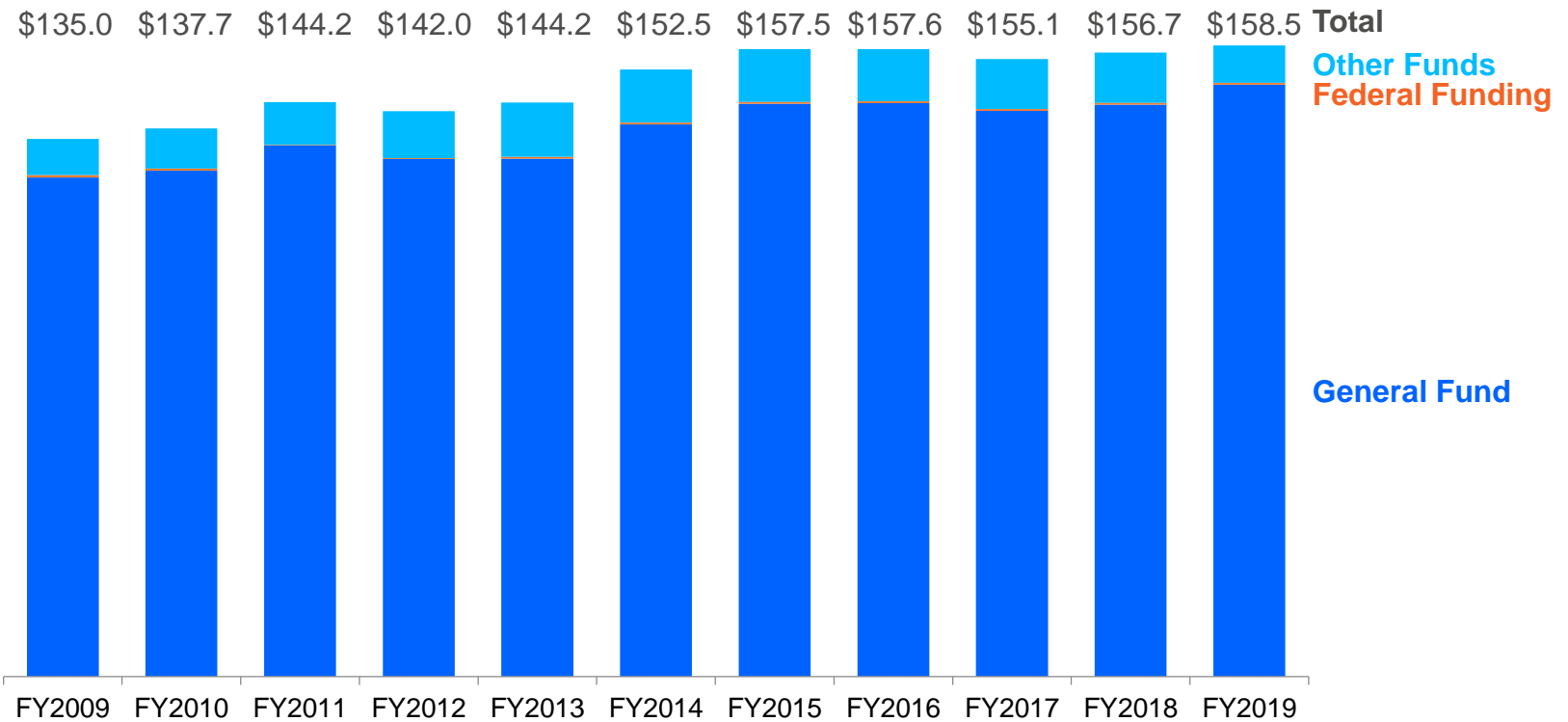


Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

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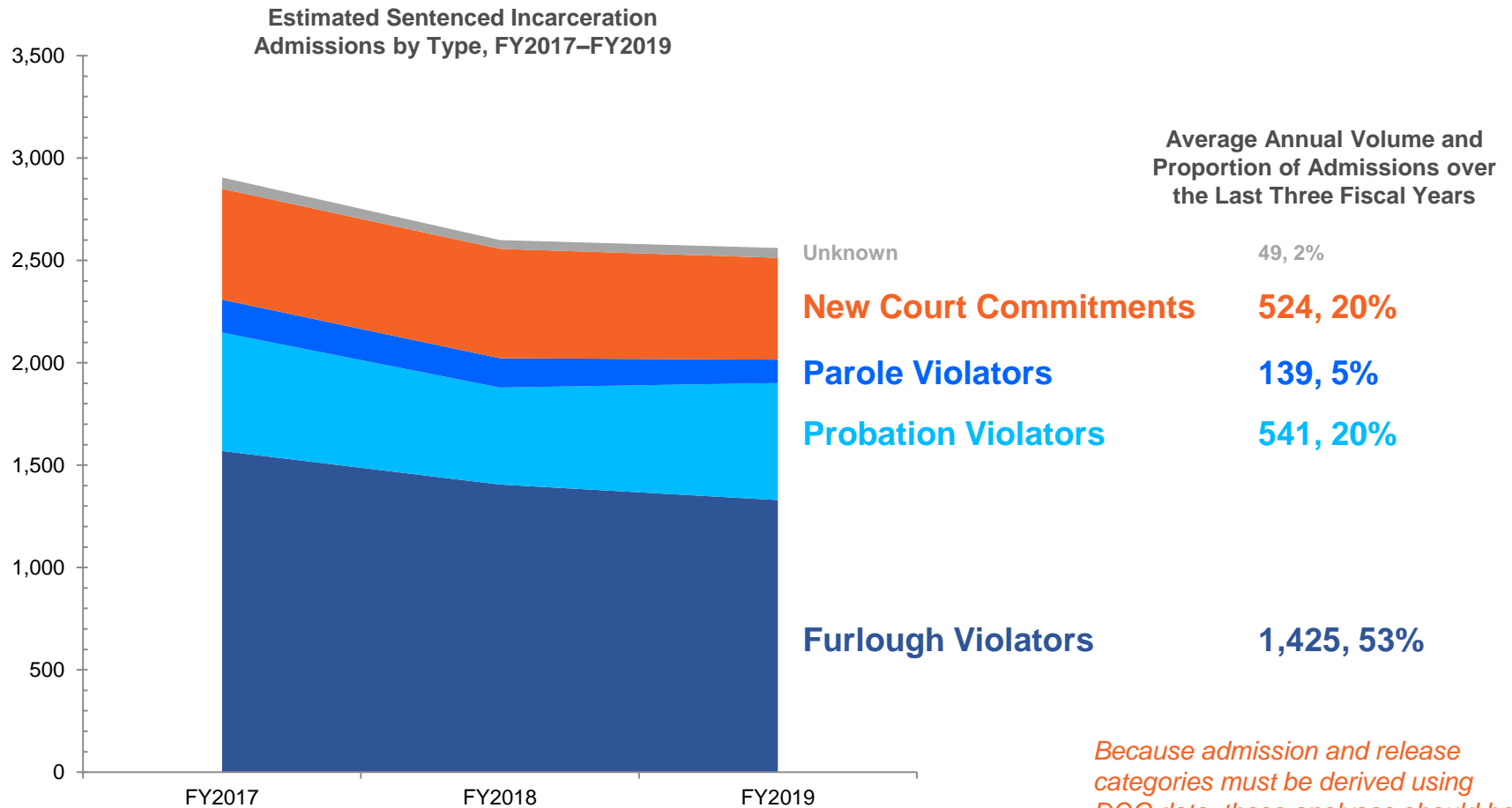
**In the face of a growing incarcerated population, level funding is equivalent to budget cuts, which de-invests in programs and services for people who are in the corrections system.**

Department of Corrections Budget Appropriations by Funding Source in Millions of Dollars, FY2009–FY2019



Sources: Data from the Vermont Department of Corrections.

