



**Justice
Reinvestment
Initiative**
Vermont



Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Justice Reinvestment Initiative in Vermont

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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.*

Governor Phil Scott convened the Justice Reinvestment II Working Group to identify opportunities for improving public safety and reducing recidivism to achieve long-term savings by:

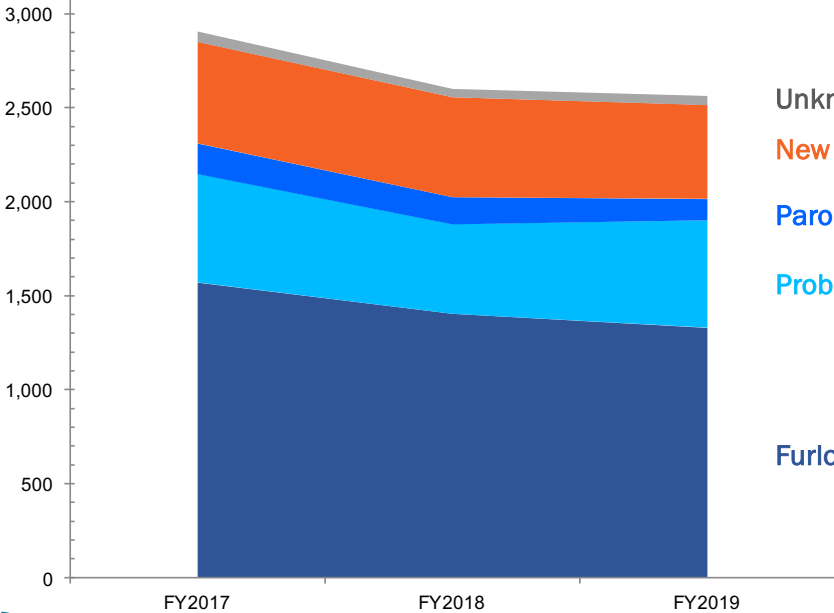
- Analyze crime and corrections trends.
- Identify the impact of supervision revocations on prison populations.
- Assess how serious mental illnesses and substance use disorders impact people in the criminal justice system.
- Identify where Vermont can strengthen data tracking and analytics to guide policymaking.



*Vermont first used a data-driven Justice Reinvestment Initiative approach in 2007 resulting in a 16 percent drop in the incarcerated population.

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



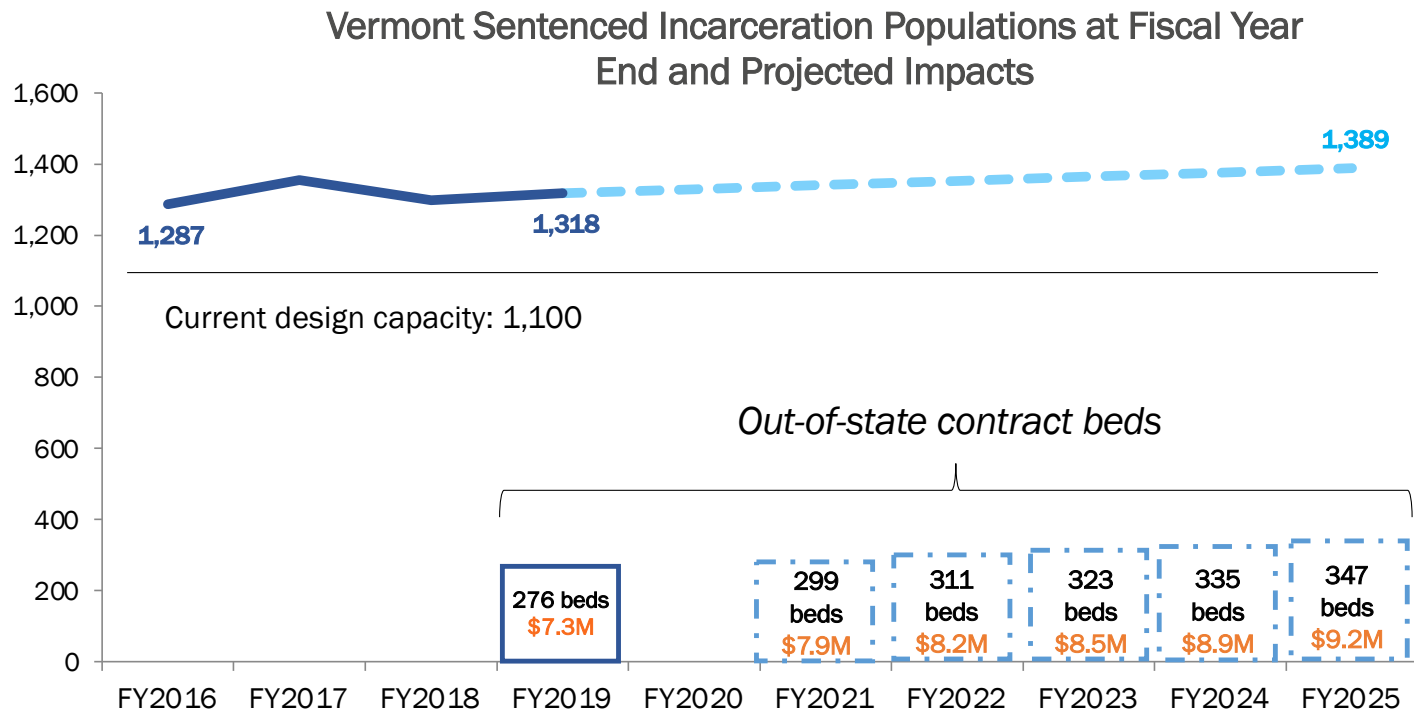
Average Annual Admissions FY2017–FY2019 (Volume, Percentage)

