

1 H.137

2 Introduced by Representatives Taylor of Colchester, Bos-Lun of Westminster,
3 Conlon of Cornwall, Donnally of Hyde Park, Houghton of
4 Essex, Ode of Burlington, and Sullivan of Dorset

5 Referred to Committee on

6 Date:

7 Subject: Corrections; correctional facility; Department of Buildings and
8 General Services; request for proposal; appropriation

9 Statement of purpose of bill as introduced: This bill proposes to: (1) create the
10 Women's Transitional Housing Facility Steering Committee; (2) require the
11 Department of Buildings and General Services to issue a request for proposal
12 (RFP) for the siting and design of a women's transitional housing facility; and
13 (3) appropriate \$150,000.00 in capital funds over Fiscal Years 2022–2023 to
14 the Department of Buildings and General Services for the siting and design
15 work of the women's transitional housing facility managed and staffed by the
16 Department of Corrections.

17 An act relating to a women's transitional housing facility

18 It is hereby enacted by the General Assembly of the State of Vermont:

19 Sec. 1. FINDINGS

20 The General Assembly finds that:

1 (1) In June of 2015, the Vermont State Auditor (VSA) conducted an
2 investigation and issued a report entitled “Improved Oversight Needed for the
3 Transitional Housing Program” (the VSA Report). The VSA investigation
4 focused on three objectives:

5 (A) to assess the extent to which the Department of Correction’s
6 (DOC) transitional housing grantees developed plans that specify the services
7 to be provided to individual offenders;

8 (B) to determine whether transitional housing grantees accurately
9 reported to DOC actual services provided to offenders; and

10 (C) to assess whether and how DOC has determined that its
11 transitional housing program is meeting its goals of supporting community
12 reintegration/reentry, maintaining public safety, and reducing offender
13 recidivism.

14 (2) The recommended solutions and deficiencies identified in the 2015
15 VSA Report need to be revisited considering the DOC’s continued use of
16 Community Transitional Housing providers.

17 (3) In January of 2017, the Agency of Human Services’ Facilities Study
18 Report required by 2016 Acts and Resolves No. 160, Sec. 30 (the Facilities
19 Study Report) put forth four options for addressing inadequacies in Vermont’s
20 Correctional system, one of which recommending closing the Chittenden
21 Regional Correctional Facility (CRCF) and building a new 800-bed facility to

1 accommodate Vermont’s incarcerated men and women. The Facilities Study
2 Report also identified CRCF’s physical structure as having a Facilities
3 Condition Index (FCI) of 34.6 percent, indicating the ratio of deferred
4 maintenance to asset value expressed as a percentage. An FCI between
5 10 percent and 100 percent is considered “fair to poor”.

6 (4) In February 2019, the Agency of Human Services’ Major Facilities
7 Report required by 2018 Acts and Resolves No. 84, Sec. 20 stated that several
8 State correctional facilities, including CRCF, are operating past their 30-year
9 expected use and recommended the closure of CRCF.

10 (5) In December 2019, the Council of State Governments (CSG)
11 presentation to Vermont’s Justice Reinvestment II Working Group (the
12 December CSG Presentation) stated that “Among the 106 women in the
13 sentenced population, 58% were incarcerated for supervision revocations,”
14 indicating that over one-half of the incarcerated women were at one time
15 deemed eligible for community supervision but returned to incarceration
16 because those community supports were inadequate.

17 (6) The December CSG Presentation includes data showing that, as
18 opposed to incarcerated men, “a far larger proportion of low risk women are
19 incarcerated in Vermont.”

20 (7) The December CSG Presentation reviewed the reasons inmates were
21 being held past their minimum sentence. Forty-eight percent of incarcerated

1 men and women were identified as in that population. About one quarter of
2 those so identified were there for security and safety issues. The rest were held
3 due to programming issues, lack of housing, and furlough or parole violations.
4 A small number were held due to plans to max out their sentence or for
5 unknown reasons.

6 (8) In January of 2020, the final CSG presentation to Vermont’s Justice
7 Reinvestment II Working Group stated that “current space and funding limit
8 DOC’s ability to provide adequate gender-responsive programming to women
9 who are incarcerated.”

10 (9) In July of 2020, the Vermont Agency of Administration and HOK
11 Architects, Inc. finalized a contract for a Correctional Facilities Feasibility and
12 Conceptual Design Study to provide a “feasibility study and a conceptual
13 design study of the different state-of-the-art facility models and the benefits
14 and drawbacks of each model to house all Vermont inmates under the
15 Department of Correction’s (DOC) jurisdiction” for the next 10 years. As part
16 of that study, HOK will determine the “capacity of the system required to meet
17 the needs of identified inmate subgroups, which would include women”
18 The final report, scheduled for March 19, 2021, will include conceptual
19 designs and operating and capital cost estimates for any recommendations.

1 (10) In December 2020, the firm of Downs Rachlin Martin, PLLC
2 (DRM) reported on their investigation into sexual abuse, harassment, and
3 misconduct allegations at CRCF, including the following:

4 (A) DRM recommended that “[d]ue to serious limitations in the
5 physical condition and construct of the facility, consider allocating resources to
6 build a new facility or change location.”

7 (B) DRM found that “CRCF staff at all levels in the hierarchy
8 expressed a desire for more robust and thorough training on how best to run a
9 prison for women.”

10 (C) In discussing the physical condition of CRCF, DRM stated “that
11 it was a nearly universal sentiment among CRCF staff and residents that the
12 poor condition of the physical facility greatly contributed to low morale and
13 interfered with best correctional practices and the residents’ efforts at
14 rehabilitation.”

