

February 13, 2019

Dear Members of the Senate Judiciary Committee and Senator Ashe:

The ACLU of Vermont commends Senator Ashe for articulating a goal of reducing Vermont's prison population by no less than 250 inmates. By continuing to enact smarter, fairer criminal justice policies, this committee and this legislature can absolutely meet and exceed that goal. In the process, we should all strive to redefine Vermont's approach to criminal justice from a model that is punitive, wasteful, and counter-productive to one that is restorative, rehabilitative, and humane.

In recent years, Vermont has made significant strides towards reducing its prison population and reforming the criminal justice system, due in no small part to the work of this committee and the Legislature. Other states have also made admirable progress on this issue: states like Maryland, Rhode Island, and Connecticut have reduced their prison populations by 7.5-9.6% since 2016 alone.<sup>1</sup> These changes were data-driven and bipartisan and enacted in areas like community supervision, reentry and reintegration, sentencing and sanctions, and release from incarceration.<sup>2</sup> For example, many states implemented reductions in criminal penalties or adjustments in penalties, eliminated various mandatory minimums (sometimes retroactively), prioritized engagement with community service providers and employers before release, and imposed shorter terms of community supervision.<sup>3</sup> Others instituted expedited release procedures and processing, expanded time-served credits, and modified sentence enhancements for aggravating factors.<sup>4</sup> Such changes are absolutely feasible for Vermont to examine and implement.

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<sup>1</sup> Nicole Lewis, *Maryland Leads as Prison Populations Continue to Decline*, THE MARSHALL PROJECT (May 18, 2018), <https://www.themarshallproject.org/2018/05/18/maryland-leads-as-prison-populations-continue-to-decline>.

<sup>2</sup> DENNIS SCHRANTZ, ET AL., HOW 5 STATES ACHIEVED SUBSTANTIAL PRISON POPULATION REDUCTIONS, THE SENTENCING PROJECT (Sept. 5, 2018), <https://www.sentencingproject.org/publications/decarceration-strategies-5-states-achieved-substantial-prison-population-reductions/>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*



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We would highlight the importance of one area that could contribute to this goal: sentencing reform. We recently sent a letter to the Vermont Sentencing Commission detailing various proposals on this topic – that letter is attached—and know there is a real opportunity to reform our sentencing laws in the next few years. Parole and furlough reform, expansion of transitional housing, continued work on pretrial incarceration, and second look policies, as well as those implemented by other states, as mentioned above, would also provide meaningful reductions in our incarcerated population. A multi-pronged strategy, combining many of the aforementioned policies, will be necessary to achieve a reduction in our incarcerated population, but such a reduction is not only feasible, but also essential to the future success of our state.

We urge this committee to continue its important work and to focus on prison population reduction, with the goal of creating a safer, more efficient, and more equitable Vermont. The ACLU is happy to serve as a resource and a partner as you work towards this critical goal.

Sincerely,

A handwritten signature in cursive script that reads "Chloé White".

Chloé White  
Policy Director  
ACLU of Vermont