



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment Initiative in Vermont

David D'Amora, Senior Policy Advisor

Madeleine Dardeau, Senior Policy Analyst

Angela Gunter, Senior Research Associate



Justice Center

THE COUNCIL OF STATE GOVERNMENTS

We are a national nonprofit, nonpartisan organization that combines the power of a membership association, serving state officials in all three branches of government, with policy and research expertise to develop strategies that increase public safety and strengthen communities.

How We Work

- We bring people together
- We drive the criminal justice field forward with original research
- We build momentum for policy change
- We provide expert assistance

Our Goals

- Break the cycle of incarceration
- Advance health, opportunity, and equity
- Use data to improve safety and justice



What is Justice Reinvestment?

A data-driven approach to improve public safety, reduce corrections and related criminal justice spending, and reinvest savings in strategies that can decrease crime and reduce recidivism.

The Justice Reinvestment Initiative is funded principally by the U.S. Department of Justice's **Bureau of Justice Assistance (BJA)** with additional funding from **The Pew Charitable Trusts**.

Technical assistance for states participating in the Justice Reinvestment Initiative is provided by the **CSG Justice Center** and **Community Resources for Justice's Crime and Justice Institute**.

In June 2019, Vermont requested technical assistance for a second Justice Reinvestment Initiative project.

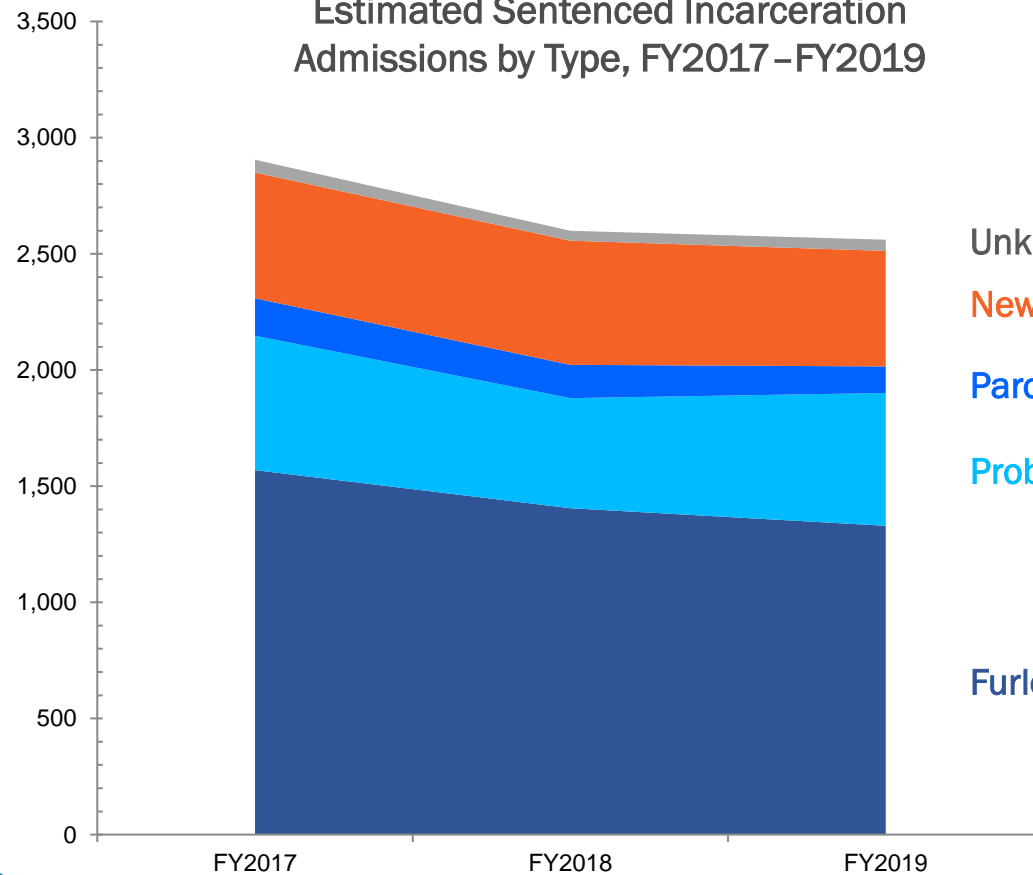


The Justice Reinvestment II Working Group identified several areas Justice Reinvestment II would primarily seek to address:

