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HOUSE COMMITTEE ON JUDICIARY

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MEMORANDUM

To: House Appropriations Committee
From: House Judiciary Committee
Date: February 24, 2022
Subject: Input to Issues Related to Judiciary Policy Issues in the 2023 Budget

Thank you for the opportunity to have House Judiciary provide input into the budgetary issues that are related to the House Judiciary's policy area. We are grateful for the time and information that Rep. Squirrel gave us to review unfunded criminal justice funding requests. While this memo doesn't follow the ordering of that document, we believe we have touched on all the requests that are pertinent to our policy area.

Our Top Concerns to Ensure Access to Justice

1. Sustainable funding for the Center for Crime Victim Services:

A. Response to the JFO Report. "Center for Crime Victim Services- Funding Report":

Policy Issues identified in the Report:

- **Options 1 -6:** We note that six of the seven recommendations in the JFO report recommend a change in how much of current funding fines/fees, and surcharge should come to the Center for Crime Victim Services. We do not believe that it is our committee's role to discern the difference between the six options. **We do recommend that it will be important to consider strategies that decouple support for crime victims, survivors, and their families from penalties and associated fees. We leave the particulars to the House Ways and Means Committee, if this is the direction that House Appropriations chooses to go in the short term.**
- **Option 7: Shift some or all the expense of the Victim Assistance Program from CCVS to Dept. of State Attorneys and Sheriffs:**
The Center for Crime Victim Services is the grantee for these positions, which covers part of the funding of the positions. For Vermont to be in compliance with the grant, and to assure that there is consistency in how the positions are utilized, it is important that this office continue to have

the role of overseeing this program. We believe that shifting these positions to state attorneys without the general oversight, support, and coordination that comes from the Center for Crime Victim Services would not serve victims well. We know the House Appropriations Committee has raised concerns about this recommendation and we concur. While the current funding likely doesn't fully cover the positions; it certainly does not provide any funding to the Center for Crime Victim Services for oversight and administration for the program.

We ask HAC to explore if it would be appropriate for each State Attorney's office to contribute funding to cover the oversight and administration performed by the Center for Crime Victim Services.

B. Center for Crime Victim Services Budget 2023

We understand that House Appropriations is considering General Funds to fund the Center for Crime Victim Services for FY 2023 support that effort. We also support an ongoing discussion of if the current structure of the Center works.

Access to Justice means treating victims with the support and assistance they need, and that the Center for Crime Victim Services has the commitment of sustainable funds that allow them and their subgrantees to be able to plan and count on the funding.

As part of their budget, we support

- Continuing to fund the Victim Assistance Advocate Program that pays for positions in the State's Attorney's Offices.
- Funding the Sub-grants to significant populations and special projects that have been supported by federal VOCA funds.
- Funding the DV/SV grants to Vermont Network programs.
- Providing Bridge funding to support the Vermont Network Legal Services from July-September 2022.
- Providing the same Cost of Living increases to their budget, that State Attorneys, Defender General, and other state departments receive.
- Include the funding necessary to pass H. 553 to ensure domestic partners of homicide victims are included in the services the Center for Crime Victim Services can provide in FY 23.

2. H.546 – Racial Disparity Statistics Division – Office of Racial Equity

After receiving the concerning report from CSG on Racial Disparities in our Criminal Justice System, our committee strongly recommends the funding that would go with implementing H. 546 to help us get the data and information that we need to make

changes in the unacceptable biases we are seeing throughout Vermont's criminal justice system. H.546 passed our committee on an 11-0 vote.

3. Human Rights Commission Request for an Additional Attorney

We are concerned that the Human Rights Commission needs to turn away cases due to lack of legal staff, and strongly support the request made for them to hire an FTE Litigator. This issue is an access to Justice issue that we strongly advocate be funded.

4. Our other Vermont's Criminal Justice System – Unfunded Needs

We do want to start out by stating that the State Attorneys, the Defender General, the Attorney General, and the Judiciary, are all important entities and need adequate funding.

You will note from our comments below, that we cannot provide much input or guidance to your committee on many of these funding requests.

Judiciary:

\$500,000 Reinstatement of base GF budget

Our committee is not familiar with what Appropriations has done with other departments' reinstatements and why this is being requested.

\$300,000 Decrease in Tech Fund

As is the case with the other fines, fees, and surcharge changes, identified in the JFO report, we understand that these revenue sources have been more unreliable and decreased.

We do not have a sense and encourage the Appropriations Committee to look at what these revenue sources were going to be used for, if other funding was appropriated or will be to pay for these expenses, and do not as a committee feel comfortable advocating for these to be funded.

