

Testimony on H. 326
Joint Justice Oversight Committee
December 12, 2023
Representative Barbara Rachelson, Chittenden 14
Burlington, Vermont

Thank you for the time today to discuss the importance of H. 326. I have significant concerns about Vermont's practice since 1998, and continued reliance of sending our prisoners out of state, especially to for-profit prisons. The expression "Where there is a will there is a way" or even "If there's a bill, there is a way," unfortunately does not hold up when it comes to Vermont stopping the practice of doing business with for-profit prisons. I want to acknowledge and recognize that we have significantly reduced the numbers of people we send to out of state prisons yearly, but until we draw a bright line and as a state make the decision to stop this practice, it will be a tool that we rely on, and that hurts each prisoner that gets sent away.

In 2016, I introduced a bill to ban the practice of using for profit prisons. Despite the bill not getting taken up, the relevance of the issue continued to be of paramount concern. I have introduced the same or a similar bill, again in 2018, 2021, and again in 2023.

In 2016 I was told that this was an extremely complicated issue; Vermont greatly relies on for-profit prisons and could not eliminate using them.

In 2018: We did not need the bill, since we were currently moving our prisoners out of the for-profit GEO prison in Michigan to a government prison in Pennsylvania.

In 2021, my bill was not taken up because it was felt that the current reforms are working, and we just need to give the Department of Corrections more time to eliminate the need. The problem though is that if we continue to have the option available it makes it a convenient tool to keep in the toolbox. A security blanket of sorts.

Over and over, we have heard from state officials that this could be our last out of state contract that we need.

Then we end up entering into contracts that our multi-year, for more prisoners than we need, have minimums we must pay for, and/or at times look less expensive than incarceration instate. In some cases, the contracts we agree to, have worked against the ultimate goal of not sending prisoners out of state.

- In 2016, a contract with the for-profit GEO group meant we were sending up to 400 prisoners to Michigan to be housed in a prison, which the state had closed in 2011, and were not willing to use for their own prisoners.

Months later in 2016, the Department of Corrections was told the GEO group was not going to renew its contract with Vermont. Vermont then entered into a [3-year, \\$21 million contract with the Pennsylvania Department of Corrections](#) to house 270 prisoners.

According to the 2017 article in Seven Days.

“Vermont's long-standing goal to reduce its reliance on out-of-state prisons has never seemed more attainable...but a contract DOC signed with Pennsylvania ...has made that goal all but unreachable. Why? For the first time, Vermont is guaranteeing it will send a minimum number of inmates to an out-of-state prison. Under the terms of **the three-year, \$21 million contract**, Vermont taxpayers will be on the hook for 250 beds in Pennsylvania — even if the prison population falls and the state doesn't need all of them.”

[Locked In: Contract Guarantees Inmates Get Sent Out of Vermont | Crime | Seven Days | Vermont's Independent Voice \(sevendaysvt.com\)](#)

The contract with Pennsylvania was ended prematurely after concerns arose about the medical care prisoners were receiving, including the deaths of four Vermont inmates.

In 2018, Vermont signed a new contract to move Vermont inmates to the Tallahatchie prison in Mississippi, run by CoreCivic **one of the largest for-profit prison companies in the nation.**

In 2021, when I introduced the bill, Vermont had experienced many problems with CoreCivic's facility. Seven Days spelled out the issues and quoted that “DOC lost trust in CoreCivic” [A COVID Outbreak Prompts Scrutiny of Vermont's Private Prison Contract | Crime | Seven Days | Vermont's Independent Voice \(sevendaysvt.com\)](#).

We continue to hear that we are really close to ending the need for out of state contracts:

In 2015, The Commissioner of Corrections said that he is “optimistic that Vermont will be able to close the out-of-state program by the end of the GEO Group agreement”t.

In 2021, the Department of Corrections announced a one-year renewal of its CoreCivic Mississippi contract. The DOC commissioner said: “Whether this is the last time the state agrees to house inmates outside its borders remains to be seen. “It’s hard to say right now,”

Now, in September 2023, DOC has signed a new \$21 million, two-year contract to house up to 300 inmates at the Tallahatchie County Correctional Facility in Mississippi, Corrections said “staffing and space force the state to house inmates out of state saying.” Our correctional facilities do not have adequate space to house an additional 126 individuals without compromising the safety and wellbeing of our incarcerated population,”

It's hard to ignore the safety and wellbeing issues that our out of state prisoners have faced.

This fall, it has become known that at least since 2016, Vermont Department of Corrections has had a contract with the U.S. Marshals Service to hold 60 beds in state prisons for federal use-
Beds that could be used to bring almost half of the Vermont prisoners housed in Core Civic's for-profit Mississippi facility back to Vermont.

Until we prohibit sending our prisoners out of state, it will continue to happen. We must take the bold step and draw that sharp line.

Thank you.