- Analyze how increases in some categories of crime may be impacting other parts of the state's criminal justice system.
- Explain the connection between supervision revocations and incarceration.
- Assess how individuals' behavioral health challenges, such as serious mental illnesses and substance use disorders, play a role in their movement through and their reentry from the criminal justice system.
- Identify where Vermont's data tracking and analytics must be strengthened to provide lawmakers with sustainable information to guide safe policymaking in future legislative sessions.

CSG Justice Center analysis found that almost 80 percent of sentenced DOC admissions were people returned or revoked from community supervision, primarily from furlough.

Estimated Sentenced Incarceration Admissions by Type, FY2017–FY2019



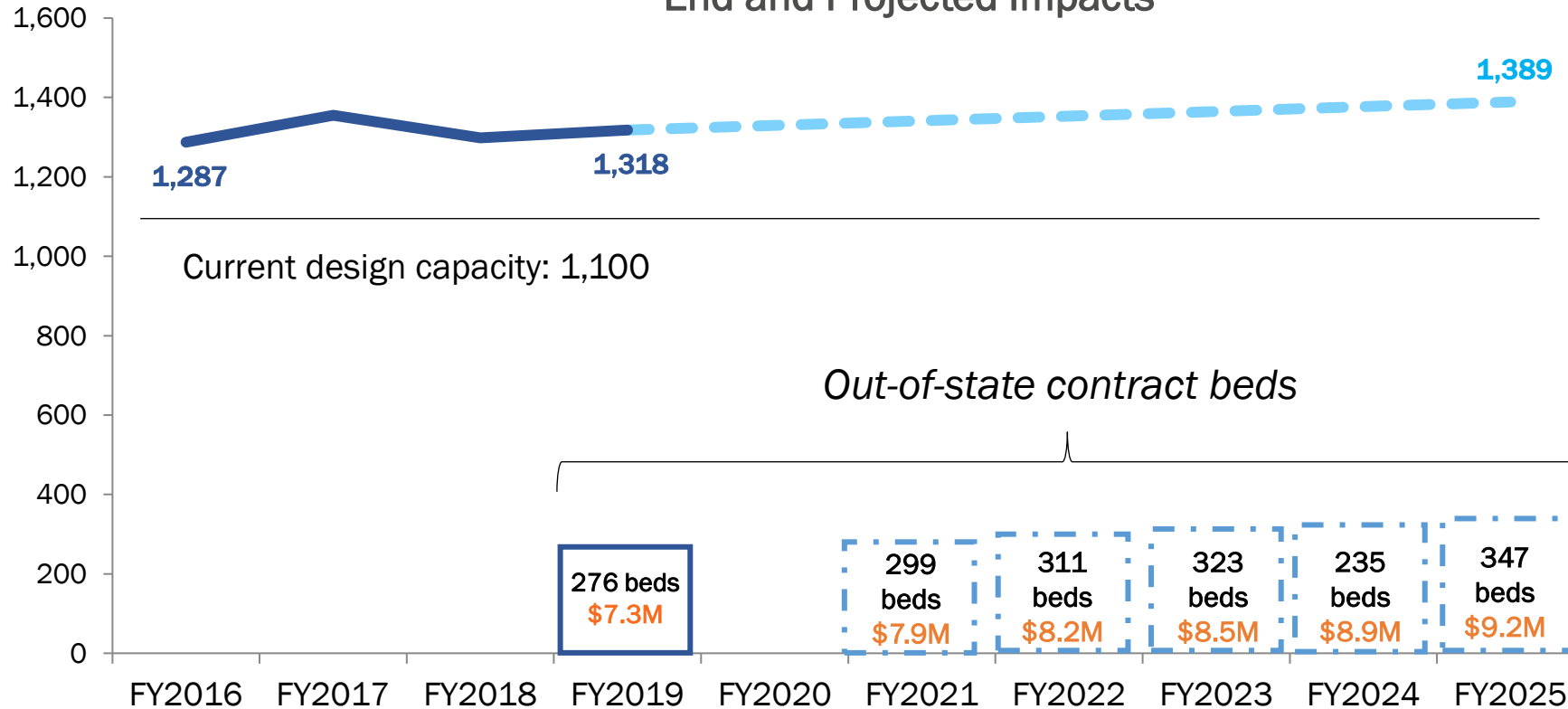
Average Annual Admissions FY2017–FY2019 (Volume, Percentage)