**Almost 80 percent of sentenced DOC admissions are for people returned or revoked from furlough, parole and probation, primarily driven by furlough violators.**



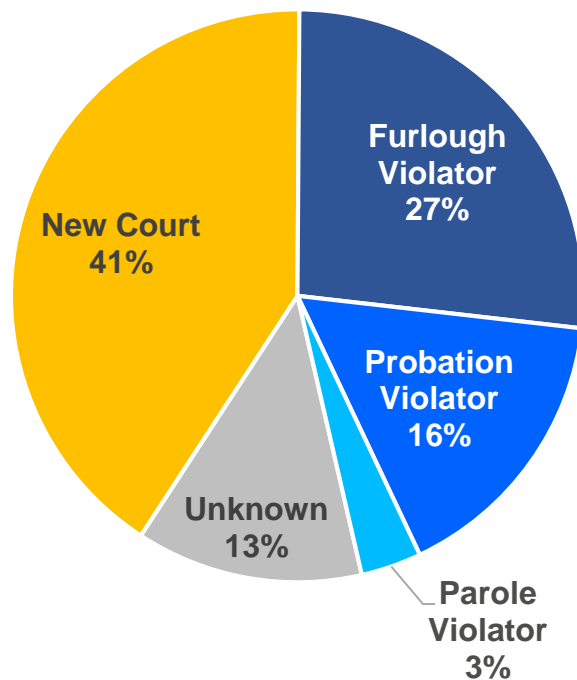
*Because admission and release categories must be derived using DOC data, these analyses should be considered strong estimates.*

Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

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## Nearly half of Vermont's sentenced prison population at the end of FY2019 consisted of people who were returned from community supervision, primarily furlough.

1,318 Total People in Sentenced Incarceration  
Population by Admission Type at the End of FY2019



Furlough violator admissions make up a large proportion of admissions, but because of relatively short lengths of stay, they contribute a smaller percentage of the snapshot sentenced incarceration population at any given time.

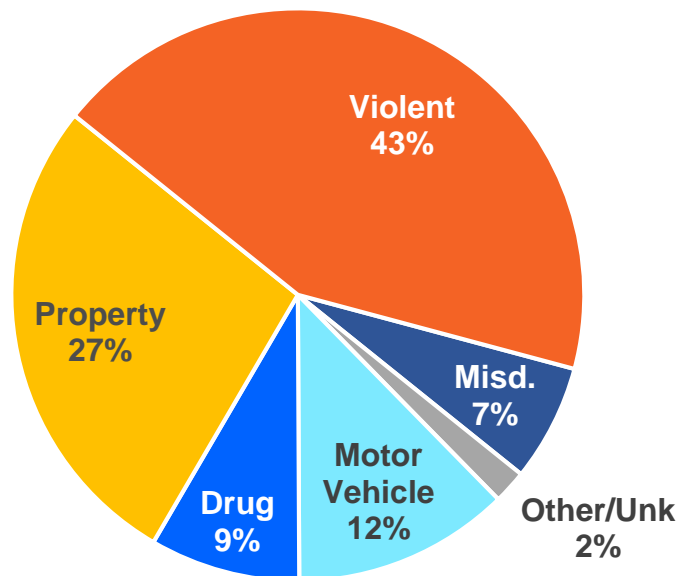
*Because admission and release categories must be derived using DOC data, these analyses should be considered strong estimates.*

Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

The underlying offenses for incarcerated women are primarily violent and property crimes, but prison returns and revocations still make up more than half of the female incarcerated population.

Among the 106 women in the sentenced population, **58% (62 women) were incarcerated for supervision revocations** (36 from furlough, 23 from probation, 3 from parole)

106 Total Women in Sentenced Population at the end of FY2019



**Violent**

- 16 Assault (13 Listed)
- 15 Murder (All Listed)
- 7 Robbery (All Listed)
- 5 Rape (All Listed)
- 2 Kidnapping (All Listed)
- 1 Sex Offense (Listed)

**Property**

- 19 Burglary (11 Listed)
- 7 Forgery/Fraud (2 Listed)
- 1 Stolen Property

**Drug**

- 7 Manufacture/Delivery
- 2 Possession

**Motor Vehicle**

- 7 DUI (3 Listed)
- 6 Other (4 Listed)

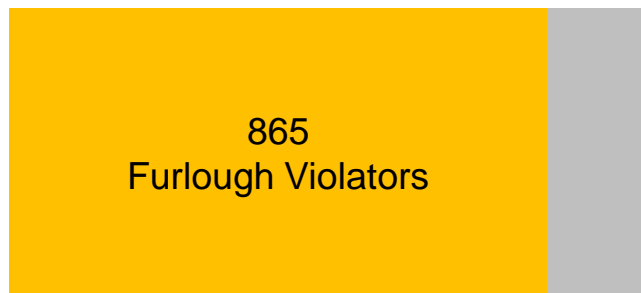
*Because admission and release categories must be derived using DOC data, these analyses should be considered strong estimates.*

Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

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## Nearly 80 percent of furlough returns to incarceration are due to technical violations rather than new crime offenses.

