

Joint Legislative Justice Oversight Committee: summary of 2020 interim work

Timeline

Monthly updates from BGS re: RFP on new facility (2020 Capital bill, Sec. 1)

September 1: Legislative IT report on status of how software vendors bringing contracts into compliance with VT law (2020 Act No. 120, Sec. A.18)

October 1: Project Vision update (2019 Act No. 72, Sec. E.204)

October 30: Judiciary E-filing rollout report (2020 Act No. 120, Sec. A.20)

November 1:

- AHS report on long term plan for justice involved youth (2020 Budget bill, Sec. E.316)
- AG report on proposed legislation re: sexual exploitation of children (2020 Act No. 132, Sec. 2)
- AHS report on correctional staff (at November meeting) (2020 Budget Adjustment, Sec. 70)
- DOC report on one-time coronavirus relief funds (in November) (2020 Act No. 120, Sec. A.49)
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November 13: Joint review with Child Protection Oversight of AHS plan for justice involved youth and report to the Joint Fiscal Committee on the Committees' joint recommendation on whether to approve the Agency's plan (2020 Budget bill, Sec. E.316)

December 1: stakeholder report on findings and recommendations regarding racial disparities in the criminal justice system (2020 Act No. 148, Sec. 19)

December 15: AHS report on status of funding for justice involved youth placements (2020 Budget bill, Sec. E.316)

Directive Legislation

Act No. 120. An act relating to making first quarter fiscal year 2021 appropriations for the support of State government, federal Coronavirus Relief Fund (CRF) appropriations, pay act appropriations, and other fiscal requirements for the first part of the fiscal year.

Sec. A.18. SOFTWARE VENDOR CONTRACT AND USER AGREEMENTS
COMPLIANCE WITH STATE LAW

(a) The Agency of Digital Services, the Department of Buildings and General Services; the Judiciary; and the Legislative Information Technology department shall report to the Joint Information Technology Oversight Committee and the Joint Legislative Justice Oversight Committee not later than September 1, 2020

on the status of how software vendors that the State currently engages for the provision of services are bringing contracts and user agreements into compliance with Vermont law so as not to contain presumptively unconscionable terms per 9 V.S.A. chapter 152.

Sec. A.20. JUDICIAL SYSTEM ROLLOUT AND E-FILING FEES

(a) The Judiciary shall meet with representatives of the Vermont Bar Association and other court users to listen to and respond to court users' experience with the Odyssey File and Serve system and to examine alternatives to the current e-filing charges. The Judiciary shall report its efforts and recommendations for improving the rollout of the program and for improving court users' experience with the system, including costs, to the Joint Fiscal Committee and Joint Legislative Justice Oversight Committee not later than **October 30, 2020**.

2019 Act No. 72. An act relating to making appropriations for the support of government.

Sec. E.204 RUTLAND ADULT TREATMENT COURT DOCKET

(a) In the event the Rutland Adult Treatment Court program does not achieve an average minimum of 20 participants per month during the months of July 2019 through June 2020, a Task Force shall meet before July 15, 2020 to discuss how to restore the number of Rutland Adult Treatment Court participants to historical levels and whether to consider the addition of a Family Treatment Court track. The Task Force established by this section shall consist of a representative appointed by the Chief Superior Judge, the Attorney General, the Defender General, and the Executive Director of the Department of State's Attorneys and Sheriffs. The Task Force shall consult with Project Vision, and shall report its recommendations to the Joint Legislative Justice Oversight Committee on or before October 1, 2020. Failure to achieve a minimum of 20 participants per month shall result in the removal of State General Funds effective November 1, 2020.

2020 Act No. 154. Budget Bill

Sec. E.316 LONG-TERM PLAN FOR JUSTICE-INVOLVED YOUTHS

(a) Notwithstanding 2020 Acts and Resolves No. 120, Sec. A.29 and 33 V.S.A. §§ 5801 and 5802, on or before October 18, 2020, the Agency of Human services shall permanently cease operations at the Woodside Juvenile Rehabilitation Center facility and discontinue all associated programming and treatment services for youths provided at that facility.

(b) On or before **November 1, 2020**, the Agency of Human Services shall submit to the Joint Legislative Child Protection Oversight Committee, the Joint Legislative Justice Oversight Committee, the Senate Committee on Judiciary, and the House Committee on Human Services a long-term plan for Vermont youths who are in the custody of the Department for Children and Families, are adjudicated or charged with a delinquent or criminal act, and who require secure

placement (target population). The long-term plan to provide ongoing residential treatment and services to the target population shall:

(1) continue to adequately fund alternative programs and placements for the target population, including those programs and placements that currently accept such youths; and

(2) provide placements for all youths under 18 years of age who are in the custody of the Department of Corrections and who have historically been placed at Woodside Juvenile Rehabilitation Center instead of a Department of Corrections facility pursuant to the memorandum of understanding between the Department for Children and Families and the Department of Corrections.

(c) On or before November 1, 2020, the Agency of Human Services shall:

(1) in consultation with the Joint Fiscal Office, conduct a cost comparison, including available federal matching funds, associated with contracting with a provider of youth treatment and services to operate a youth treatment facility in Vermont with the costs associated with the State operating a similar youth treatment facility, to include:

(A) the “no reject/no eject” service capacity need for both the contract service arrangement and the State-operated facility; and

(B) an evaluation of any construction and renovation costs necessary for a contracted provider of residential treatment services or the State;

(2) evaluate the capacity and expertise of the contracted provider of residential treatment services to successfully operate a program appropriate for the target population, including:

(A) conducting a treatment model evaluation;

(B) determining whether the model is evidence-based, strength-based, trauma informed, and focused on restorative practices; and

(C) evaluating the cultural competency training of staff; and

(3) include the results of the cost comparison and capacity and expertise evaluation required by this subsection in its report pursuant to subsection (b) of this section.