Unknown	49, 2%
New Court Commitments	524, 20%
Parole Violations	139, 5%
Probation Violations	541, 20%
Furlough Violations	1,425, 53%

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

In addition, increases in the sentenced incarcerated population were projected to cost Vermont \$43 million in out-of-state contract beds by FY2025.

Vermont Sentenced Incarceration Populations at Fiscal Year End and Projected Impacts



Initial projection models did not account for changes in the prison population since the onset of COVID-19 and so should be considered within a very limited context.

To address these and other public safety challenges, the working group developed a package of policy reforms focused on four primary goals.

1. Reduce recidivism and revocations to prison.
2. Achieve a more equitable system across gender, race, and geography.
3. Improve data and reporting to inform decision-making.
4. Reinvest in policy implementation and sustained progress.

These recommendations became the foundation for Vermont's Justice Reinvestment II legislation enacted in July 2020.

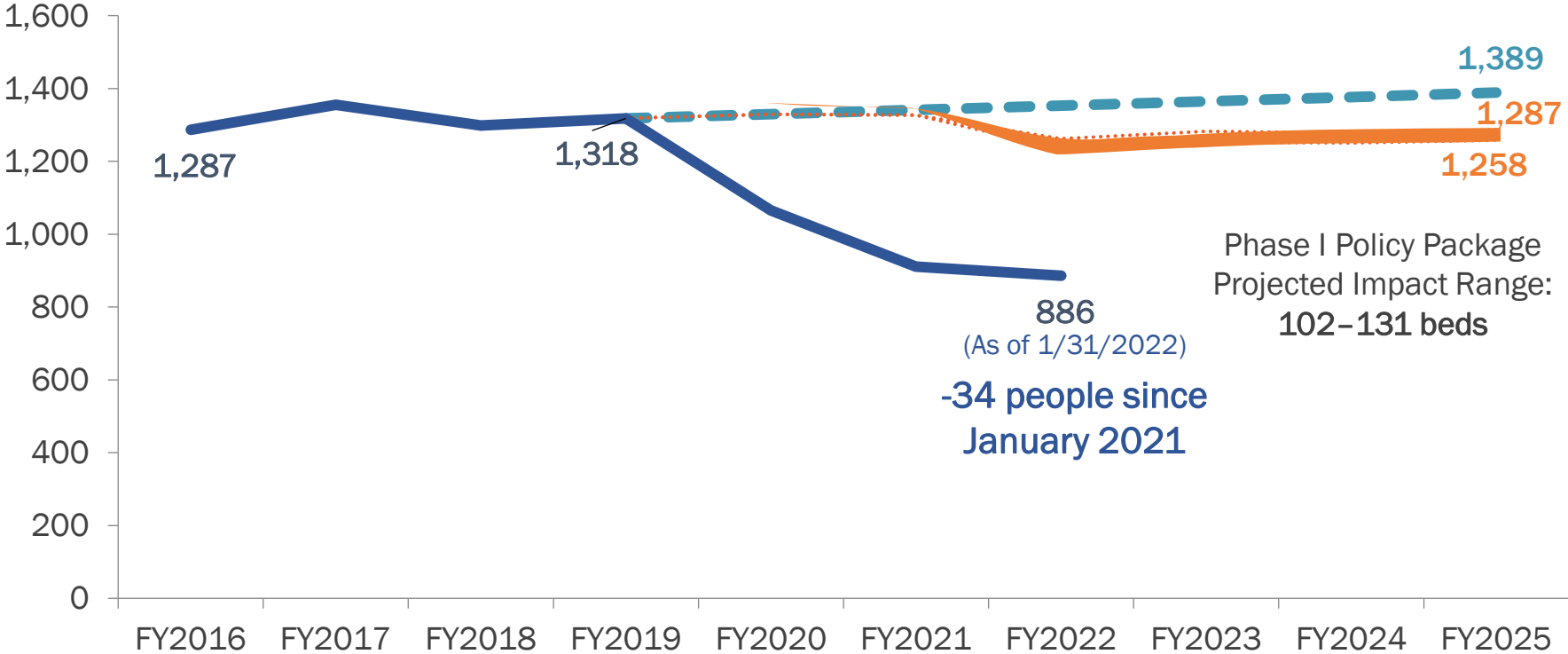
Act 148:

1. Established **presumptive parole** to reduce reliance on the furlough supervision system.
2. Streamlined the **furlough system** to increase community supervision consistency.
3. Incentivized good behavior by increasing **earned good time** from 5 to 7 days per month for people in prison and on furlough.

4. Required additional data to be collected and reported about the use of the DOC's **graduated sanctions** policy.
5. Directed the Agency of Human Services to identify gaps in identifying and serving people in the criminal justice system who have **behavioral health** needs.
6. Required analysis related to demographics and sentencing to help Vermont better identify and reduce **racial disparities** in the criminal justice system.

Since the COVID-19 pandemic, Vermont's sentenced incarcerated population has declined 30 percent.

Vermont Sentenced Incarceration Populations at Fiscal Year End and Projected Impacts*

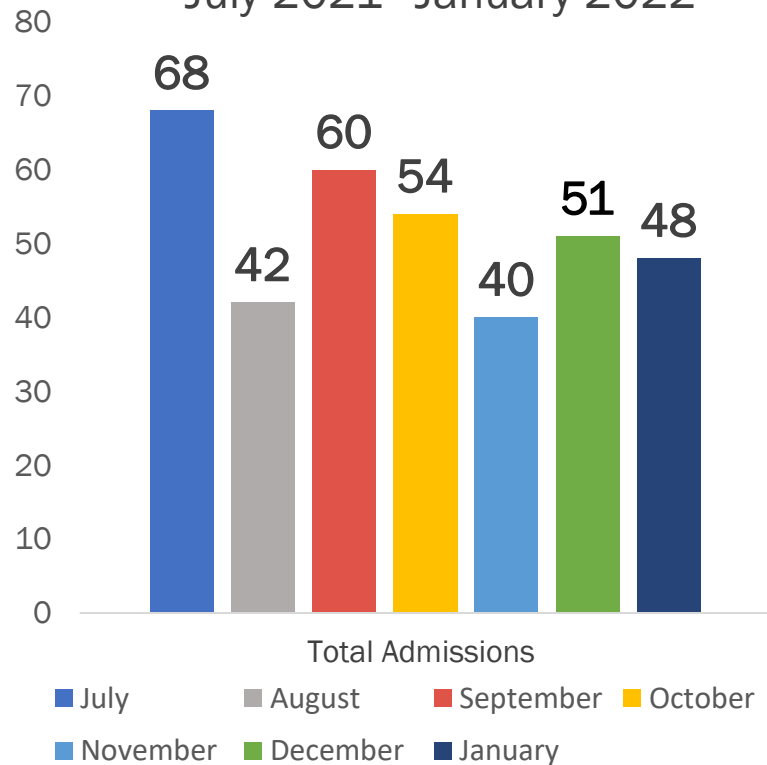


Initial projection models did not account for changes in the prison population since the onset of COVID-19 and so should be considered within a very limited context.