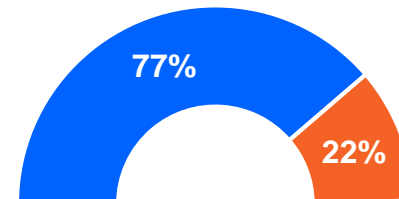
Jan–Oct 2019 Furlough  
Returns Tracked



*An estimated 85% or more of  
total furlough returns were  
tracked in 2019*

**Because furlough is defined as an extension of incarceration to be served in the community, it carries a lower burden of proof for reincarceration than other supervision statuses, and different expectations for responses to violations than parole or probation.**

Reason for Return  
**Technical** **New Crime**



Among 668 with technical violations only:

- 46% included program or work failures
- 42% included a loss of housing
- 35% included drug or alcohol issues
- 22% included OOP or curfew violations
- 7% included violent or threatening behavior
- 4% included a sex offender condition violation
- 3% included a DV condition violation

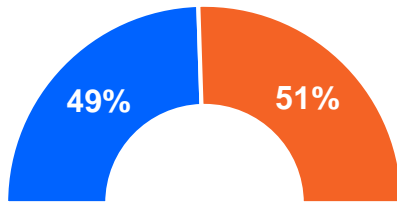
The average technical return had 1.6 violation categories flagged.



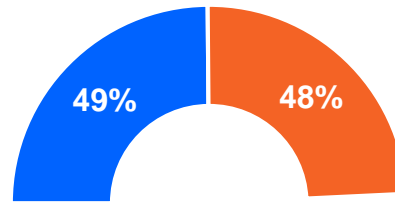
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**Vermont's proportion of parole and probation revocations for technical violations is consistent with other states, but the proportion of furlough returns for technical violations is high.**

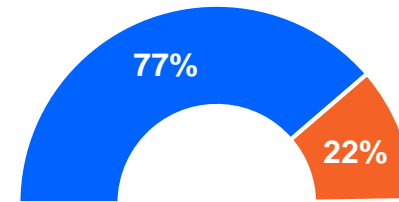
Parole Revocations  
**Technical**   **New Crime**



Probation Revocations  
**Technical**   **New Crime**



Furlough Returns  
**Technical**   **New Crime**



**The CSG Justice Center recently completed an analysis of technical versus new crime violations across states:**

A parole technical revocation rate of 49% would rank 31<sup>st</sup> if included among 41 states reporting data from 2017.

A probation technical revocation rate of 49% would rank 21<sup>st</sup> if included among 33 states reporting data from 2017.

A furlough technical return rate of 77% doesn't have a direct comparison to other states but is well above the average among all states for either probation (54%) or parole (66%).

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Sources: Data from the Vermont Parole Board and the Vermont Department of Corrections, CSG Justice Center Confined and Costly, <https://csgjusticecenter.org/confinedandcostly/>.

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## The number of furlough returns places enormous strain on the individual as well as the corrections system.

2,929 estimated individuals had furlough returns over the past four years for a total of over 5,800 furlough return events\*

1,288 people (44%) had two or more furlough returns within the period

The average person had **two furlough returns** within these four years alone.

228 people (8%) had **five or more** furlough returns over the course of their time with DOC.

The median length of time spent on furlough before returning to sentenced incarceration was **4 months**.