(d)(1) On or before **November 13, 2020**, the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee shall:

(A) meet jointly to review the Agency’s plan pursuant to subsection (b) of this section, including the cost-comparison, capacity, and expertise evaluations required by subsection (c) of this section; and

(B) report to the Joint Fiscal Committee on the Committees’ joint recommendation on whether to approve the Agency’s plan pursuant to subsection (b) of this section.

(2) On or before November 20, 2020, the Joint Fiscal Committee shall act on the recommendation.

(e) On or before **December 15, 2020**, the Agency of Human Services shall report jointly to the Joint Legislative Justice Oversight Committee and the Joint Legislative Child Protection Committee regarding:

(1) the status of the FY21 appropriation for Woodside including the costs expended to-date for the partial year operation of Woodside;

- (2) the placements and costs projected for the remainder of the fiscal year to support the Agency of Human Services' plan for target population placements, including costs associated with third-party contractors; and
- (3) the status of FY21 funding for target population placements.

Sec. E.335.1 JUSTICE REINVESTMENT OF END OF YEAR FUNDS(a)

Notwithstanding Sec. E.335 of this act, unexpended funds in Sec. B.339 (Corrections out of state beds) of this act in fiscal year 2021 shall not be transferred. The unexpended funds shall be carried forward to fiscal year 2022 and the amount reported to the Joint Legislative Justice Oversight Committee in July 2021. These funds may only be expended on community-based service programs approved by the Joint Legislative Justice Oversight Committee.

2020 Act No. 132. An act relating to sexual exploitation of children

Sec. 2. LEGISLATIVE PROPOSAL

The Attorney General, in collaboration with the Defender General and the Department of State's Attorneys and Sheriffs, shall examine the issue of simulated sexual conduct by, with, or on a child under 16 years of age as it relates to child sexual abuse material for the purpose of developing a clear, narrowly tailored legislative proposal that prohibits such conduct while ensuring that a substantial amount of constitutionally protected speech is not inadvertently swept into the purview of the statute. The Attorney General shall submit the recommendation not later than November 1, 2020 to the Joint Legislative Committee on Justice Oversight.

2020 Act No. 88. budget adjustment

Sec. 70. 2019 Acts and Resolves No. 58, Sec. 5, is amended to read:

Sec. 5. CREATION OF NEW CORRECTIONAL OFFICER POSITIONS

~~On or before June 30, 2020, the Secretary of Administration shall create 30 new Correctional Officer I positions in the Department of Corrections, which shall be funded within existing departmental appropriations.~~

(a) The establishment of the following permanent classified positions is authorized in fiscal year 2020:

(1) In the Department of Corrections – thirty (30) Correctional Officer I.

(b) The Agency of Human Services and the Department of Corrections shall report to the Legislative Joint Justice Oversight and Joint Fiscal Committees at their respective meetings in November 2020 on the status of correctional facility staff recruitment, retention and reduction in the use of overtime, and the status of initial and ongoing training for correctional facility staff. The Department shall also report on the transfer and conversion on any positions within the Department and into or out of the Department.

Sec. A.49. ONE-TIME CORONAVIRUS RELIEF FUND (CRF)
APPROPRIATIONS

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(F) The Commissioner of Corrections shall report to the Joint Legislative Justice Oversight Committee in November 2020 if the funding in this section and in Sec. 36(a)(8) of H.953 of 2020 as passed by the House and Senate for rental assistance; changes in community supervision; reentry and community programming support or pilot programs provided through community service partner organizations; and domestic violence offender reentry programs and victim support programs have decreased incarceration and if the impact is sufficient to continue to provide funding in the future for these programs. Specifically, the Commissioner shall identify if any of these programs should continue to be funded after the pandemic emergency because of their continued potential to further reduce overall incarceration rates.

Act 148: Justice Reinvestment

Sec. 19. RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM
STUDY AND RECOMMENDATIONS; VERMONT
SENTENCING COMMISSION

(a) During the 2020 legislative interim, the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, the Executive Director of Racial Equity, the Chief Superior Judge, the Attorney General, the Defender General, the Department of Corrections, and the Executive Director of the Department of State's Attorneys and Sheriffs shall work with Crime Research Group to identify existing data that explores the relationships between demographic factors and sentencing outcomes and determine whether and where current data systems and collections are insufficient for additional analyses and what staffing or resources are needed to support more robust reporting. Relevant data shall include plea agreements, sentence types and length, criminal history, offense severity, and any other metric that may further identify differences in how people are charged and sentenced by county, race, and gender. The stakeholders identified in this subsection shall also:

(1) Perform an initial analysis of sentencing patterns across the State to identify where the use and length of incarceration may result in or exacerbate racial disparities and make any related proposals for legislative action, including recommendations for further study.

(2) Jointly report their findings pursuant to this subsection and any associated recommendations pursuant to subdivisions (1) and (2) of this subsection to the Joint Legislative Justice Oversight Committee and the Vermont Sentencing Commission on or before December 1, 2020. The report shall include any dissenting opinions among the stakeholders.

(b)(1) The Vermont Sentencing Commission shall consider relevant findings and recommendations developed by the stakeholder group pursuant to subsection (a) of this section and:

(A) consider whether changes to Vermont's sentencing structure are necessary to address the findings and implement the recommendations developed by the stakeholder group; and

(B) if it deems appropriate, issue nonbinding guidance for offenses for which there are racial and geographic disparities in sentencing.

(2) On or before February 26, 2021, the Vermont Sentencing Commission shall report to the House and Senate Committees on Judiciary and the House Committee on Corrections and Institutions on its determinations pursuant to subdivision (1) of this subsection.