Language Access Program Improvements

Our committee would support these improvements if the Appropriations Committee has had a chance to learn more about what the improvements are and what the outcomes will be. This item falls under our priority of access to justice.

Increase to Sheriff and Private Security Rates (unfunded - \$725,000):

This is the jurisdiction of House Committee on Corrections and Institutions.

\$350,000 Anticipated Title IV-D Reduction

Our committee knows nothing about what the reduction in these funds means for the Judiciary. What will be the result? What did these funds pay for? What is the need?

FY 24 and FY 25 Court Reopening Plan for Judiciary Request for additional funding- \$4,594,125*

Continuation of Judicial Pandemic Recovery Plan One-Time Funding for FY24 and FY25

Our understanding is that large sums of money were requested and obligated for the first two years of this plan.

We do not know exactly how these funds were spent and what the outcomes were.

We do know that there is major concern that the courts have been slow to reopen and that the delays are very long to get a court date.

While we understand that the State Attorneys and Defender General have removed their requests for the additional funding for years 3 and 4, the Judiciary still is requesting over 4 million dollars.

We cannot recommend this be funded, as we simply don't have enough information, and hope that the House Appropriations Committee will continue to scrutinize these requests. Were the outcomes for the first two years met? What were they? What will happen if the funding for the next two years is denied? Why does it take four years (and funding for four years) to reopen the courts?

State's Attorneys Request:

Recalculation of payroll costs due to new contract

We leave it to the House Appropriations Committee to determine what makes sense, as our committee doesn't deal with the state employee contract process.

Defender General's Office

We understand that this office has asked for the following additional funds and that the Defender General's office has not prioritized the funding for the projects as follows:

- **Reduce vacancy savings to more attainable level**
We are not able to comment or add anything about this request other than that having these positions filled is important to our access to justice priority.
We hope the Appropriations Committee will look at what the vacancy savings figure should be so that the Office of the Defender General is not forced to keep positions vacant to make their budget.
- **Remaining Assigned Counsel Current Contract Obligations**

We are not able to add anything except the importance of paying our contractual obligations and ensuring that people have access to counsel are important to our committee.

- **Current Public Defense Contract Obligations**

We are not able to add anything except the importance of paying our contractual obligations and ensuring that people have access to counsel are important to our committee.

- **Additional Case Management Maintenance & Support**

We are not able to add anything. We are not sure why IT related issues continue to be unbudgeted.

- **Additional cost of Rutland office space needs**

We have no details or information on why this additional money is needed or how this space is used.

- **Reclassification of ODG Unit positions:**

We leave it to the House Appropriations Committee to determine what makes sense, as our committee doesn't deal with the reclassification process.

- **Increase ACC contract 3% for FY2023**

We know that access to justice means defendants having counsel, and we have heard repeatedly how difficult it is to hire people at the wages that are being offered. This item seems important.

- **In-Person Training**

We do not know enough about this request to know if it's needed or critical. Is this in addition to what's already allocated for training? Why is this being asked for now?

- **In and Out-of-State Travel**

We don't have enough context to offer an opinion.

- **General Fund Budget Neutral:**

Family Support Project (funding for last 4 years was included in DCF appropriation) - \$150,000: We recommend that you speak with the Human Services Committee, as our committee has not been involved with this program.

AG OFFICE Budget

- **Request for Software and Website Hosting**

While we are not sure why this was not budgeted, we recognize the Attorney General's office is an essential Government function that needs to have working software and a web presence, as part of their functioning.

- **Court Diversion / Pre-Trial Service**

House Judiciary has supported pretrial diversion programming. We would request that we continue to look at numbers served and outcomes as these requests are made. We do not have enough information to weigh in on the following:

- **Special Fund shortfall.**

What is the need? This is another example of hearing about a revenue shortfall without context.

- **Add 2% to Governor's recommended 3% increase providing programs with a 5% COLA**
We are not sure how Appropriations has been weighing different COLA increases in different departments. Many contractors get 0%, looks like some departments are getting 3%. We don't understand and think it's probably House Appropriations' job to look at these issues.
- **Coaching and social work /clinical supervision for Court Diversion and Pretrial Services staff - \$175,000**
While it seems important for coaching and clinical supervision this seems like a lot of money. Let's say it's \$100/hour, that's 1750 hours or 33.6 hours a week. How many staff are we talking about? Many places provide group supervision and clinical support.
- **Client assistance fund - \$25,000**
We understand that this is not a great deal of funding and is to meet special needs of clients. We don't have enough context.
- **Other:** Justice Reinvestment II – TBD - \$770,000 – funding exists.
We hope some of this funding can be used for the requests made.