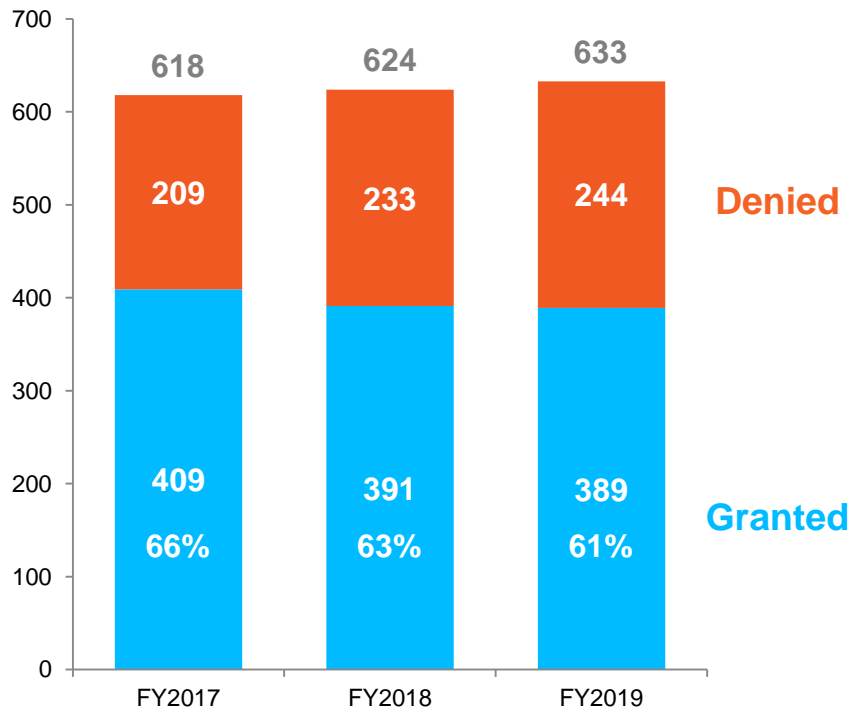
*Because admission and release categories must be derived using DOC data, these analyses should be considered strong estimates.*

\* A small number of individuals had furlough returns associated with different criminal sentencing events within the four-year period (145).

Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

Often, parole is granted to people who have already navigated some of the highest risk months while supervised on furlough.

Vermont Parole Board Release Decisions, FY2017–FY2019



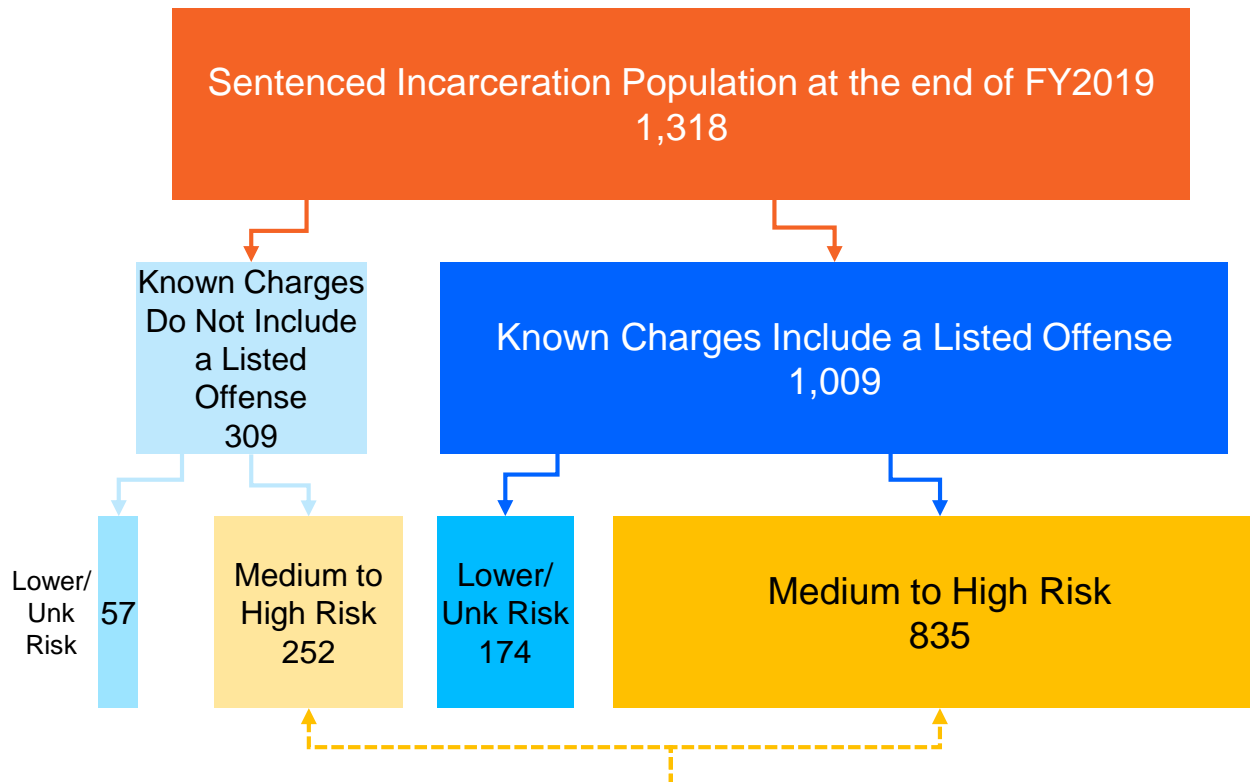
Only an estimated 10% of parole grants are among people in the sentenced incarceration population, while 90% of people who are granted parole have already been in the community on furlough.