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.



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



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:

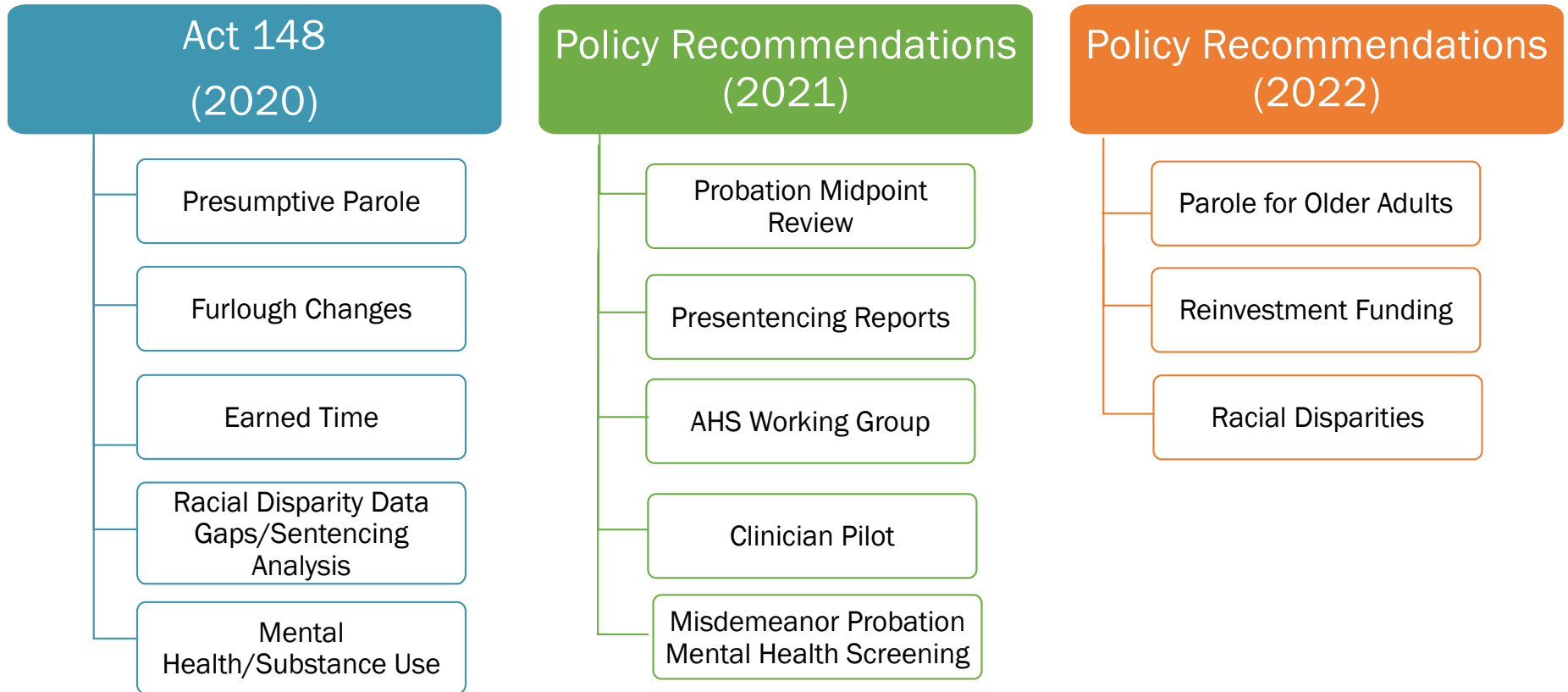
- ✓ Established [presumptive parole](#) to reduce reliance on the furlough supervision system.
- ✓ Streamlined the [furlough system](#) to increase community supervision consistency.
- ✓ Incentivized good behavior by increasing [earned time](#) from 5 to 7 days per month for people in prison and on furlough.
- ✓ Required additional data to be collected and reported about the use of the DOC's [graduated sanctions](#) policy.
- ✓ Directed the Agency of Human Services to identify gaps in identifying and serving people in the criminal justice system who have [behavioral health](#) needs.
- ✓ Required analysis related to demographics and sentencing to help Vermont better identify and reduce [racial disparities](#) in the criminal justice system.

