

(b) Report

(1) On or before January 15, 2024, each year the Commissioners of Corrections, of Health, of Mental Health, of Public Safety, and for Children and Families and; the Attorney General; the Chief Superior Judge of the Superior Court; the Executive Director of the Office of Racial Equity; and the Parole Board Director shall report to the House and Senate Judiciary Committees regarding the data in section XXX.

(2) The Committees shall review each contributor's available data and identify any reasons that requested data may not be available or would put certain populations at risk if released.

(3) The Committees shall review the data supplied to examine the outcomes of the State's criminal justice related investments and expenditures, specifically any correlation between the funded initiatives and any increase or decrease in related crime and violence. These data shall include:

(A) recidivism rates;

(B) clearance rates;

(C) evidence of desistance, including: such as returns to incarceration from community supervision, including the following pertinent data points:

(i) community supervision type (e.g., probation, parole, furlough);

(ii) indication if return was for violation or new crime;

(iii) indication if violation was significant and/or violent (furlough and parole statuses only);

(iv) demographic information;

(i) violations of conditions of release, probation, parole, and furlough, including whether the violations are related to noncompliance with drug related conditions; considered violent; and technical, civil, or criminal in nature with any applicable charge code;

(ii) former and current supervisees of the Department of Corrections charged with new offenses, including whether the offenses are considered violent and civil or criminal in nature with any applicable charge code; and

(iii) former and current supervisees of the Department of Corrections convicted of new offenses, including whether the convictions contain an element of violence and whether the offenses are civil or criminal in nature;

(D) bail rates, including detainees held without bail, detainees held with bail and the associated monetary amounts, and bailees who post bail and are released; and

(E) the status of individuals released from incarceration, including housing and job placement data; and

(F) the outcomes for individuals served by Justice Reinvestment II and related initiatives, including:

- (i) any effects funding for domestic violence intervention programming in the Department of Corrections has had on domestic violence crime rates;
- (ii) any effects funding for offender transitional housing capacity with the Department of Corrections and other departments has had on housing rates for individuals released from incarceration;
- (iii) any effects funding for the Department of Correction's data collection Offender Management System has had on the Department's data monitoring, collection, and sharing; incarcerated individual case planning; and other related objectives;
- (iv) any effects funding for community-based mental health and substance use services for individuals under Department of Corrections supervision has had on the individuals' mental health and substance use needs;
- (v) any effects funding for agencies, departments, municipalities, programs, and services employing restorative justice principles, including community justice centers, has had on diverting individuals from the criminal justice system;
- (vi) any effects other General Fund expenditures for Justice Reinvestment II initiatives has had on its targeted population and a description of the effects;
- (vii) the average number of Department of Corrections' out-of-state beds paid by the Department and the average cost per bed in fiscal year 2019 and for each fiscal year thereafter; and

~~(viii) point-in-time bed capacities for the Department of Corrections' in-state facilities, including specialty units, for fiscal year 2019 and each fiscal year thereafter. the average number of Department of Corrections' in-state beds available for housing incarcerated individuals, including any specially designated populations and the average number of beds that are offline or unavailable in fiscal year 2019 and for each fiscal year thereafter.~~

~~(b)(c) Report recommendation expiration. The Committees will recommend a future course of action regarding data transparency after receipt of the data in sections XXX. The provisions of 2 V.S.A. § 20(d) (expiration of required reports) shall not apply to the report to be made under this section.~~

(d) Data elements and availability.

(1) The datasets required pursuant to subsection (b) of this section shall be aggregated to show outcome indicators for individual offenders, excluding any personally identifying information, and shall include data elements showing disparities based on race, gender, age, ~~income, and substance use disorder~~, if available.

(2) The report required pursuant to subsection (b) of this section shall explain any obstacles or impediments to the availability and collectability of data required pursuant to this section.

(e) Data sharing. Notwithstanding any provision of law to the contrary, all State and local agencies and departments that possess the data necessary to compile the report required pursuant to this section shall, upon request, provide the Committee Secretary of Human Services with any available data Committee the Secretary determines is relevant to the report. This obligation to disclose shall supersede any other legal obligation with respect to the data required pursuant to this section, and a department, agency, or other entity shall not decline to disclose data required based on any other purported legal obligation.

(f) Confidentiality. Any data or records transmitted to or obtained by the Committee Secretary of Human Services are exempt from public inspection and copying under the Public Records Act and shall be confidential to the extent required by law unless and until the data or records are included in the report required by this section. A State or local agency or department that transmits data or records to the Secretary shall be the sole records custodian for purposes of responding to requests for the data or records. The Committee Secretary may direct any request for these data or records to the transmitting agency or department for response, provided that the transmitting agency or department Secretary shall respond to a Public Records Act request for nonidentifying data used by the Committee Secretary for preparation of the report required by this section.