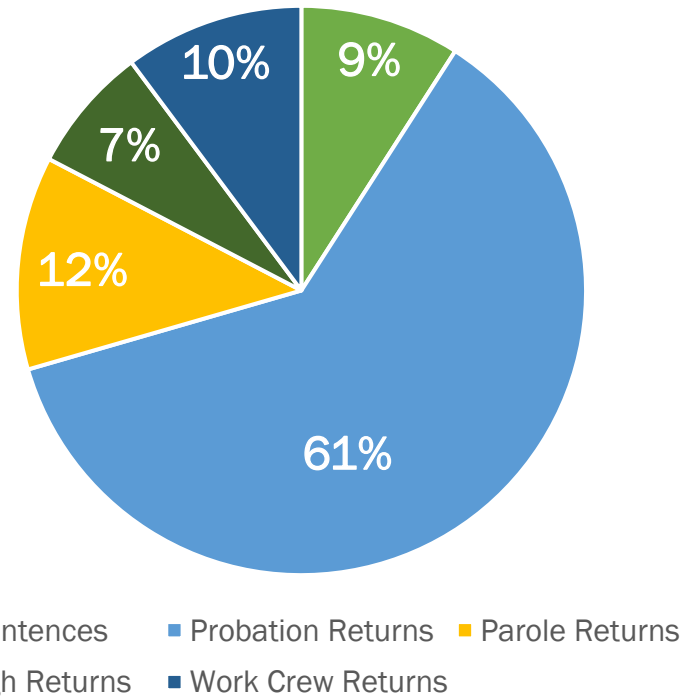
*This chart shows Vermont's original Phase I impact projections and does not include the minimal reduction in savings resulting from carveouts to earned time as enacted in Act 12.

From July to January 2022, the vast majority of sentenced admissions were people returning from probation, not furlough as was the case pre-pandemic.