Act 148 also reconvened the Justice Reinvestment II Working Group to oversee implementation and continue to develop policy recommendations in several areas.

Specifically, the working group was tasked with

- Studying earned time for people on probation and other related policy options;
- Identifying ways to increase DOC and community provider risk assessment information sharing to help inform plea agreement, sentencing, and revocation decisions;
- Identifying screening, assessment, case planning, and care coordination gaps for people with complex behavioral health issues in the criminal justice system and recommending system improvements;
- Identifying new or existing tools to identify risk factors that can be targeted with treatment and services;
- Studying presumptive probation;
- Evaluating parole eligibility for older adults who have not served their minimum term; and
- Developing funding and appropriation recommendations.

Overall, the Justice Reinvestment II Working Group engaged in three rounds of policy development.



The working group recommended several targeted funding investments in community-based services and data analysis capacity.

Funding recommendations included:

- 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

Vermont's Investments and Reinvestments

JUSTICE REINVESTMENT INITIATIVE FUNDING

2020

- \$900,000 (up-front reinvestment funding)
- \$200,000 in domestic violence intervention programming
 - \$300,000 to strengthen transitional housing options and efficacy
 - \$400,000 to target gaps in community-based behavioral health services

2021

- \$360,000 (reinvestment funding from out-of-state bed savings)
- This funding remained unspent at the end of the fiscal year and so was absorbed back into the general fund.

2022

- \$417,000 (reinvestment funding from out-of-state bed savings)
- This funding has not yet been allocated.

TOTAL ESTIMATED AVERTED COSTS FY20–FY25: \$8.4M



The working group also reviewed the results of a racial equity in sentencing analysis conducted by CSG Justice Center staff.

Analysis results included the following:

- In Vermont, Black people are **6 times more likely to be incarcerated** than White people.
- Disparities are present in the cases coming to Vermont courts: annually, Black people are **over 14 times more likely to be a defendant in a felony drug case**.
- Once before the court, Black people are **not** more likely to be convicted for most offenses or sentenced to longer incarceration terms for any offense. Importantly, however, there are **statistically significant racial disparities in who receives an incarceration sentence**, particularly for felony property and drug offenses.

Based on the results of this analysis, the working group made four recommendations.

Recommendation 1

Reduce lower- to mid-level felony drug possession offenses to misdemeanors and re-evaluate the threshold of the highest level of possession and sales to better reflect significant amounts of drugs intended for distribution.

Recommendation 2

Establish either non-binding sentencing guidance or presumptive probation for certain offenses to support judicial discretion related to incarceration decisions.

