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TO: Joint Legislative Justice Oversight Committee  
House and Senate Committees on Judiciary  
House and Senate Committees on Appropriations  
House Committee on Corrections and Institutions

FROM: Hon. Thomas A. Zonay, Chief Superior Judge  
Chair, Coordinated Justice Reform Advisory Council  
(the “Council”)

RE: Coordinated Justice Reform Advisory Council Report pursuant to Section 2 of  
Act 40 (2023), *An act relating to a report on criminal justice-related investments  
and trends, Section 2*; 28 V.S.A. § 126 (e)

DATE: November 6, 2024

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## Report Requirements

Pursuant to Act 40 (2023), *An act relating to a report on criminal justice-related investments and trends*, the Coordinated Justice Reform Advisory Council (“the “Council”) was created to establish a unified and collaborative State approach to support State and local community-based programs and services that are consistent with Vermont’s restorative justice policy pursuant to section 2a of Title 28. See 28 VSA §126(a). The Council was directed to consult with State and local partners to use a data-driven approach that improves public safety, reduces correctional and criminal justice spending, and reinvests savings or redirects funding in strategies that foster desistance or decrease crime, delinquencies, and recidivism.

The Council is also directed to:

- (a) Recommend to the Commissioner of Corrections, on or before September 1<sup>st</sup> of each year, a new appropriate allocation of not more than \$900,000.00 from the Justice Reinvestment II line item of the Department of Corrections’ budget for the upcoming fiscal year to support community-based programs and services, related data collection and analysis capacity, and other initiatives.
- (b) On or before November 15, 2023, and annually thereafter, to submit recommendations pursuant to 28 V.S.A. § 126(c)(4) and (c)(5) to enumerated

Legislative Committees, with directive that the recommendations made pursuant to (c)(4) be submitted in the form of proposed Legislation.

- (c) The Council is also directed to include in its reports the efforts it has made to consult with the organizations listed in subdivision (c)(3) of this 28 V.S.A. § 126.

## Membership

The Members of the Council are:

- (1) Willa Farrell, Office of the Attorney General;
- (2) Hon. Thomas A. Zonay, the Chief Superior Judge of the Vermont Superior Court (Chair).
- (3) Nicholas Deml, The Commissioner of Corrections.
- (4) Lindy Boudreau, Department for Children and Families;
- (5) Jennifer Poehlmann, the Executive Director of the Vermont Center for Crime Victim Services;
- (6) Monica Weeber, the Executive Director of the Vermont Statistical Analysis Center (Vice-chair);
- (7) Xusana Davis, the Executive Director of the Office of Racial Equity;
- (8) Rep. Trevor Squirrel; and
- (9) Sen. Nadir Hashim.

## Council Outreach and Meetings

The Council met on February 12, 2024, April, 22, 2024, August 13, 2024, October 10, 2024, and November 5, 2024.

The Council also conducted outreach in an effort to consult with the organizations listed in 28 V.S.A. § 126(c)(3). These efforts included e-mails to the organizations identifying the Council and its mission, as well as inviting input from them. The Council also afforded individuals an opportunity to provide information and their positions during meetings.

## Council Recommendations

### A. Recommendations to DOC Commissioner [28 V.S.A. § 126(c)(5)]

Pursuant to 28 V.S.A. § 126(c)(5), on May 22, 2024, the Council forwarded recommendations to the Commissioner of Corrections relating to allocation of Justice Reinvestment II line item in the Department's FY25 budget in the amount of approximately \$490,952. The Council recommended that:

- (1) \$131,084 – The Council recommends that these funds be allocated to the Vermont Network to support reentry services for women.

(2) \$359,868 -- The Council recommends that these funds be allocated to CJs to sustain their budgets for FY 2025.

B. Stable Funding Mechanism [28 V.S.A. § 126(e)]

As noted in its initial Report submitted to the Legislature on November 8, 2023, the Council believes it is necessary that a sustainable funding structure be established to support state and local community-based programs that further the goals of justice reinvestment and restorative justice practices. Currently, such programs are supported, at least in part, by fines and fees, such as court diversion and programs that support crime victim services. The Council believes these programs are integral to improving public safety, reducing correctional and criminal justice spending, and decreasing crime, delinquencies, and recidivism. Since these programs are supported through fines and fees which are not consistent, there is an instability in the programs related to employee retention and annual fluctuations in appropriations. This impacts the programs and the services which they can deliver.

In light of the identified inconsistencies and lack of predictability arising out of the current funding structure, a structure which the Council notes is not unique to the type of programs identified by the Council, the Council recommends that the Legislature determine which programs are supported by fees and fines and consider proposing legislation that moves identified fines and fees to the general fund, moves program support from specials funds to general funds, and also establishes the base amount of general fund dollars needed to support the identified programs.

C. Future of Council

As part of its consideration of the issues before it, the Council has also considered the enabling legislation and whether the Legislative goals for the Council are such that the Council should remain a viable entity or whether its repeal date should be advanced from the current date of July 1, 2028.

The Council notes that the Justice Reinvestment II initiative, guided by the Council of State Governments, originally aimed to reinvest dollars from unused out-of-state DOC beds back into policy solutions to reduce incarceration in Vermont. Depending on the annual census of the out-of-state facility, these savings ranged from a few hundred thousand dollars into the millions. As noted in Section (A), supra, this variability however created issues for recipients who relied on this funding, particularly as one-time dollars were used for cost-of-living adjustments and personnel costs.

To address this issue, lawmakers created a base Justice Reinvestment annual appropriation of \$899,652. At the same time, the legislature determined that of this total, \$300,000 for the Vermont Network Against Domestic and Sexual Violence and \$108,700 for the Department for Children and Families Balanced and Restorative Justice (BARJ) program would be allocated as

base funding. This resulted in unallocated funds totaling \$490,952. As noted in the *Report Requirements*, supra, the Council was created and charged with the authority to recommend to the Commissioner of Corrections how these remaining \$490,952 in Justice Reinvestment dollars should be spent.

Given the relatively low dollar amount of funds at play, complex financial details, and administrative demand of convening the Council, it is the Council's view that the State and its taxpayers would be better served by dedicating the remaining Justice Reinvestment funds in FY26 and future years— which comprise approximately 0.23% of DOC's overall budget — as base funding. The Council is of the view that DOC has the capacity and can obtain necessary input as part of its budget process to consider appropriate use of the funds. It also believes that DOC can, and should, use the funds to advance initiatives which may serve to improve public safety, reduce correctional and criminal justice spending, and reinvests savings or redirects funding in strategies that foster desistance or decrease crime, delinquencies, and recidivism. In particular, the Council believes DOC should focus on using base funds to address and implement re-entry support for individuals leaving a correctional facility.

It is also recommended that the repeal date for the Council be advanced to July 1, 2025.