Admissions of Sentenced Individuals:
July 2021—January 2022

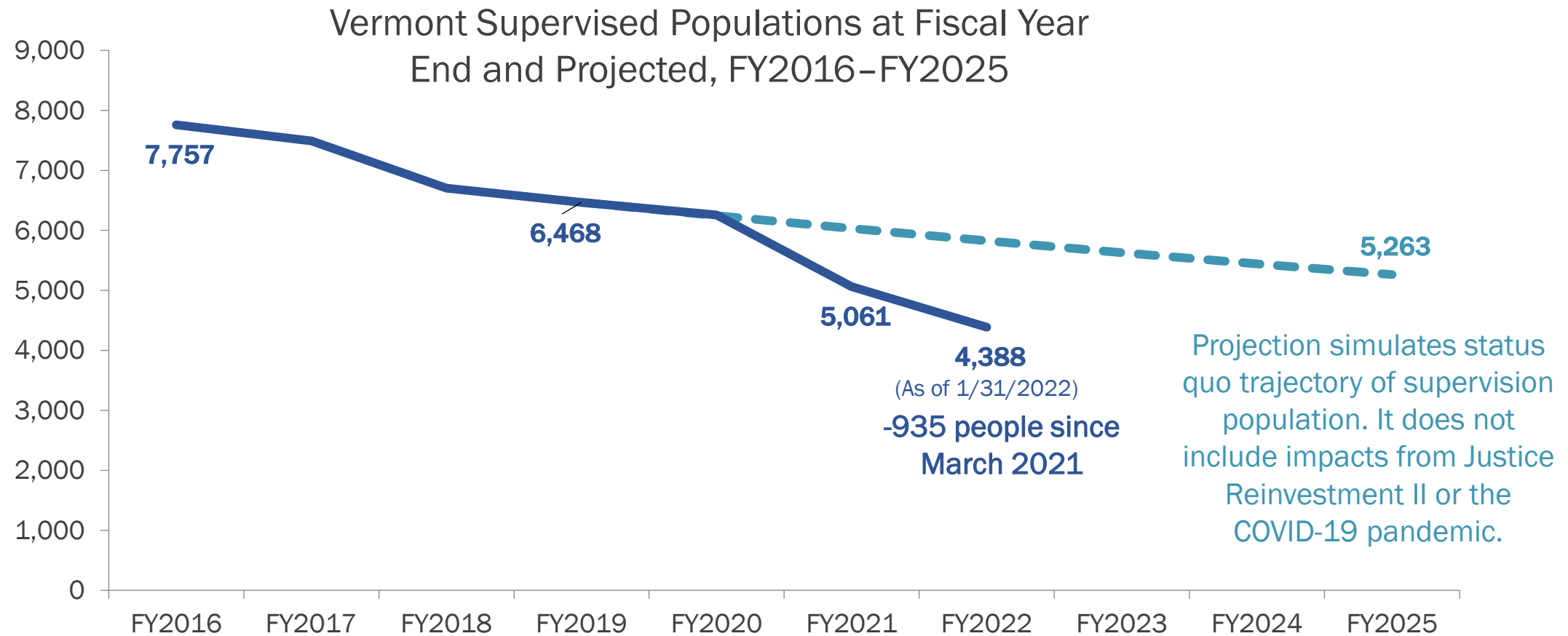


Proportion of Admissions:
July 2021—January 2022



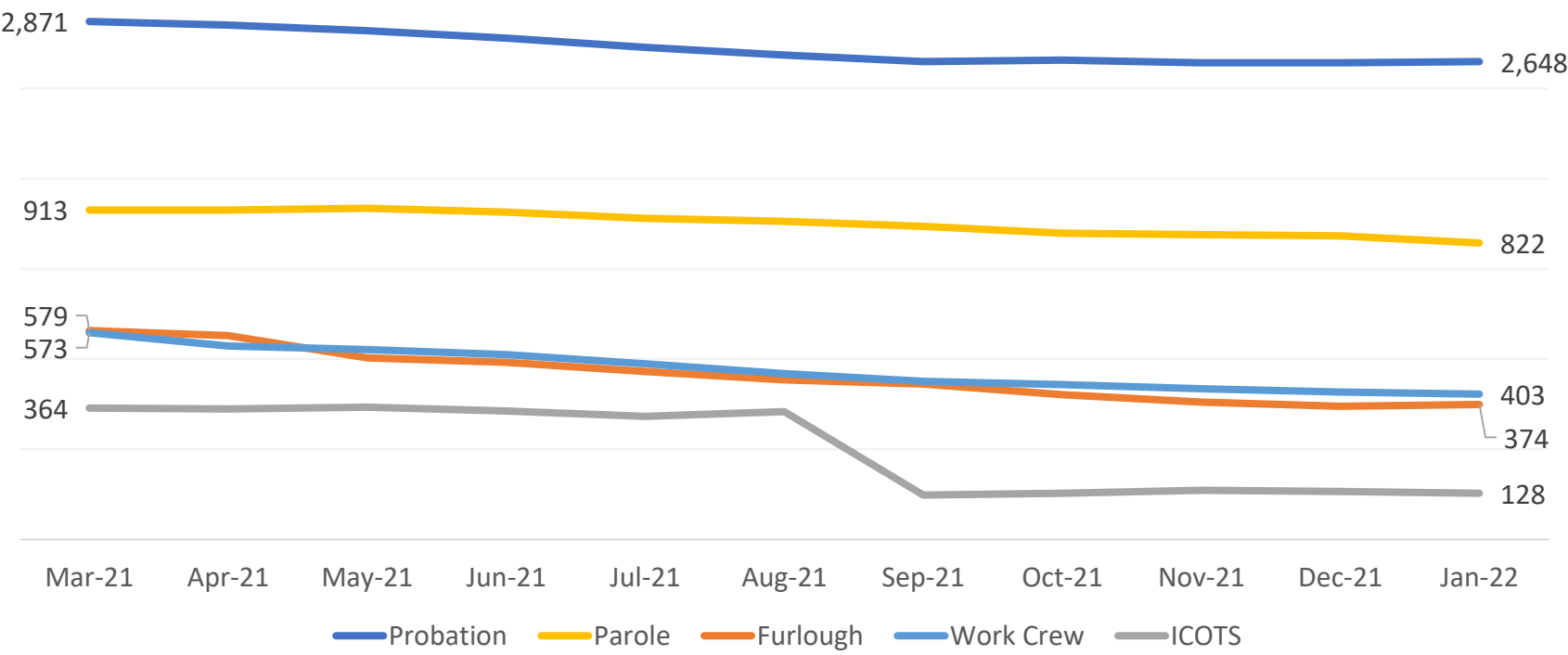
While this data is from a very limited period and impacted by COVID-19 related criminal justice system disruptions, it differs from pre-Justice Reinvestment II findings, which showed that over 50 percent of admissions were returns from furlough.