Recommendation 3

Require the collection and reporting of race and ethnicity data in the Attorney General's Pretrial Services and Court Diversion Report.

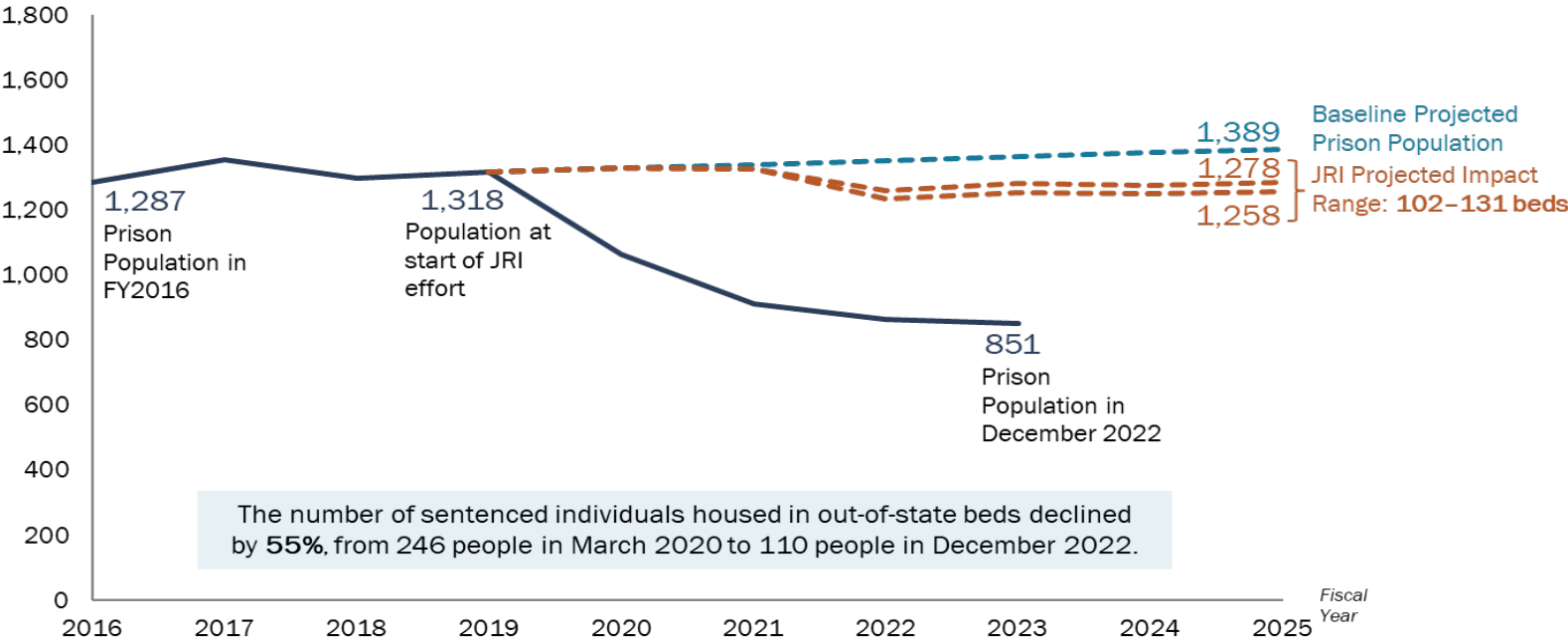
Recommendation 4

Explore the use of internal guidance for state's attorneys to increase consistency in charging and plea-bargaining decisions.

Data Monitoring

Since the COVID-19 pandemic, Vermont's sentenced incarcerated population has declined 33 percent.

Sentenced Prison Population: Actual and Projected
FY2016–FY2025



Note: 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.