Using a sample of ~500 people placed on furlough whose next legal status was parole supervision, the average period spent on furlough before parole approval was 7 to 8 months.

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Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

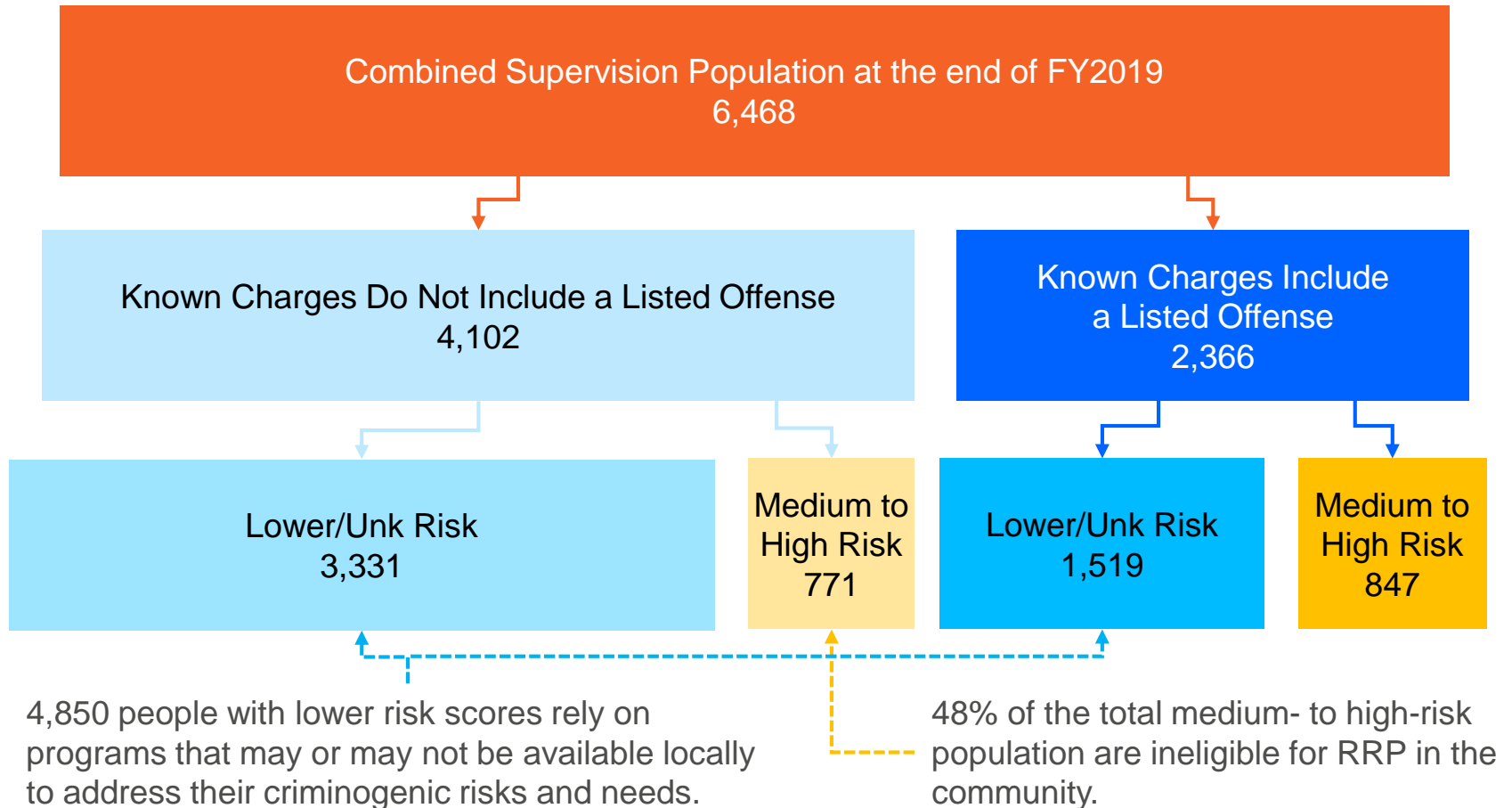
Limited funding and resources have required that DOC prioritize risk-reduction programming (RRP) for people who are sentenced for listed offenses and who score as medium to high risk on the ORAS.



