MEMORANDUM

DATE: March 30, 2021

TO: Vermont House Committee on Corrections and Institutions

FROM: Sara Friedman, Deputy Program Director, CSG Justice Center
Angela Gunter, Senior Research Associate, CSG Justice Center

RE: Vermont Justice Reinvestment II Impact Projections with S.18 Earned Time Carveouts

Vermont Justice Reinvestment II Bed Savings and Averted Costs by FY2025
With and Without Offense Carveouts Proposed in S.18 as Passed by the Senate

	Beds Saved (by FY2025)	Costs Averted (by FY2025)
Original Impact Projections **NO** Carveouts	Between 102 and 131	Between $9.9 million and $12.4 million
Updated Impact Projections **WITH** Carveouts as Proposed in S.18 as Passed by the Senate	Between 99 and 127	Between $8.7 million and $11.5 million

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

SUMMARY
The offense carveouts for the sentenced population in S.18 as passed by the Senate[*] reduce the overall impact of Vermont's earned time policy by 3–4 beds by FY2025. This indicates that the carveouts will result in only a very small reduction to the original JR II impact projections. Additionally, these carveouts reduce averted costs over the 5-year period by $900,000 to $1.2 million, which is the difference between the two averted cost estimate ranges in the table.

These projection models do not take into account changes to the prison population since the onset of COVID-19.

The projections are based on 2017–2019 Vermont Department of Corrections admissions data and a population snapshot from June 30, 2019, and were created prior to the COVID-19 pandemic. Therefore, the modeling assumes a much larger sentenced population than currently exists because of population reductions related to COVID-19. Due to the ongoing nature of the pandemic, it is not yet possible to model the future impacts of COVID-19 on Vermont's criminal justice system broadly or on Justice Reinvestment II policy changes specifically. As a result, estimates of future bed savings and averted costs represent projected outcomes **pre-pandemic** and should be considered only within this limited context.

An additional limitation of these projection models is that since they rely on historical data, they do not predict how system actors may change their behavior in the future as a result of the policy changes. For example, these projections were created under the assumption that charging, sentencing, and court case volume will remain similar to historical practices.

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[*] The offense carveouts for the sentenced population in the Senate version of S.18 include murder in violation of 13 V.S.A. § 2301; voluntary manslaughter in violation of 13 V.S.A. § 2304; kidnapping in violation of 13 V.S.A. § 2405; lewd and lascivious conduct with a child in violation of 13 V.S.A. § 2602 provided that the offense shall not be considered disqualifying if the offender is under 18 years of age, the child is at least 12 years of age, and the conduct is consensual; sexual assault in violation of 13 V.S.A. § 3252(a) or (b); aggravated sexual assault in violation of 13 V.S.A. § 3253; and aggravated sexual assault of a child in violation of 13 V.S.A. § 3253a.