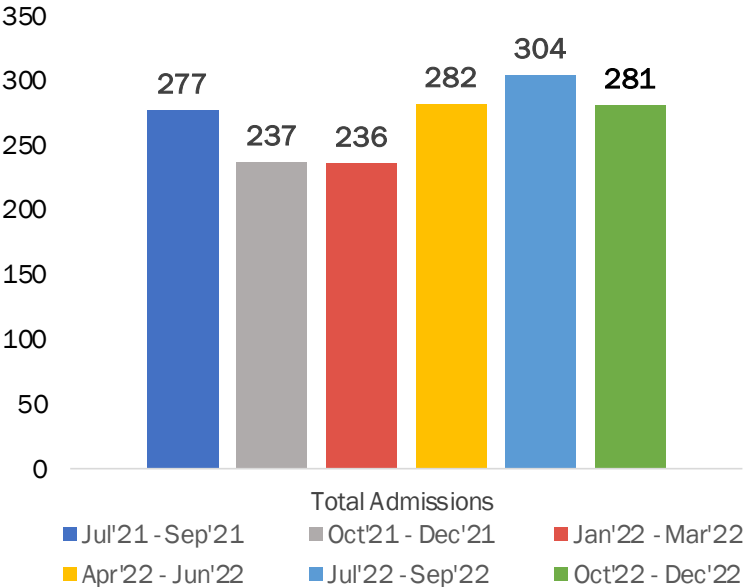


Source: Vermont Department of Corrections (DOC) and CSG Justice Center modeling of Justice Reinvestment impact.

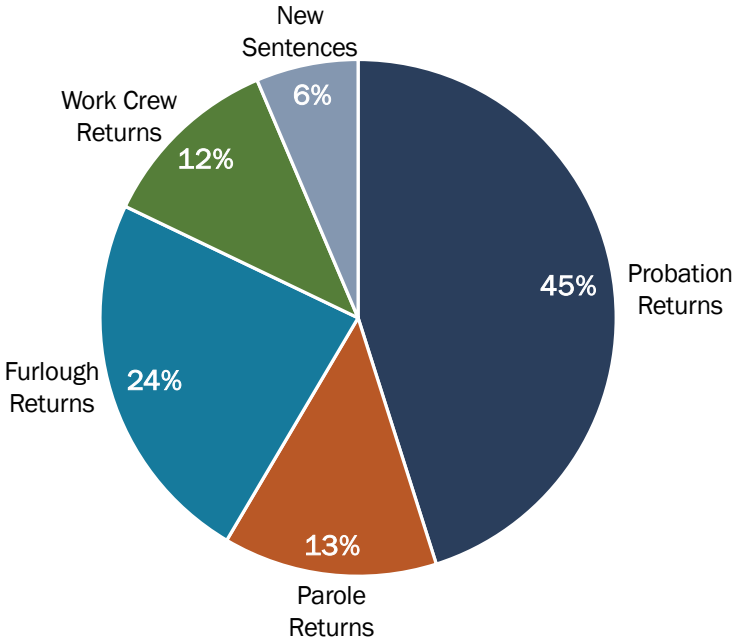
Admissions to DOC custody indicate probation revocations are now the leading reason for incarceration, rather than furlough returns.

Custodial Admissions, July 2021–December 2022

Admissions of Sentenced Individuals:
July 2021–December 2022



Proportions of Admission Type,
July 2021–December 2022



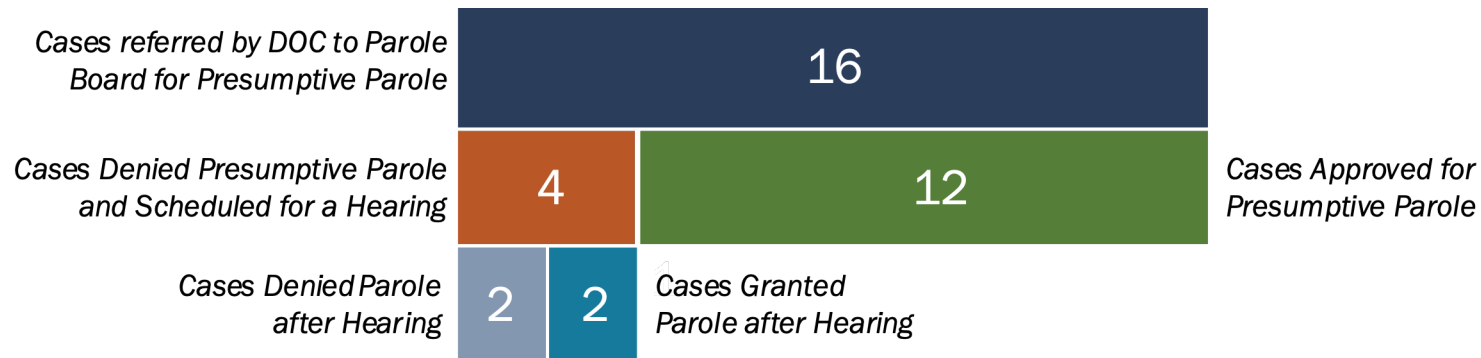
While this data is from an 18-month period and impacted by COVID-19 related criminal justice system disruptions, it is very different from pre-Justice Reinvestment II findings, which showed that over 50 percent of admissions were returns from furlough.



