

Dear Commissioner Deml,

Thank you for the Department of Corrections' ongoing efforts to engage community stakeholders in discussions about the replacement of the Chittenden Regional Correctional Facility (CRCF). We appreciate the Department's willingness to discuss your planning process and share your evolving policy decisions about programming, size, and location of a replacement facility.

The undersigned organizations represent a diverse set of stakeholders who have been involved with the discussions regarding the potential replacement of CRCF. As organizations, we hold different perspectives on many issues related to criminal justice reforms and the future of justice-involved services in Vermont. However, we also hold shared viewpoints related to some aspects of the replacement of CRCF.

Since May of 2023, the Department of Corrections has convened stakeholders twice to discuss your ongoing planning process. These sessions have provided excellent opportunities to engage in dialogue and exchange regarding the policy goals of the replacement of CRCF. Two scheduled meetings of the stakeholder group have been canceled by the DOC in the past several months. We urge you to continue these meetings with greater predictability and regularity in the coming months. We believe that this ongoing dialogue will strengthen the final facility design and ensure that it serves our communities.

In advance of our next regularly scheduled meeting on March 8, the undersigned stakeholders wanted to express our unanimous concerns about information that has been provided to the stakeholders to date. We hope that sharing these concerns and questions will assist in your planning process, and that the Department of Corrections will respond to these concerns at the next scheduled stakeholder meeting, if not before. Our shared concerns are as follows:

### **Proposed Size of Facility**

The Nov 27th report provided to the General Assembly by the Department of Corrections proposes building a new facility with between 150 and 200 beds. Current working estimates provided to the stakeholder group indicate a proposed size of roughly 158 beds. As of January 18th, the current incarcerated population at CRCF was 115, with a large portion of individuals incarcerated there being detainees. On a daily basis, pretrial detainees account for more than 50% of the population held at CRCF. This number is very high when compared to both the men's population and national averages where pretrial detainees only account for approximately 30% of the population. Further, one third of the pretrial detainees at CRCF are being held by the federal government on accusations of criminal conduct and immigration violations.

Since the start of the pandemic the number of people held at CRCF has never risen above 130. The American Corrections Association recommends that facilities operate at no more than 85% capacity. Applying this criterion to the current population of approximately 115 people, the state would need to build no more than 135 beds. We understand that specialized beds are required in the proposed design, however we are concerned that potential redundancies continue to exist in the current design proposals, increasing the number of planned beds. The state is also detaining more individuals pretrial than prior to the pandemic, presumably due to court backlogs. The high number of detainees in the system indicates that the proposed bed count could be lowered further

as the court system addresses the record number of cases waiting to be adjudicated. These projections also do not account for other potential reductions from policy reforms under consideration in the legislature.

### **Balance of Restrictive and Re-Entry Spaces**

The November 27th report proposed that only 18% of the beds in the new facility would be lower security reentry housing, and 82% would be more traditional close security prison beds. Eligibility criteria for the reentry facility remains opaque and unclear. Potential criteria that have been shared include the nature of the crime someone was charged with, the length of their sentence remaining, as well as other discretionary factors.

We are concerned with the provisional re-entry criteria that has been shared by the Department of Corrections, especially limiting eligibility to individuals who are within one year of their minimum sentence. The proposed criteria is a stark contrast to criteria for the women's re-entry facility in Maine which has been touted as the model for the current planning proposal. In Maine, women are eligible for admittance to the Southern Maine Women's Reentry Center when they have five years remaining on their sentence. The rationale posited by the Department of Corrections related to this criteria for women to access a reentry center would also need to apply to any future male reentry facility, and therefore must be more restrictive. We have concerns that these overly restrictive criteria will exclude both women and men from receiving needed services that would help them successfully reenter society. Setting people up for successful reentry benefits everyone by reducing recidivism and supporting people in contributing to the life of their communities. We believe that we must expand the re-entry criteria and that we can accomplish this while respecting the needs, rights and considerations for victims of crime.

### **Community Based Programing and Supports**

Some of the most highly touted aspects of the proposed new reentry facility is the ability for people incarcerated there to access more robust services, including opportunities for employment. We believe that we should examine what resources are available for programming which can be put in place now to allow justice-involved women to develop skills they will need to transition out of the facility and successfully reintegrate in the community. Enhanced in-facility programming will not materialize simply with the construction of a new facility, and the state does not need to wait to implement these kinds of programs.

Further, we need to examine the current systems of support for individuals when they reenter their communities to ensure they are provided adequate resources and continuity in their services. Improving community reentry support and vocational training must be resourced in order for the policy goals of the proposed new facility to be met. While we understand that re-entry services implicate many state agencies and community providers, we believe that the Department of Corrections must play a leadership role in ensuring that adequate re-entry services are available to women as they return to the community..

We appreciate your consideration of these concerns and look forward to ongoing dialogue with the Department as well as the General Assembly related to these concerns in the coming months.

Sincerely,

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Rhoni Basden, Executive Director

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Courtney Farrell, Director of Residential and Community treatment programs

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