**23% of the total medium- to high-risk population with incarceration sentences are not eligible to participate in RRP because they were not convicted of listed offenses.**

Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

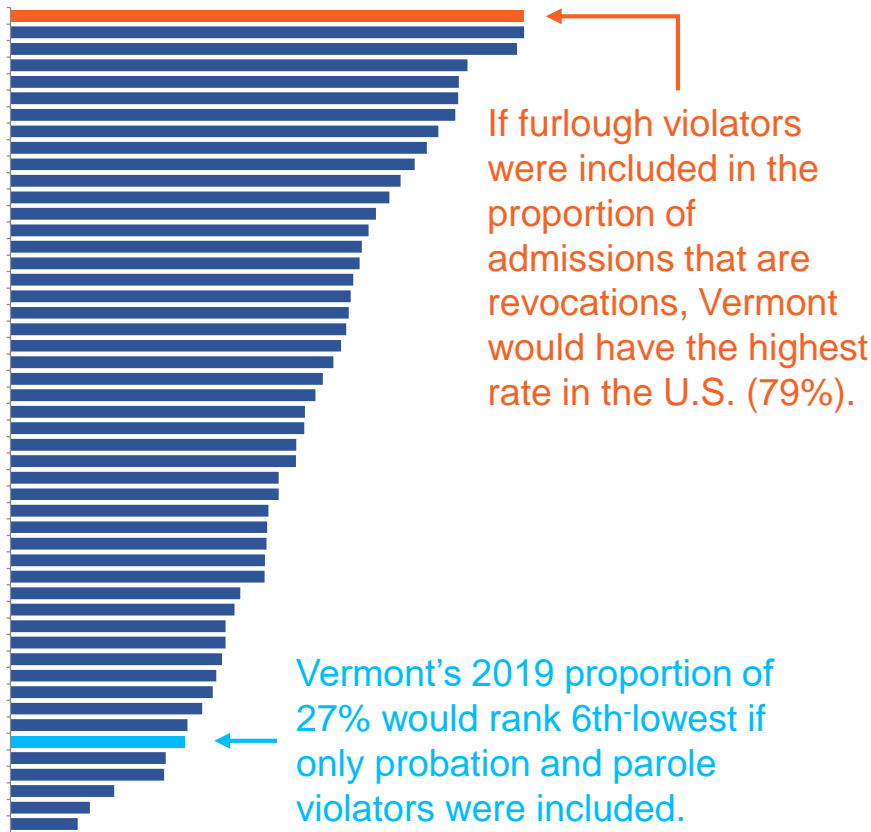
**Among people on supervision, almost half of the medium-high risk population does not receive risk-reduction programming based on the same eligibility criteria.**