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

The number of cases referred to the parole board during the first year of presumptive parole implementation is 68 percent fewer than initially projected.

Presumptive Parole Decisions by the Vermont Parole Board
January 2021–June 2022



Risk Level of Presumptive Parole Denials:

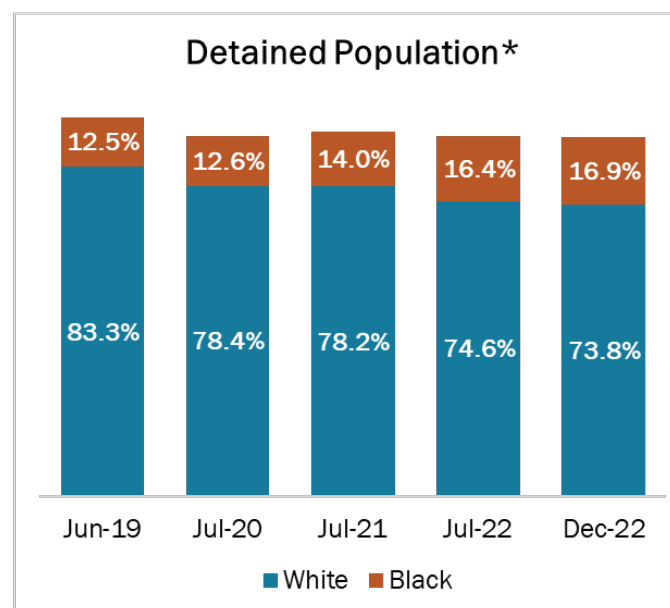
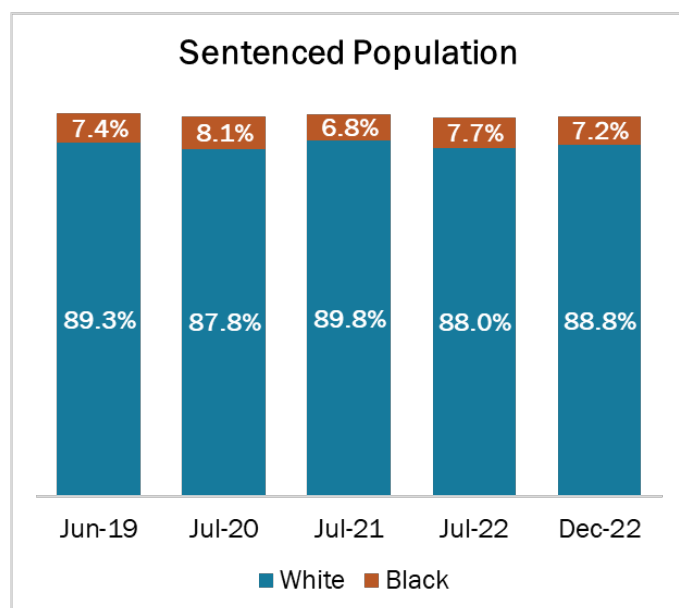
- 1 Low risk
- 1 Moderate risk
- 2 High risk

Risk Level of Presumptive Parole Approvals:

- 2 Low risk
- 7 Moderate risk
- 3 High risk

Black people remain disproportionately represented in Vermont's incarcerated populations.

Change in Race Composition of Population of Sentenced and Detained Individuals, June 2019, July 2020, July 2021, July 2022, and December 2022



* This chart includes Detainees and Holds, except for June 2019, which did not include Holds.

Thank You!

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