15 Sec. 2. WOMEN’S TRANSITIONAL HOUSING FACILITY STEERING
16 COMMITTEE; REPORT

17 (a) Creation. There is created the Women’s Transitional Housing Facility
18 Steering Committee (Steering Committee) to study the needs of and vision for
19 a Department of Corrections (DOC) managed women’s transitional housing
20 facility (Facility) and develop the guidelines for the siting and design of the
21 facility.

1 (b) Membership. The Steering Committee shall be composed of the
2 following members:

3 (1) the Chair of the House Committee on Corrections and Institutions or
4 designee;

5 (2) the Chair of the Senate Committee on Institutions or designee;

6 (3) the Commissioner of Buildings and General Services or designee;

7 (4) the Commissioner of Corrections or designee; and

8 (5) the Secretary of Human Services or designee.

9 (c) Powers and duties. The Steering Committee shall have the following
10 responsibilities:

11 (1) Conduct a review of the work done by the Vermont's Justice
12 Reinvestment II Working Group and the Correctional Facilities Feasibility and
13 Conceptual Design Study to determine the criteria and number of inmates to be
14 housed at the Facility.

15 (2) Review past reports on transitional housing, including:

16 (A) the 2013 State Auditor's Report on Seall, Inc. and responses; and

17 (B) the 2015 State Auditor's Report on Transitional Housing.

18 (3) Develop a vision and broad policy goals for the facility.

19 (4) Consult with Vermont organizations that currently provide
20 transitional housing for those under the custody of the Commissioner of

1 Corrections, including Lund and Pathways Vermont, to inform the policies and
2 vision of the Facility.

3 (5) Review and confirm programming needs, including workforce
4 training.

5 (6) Review, consider, and enumerate impediments to an inmate's
6 successful completion of the programing described in subdivision (5) of this
7 subsection to inform the request for proposal development and report
8 recommendations described in subdivision (12) of this subsection.

9 (7) Develop a governance structure for the Facility.

10 (8) Receive testimony regarding the recruitment, training, and retention
11 of corrections officers who will work specifically with women and review the
12 training recommendations of the DRM report described in Sec. 1(10) of this
13 act.

14 (9) Confirm development of specific incentives and sanctions to be used
15 for behavior management in the Facility.

16 (10) Make recommendations, if any, for additional training that may be
17 required of corrections officers in order to implement the programming
18 described in subdivision (5) of this subsection, the behavior management
19 system described in subdivision (9) of this subsection, and remedy any
20 deficiencies identified by subdivision (8) of this subsection.

1 (11) Develop specific measurable datapoints to be collected during the
2 first five years of the Facility's operation. The datapoints shall indicate the
3 successes and failures of recommendations regarding programming, behavior
4 management, and training that are implemented in the RFP or recommended in
5 the report described in subsection (e) of this section.

6 (12) Develop a scope of work for the RFP described in Sec. 3 of this act.

7 (d) Assistance. For purposes of scheduling meetings and preparing
8 recommended legislation, the Steering Committee shall have the assistance of
9 the Office of Legislative Operations and the Office of Legislative Counsel.

10 (e) Report. On or before June 1, 2022, the Steering Committee shall
11 submit a written report to the House Committee on Corrections and
12 Institutions, the Senate Committee on Institutions, and the Joint Legislative
13 Justice Oversight Committee, with its findings and any recommendations for
14 Department of Corrections' policy or legislative action, or both.

15 (f) Meetings.

16 (1) The Commissioner of Corrections shall call the first meeting of the
17 Steering Committee to occur on or before June 15, 2021.

18 (2) The Steering Committee shall select a chair from among its members
19 at the first meeting.

20 (3) A majority of the membership shall constitute a quorum.

21 (4) The Steering Committee shall cease to exist on July 1, 2023.

1 (g) Compensation and reimbursement.

2 (1) For attendance at meetings during adjournment of the General
3 Assembly, a legislative member of the Steering Committee serving in his or
4 her capacity as a legislator shall be entitled to per diem compensation and
5 reimbursement of expenses pursuant to 2 V.S.A. § 23 for not more than 10
6 meetings. These payments shall be made from monies appropriated to the
7 General Assembly.

8 Sec. 3. DEPARTMENT OF BUILDINGS AND GENERAL SERVICES;

9 WOMEN'S TRANSITIONAL HOUSING FACILITY; SITING AND
10 DESIGN; REQUEST FOR PROPOSAL; CAPITAL APPROPRIATION

11 (a) Request for Proposal. On or before November 15, 2021, the
12 Department of Buildings and General Services, in consultation with the
13 Women's Transitional Housing Facility Steering Committee, shall issue a
14 request for proposal (RFP) for the siting and design of a women's transitional
15 housing facility (Facility). The RFP shall require the vendor to begin work on
16 the siting and design of the Facility not later than June 1, 2022.

17 (b) Appropriations.

18 (1) The sum of \$50,000.00 in capital funds is appropriated in FY 2022
19 to the Department of Buildings and General Services for the purpose of
20 funding the siting and design of the Facility.

1 (2) The sum of \$100,000.00 in capital funds is appropriated in FY 2023
2 to the Department of Buildings and General Services for the project described
3 in subdivision (1) of this subsection.

4 (c) Biweekly updates. Beginning on the date the contract is awarded, the
5 Department shall submit biweekly status updates on the siting and design of
6 the facility to the Women’s Transitional Housing Facility Steering Committee.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on passage.