Vermont's community supervision population has continued to decline since the beginning of the pandemic due to disruptions in court processes.



While all community supervision caseload populations have decreased 18 percent since March 2021, the number of people on furlough has declined 35 percent.

Community Supervision Population*
March 2021-January 2022



Percent Decline by Community Supervision Caseload Type

- Probation -7.8%
- Parole -10%
- Furlough -35%
- Work Crew -30%
- ICOTS -65%



* Not pictured in the graph are "Other" supervision types, of which there were 23 in March '21 and 13 in January '22.

The Justice Reinvestment II Working Group engaged in three rounds of policy development.

Act 148 (2020)

- Presumptive Parole
- Furlough Changes
- Earned Time
- Racial Disparity Data Gaps/Sentencing Analysis
- Mental Health/Substance Use

Policy Recommendations (2021)

- Probation Midpoint Review
- Presentencing Reports
- AHS Working Group
- Clinician Pilot
- Misdemeanor Probation Mental Health Screening

Policy Recommendations (2022)

- Parole for Older Adults
- Reinvestment Funding
- Racial Disparities

Working Group Recommendation (2022): Target reinvestment or up-front funding toward key community-based services.

Recommendation

The legislature should consider reinvestments and/or up-front investments in the following areas when seeking to appropriate funding in support of Justice Reinvestment II efforts:

- Domestic violence intervention programming through the Vermont Council on Domestic Violence to ensure ongoing sustainability
- Data collection and analysis capacity, including additional changes to DOC's Offender Management System as needed
- Community-based mental health and substance use services and criminogenic interventions for people with complex needs on community supervision
- Housing-related needs for people on or transitioning to community supervision

To fully realize the intended outcomes of Justice Reinvestment II, Vermont should consider several key steps to support sustainability.

Data	<ul style="list-style-type: none">• Use available data to continue monitoring Justice Reinvestment II reforms.• Explore opportunities to increase data collection and analysis capacity, particularly related to the application of incentives and sanctions, as well as the collection of race and ethnicity data.
Reinvestment	<ul style="list-style-type: none">• Continue to direct all out-of-state bed savings to a separate Justice Reinvestment II fund for the purpose of reinvesting in community-based services approved through the Joint Legislative Justice Oversight Committee.• Expand the time period for spending reinvestment funding from one to at least two fiscal years.• Continue to explore opportunities for up-front investments in community-based services, particularly mental health and substance use treatment.
Oversight	<ul style="list-style-type: none">• Continue to convene the Justice Reinvestment II Working Group to monitor, discuss, and coordinate ongoing cross-system implementation.

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For more information, please contact Madeleine Dardeau mdardeau@csg.org or Lorretta Sackey at lsackey@csg.org

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