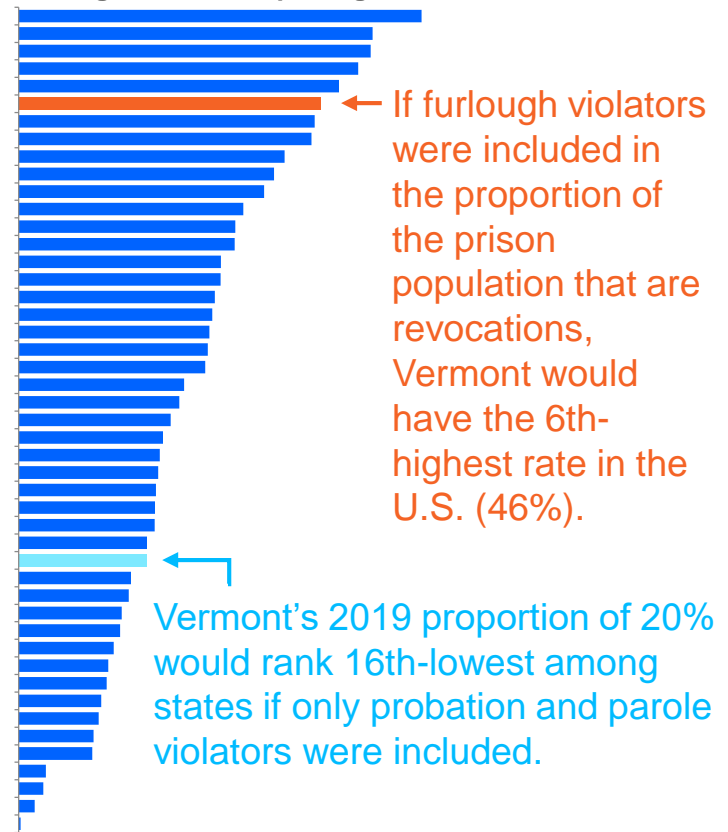
Sources: The Council of State Governments Justice Center analysis of data from the Vermont Department of Corrections.

# Vermont's revocation rates are fairly low nationally when accounting only for probation and parole, but with furlough included Vermont's position would change dramatically.

Revocations as a Proportion of Admissions Among 48 States Reporting Data from 2017



Revocations as a Proportion of Admissions Among 45 States Reporting Data from 2017



Sources: Data from the Vermont Parole Board and the Vermont Department of Corrections, CSG Justice Center Confined and Costly, <https://csgjusticecenter.org/confinedandcostly/>.

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## There are important and foundational strengths built into Vermont's corrections policies and practices, as well as significant challenges facing the state.

- ✓ DOC has invested in the adoption of evidence-based policies throughout its supervision system.
- ✓ Similarly, DOC uses evidence-based programs for higher-risk people as much as possible.
- ✓ Supervision agents and supervisors are well-trained and many are focused on habilitation.
- ✓ Most people are receiving a risk and needs screen or assessment.
- ✗ Existing resources do not adequately support the full implementation of evidence-based practices and provision of recidivism-reduction programming to all higher-risk people.
- ✗ DOC staff and community-based providers could benefit from additional training on effective practices for working with higher-risk and higher-needs individuals.
- ✗ There are wide variations in the quality and access of non-DOC provided community-based programs available to people on supervision.
- ✗ Gaps in access to the appropriate level of behavioral health care are likely contributing to recidivism
- ✗ Different supervision staff have different approaches to working with people on supervision.

Vermont's corrections system is increasingly populated by people who have higher risks and needs that can be addressed through effective supervision practices and access to appropriate programming and services. **But, limited resources have held the state back from fully implementing evidence-based approaches that may better support people and enable them to remain in their communities.**

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## Key takeaways for the behavioral health services and treatments available for people moving through Vermont's criminal justice system

- DOC facilities have worked hard to develop mechanisms for behavioral health screening and assessment, but there are still opportunities to improve identification of people with co-occurring disorders and mental health needs that do not rise to SMI.
- There are limited mental health and substance use treatment resources in DOC facilities and in the community, requiring the department to use a “triage” approach focused primarily on SMI and MAT populations.
- There are case planning policies in place to ensure behavioral health information guides treatment and programming referrals, but due to information sharing inconsistencies, supervision officers do not always have consistent or comprehensive knowledge of clients' behavioral health needs.
- State police and local law enforcement have cross-system mental health training; however, there is less focus on training law enforcement on responding to people with addictions or co-occurring disorders.
- Appropriate housing is a significant challenge for people with behavioral health needs in the criminal justice system, and due to resource limitations DOC does not screen for housing needs of their detainee and sentenced populations.

**People in the corrections system with behavioral health challenges, particularly those with co-occurring disorders, non-SMI and housing needs, must be better identified and connected to community services, which will require expanding on existing resources.**