

Pretrial Supervision in Vermont

Presentation for the
Joint Justice Committee

July 16, 2025



Justice Center
THE COUNCIL OF STATE GOVERNMENTS



**Justice
Reinvestment
Initiative**
Kentucky



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Background

1



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.

The CSG Justice Center has long supported Vermont efforts to understand and address complex criminal justice challenges

2007

- **Justice Reinvestment I**
 - Focus on Vermont's rising prison population and identifying reentry and supervision options designed to reduce corrections spending and increase public safety

2019

- **Justice Reinvestment II**
 - Focus on reducing high rates of revocation among people leaving prison, strengthening access to behavioral health resources and improving data tracking & reporting

2020

- **Justice Reinvestment: Violent Crime**
 - Focus understanding the scale and impact of domestic violence statewide and improving interventions to reduce harm and support survivors.

The Pretrial Supervision Program (PSP) was passed as S. 195 and enacted into Act 138.

“

The purpose of the Pretrial Supervision Program is to assist eligible people through the use of evidence-based strategies to improve pretrial compliance with conditions of release, to coordinate and support the provision of pretrial services when appropriate, to ensure attendance at court appearances, and to decrease the potential to recidivate while awaiting trial.

At the time S. 195 was drafted, Vermont (along with most other states) was grappling with several years of increases in property and violent crime coming out of the pandemic, and leaders sought ways of reducing recidivism and increasing court appearances among people awaiting trial.

At the same time, Vermont’s population of people held in prison awaiting trial has steadily grown over recent years. As of July 14, 2025 560 people were detained on pretrial, up from 460 people exactly one year earlier.

S. 195 became law as part of Act 138 in 2024 with the dual goals of connecting people awaiting trial to needed services and supports while also reducing crime and recidivism.

In the summer of 2024, the Vermont Department of Corrections (VTDOC) proposed and was approved to pilot the PSP in Orleans and Essex counties before scaling statewide.

In January 2025, VT DOC requested and was approved for technical assistance support from the CSG Justice Center, to provide an assessment and recommendations on the successful statewide implementation of the PSP.

Statute, the Courts and VT DOC all play crucial roles in determining a person's PSP eligibility and supervision PSP.



ELIGIBILITY is set in statute

Defendants are eligible for PSP if they have been charged with violating a condition of release OR if they have at least five pending dockets and pose a risk of nonappearance or harm to themselves or others.



REFERRALS to PSP come from the Courts

Defense, prosecution or the Court may request a review for whether a person is suitable for PSP. If ordered by the Court, DOC has 10 business days to issue a report that identifies a person's eligibility, their potential supervision level and recommended conditions of release.



SUPERVISION is determined by risk assessments

DOC staff assess a PSP client for their risk and needs, which then determines the level of supervision they receive.

DOC provides three levels of supervision, with varying degrees of contact required depending on a person's risk level.

“Risk” refers to a person’s likelihood of reoffending and is part of the Risk Needs Responsivity (RNR) model.



Risk

A person’s likelihood of reoffending, determined based on static and dynamic factors:

STATIC: criminal history, number of arrests, number of convictions, type of offenses.

DYNAMIC: antisocial personality pattern, procriminal attitudes & associates, substance use disorder, family/marital stressors, poor school/work performance, few leisure or recreation activities



Need

Criminogenic factors related to a person’s behavior, which may be independent of their assessed risk.

- Some low-risk individuals may be assessed as having a high need in a criminogenic area.



Responsivity

Tailoring interventions in a way to mitigate barriers for a given individual.

Focusing resources according to risk so that people at higher risk of future criminal behavior receive higher-intensity interventions is a foundational evidence-based practice in supervision.

DOC provides supervision to clients and notifications of progress or violations to the Courts and State's Attorneys

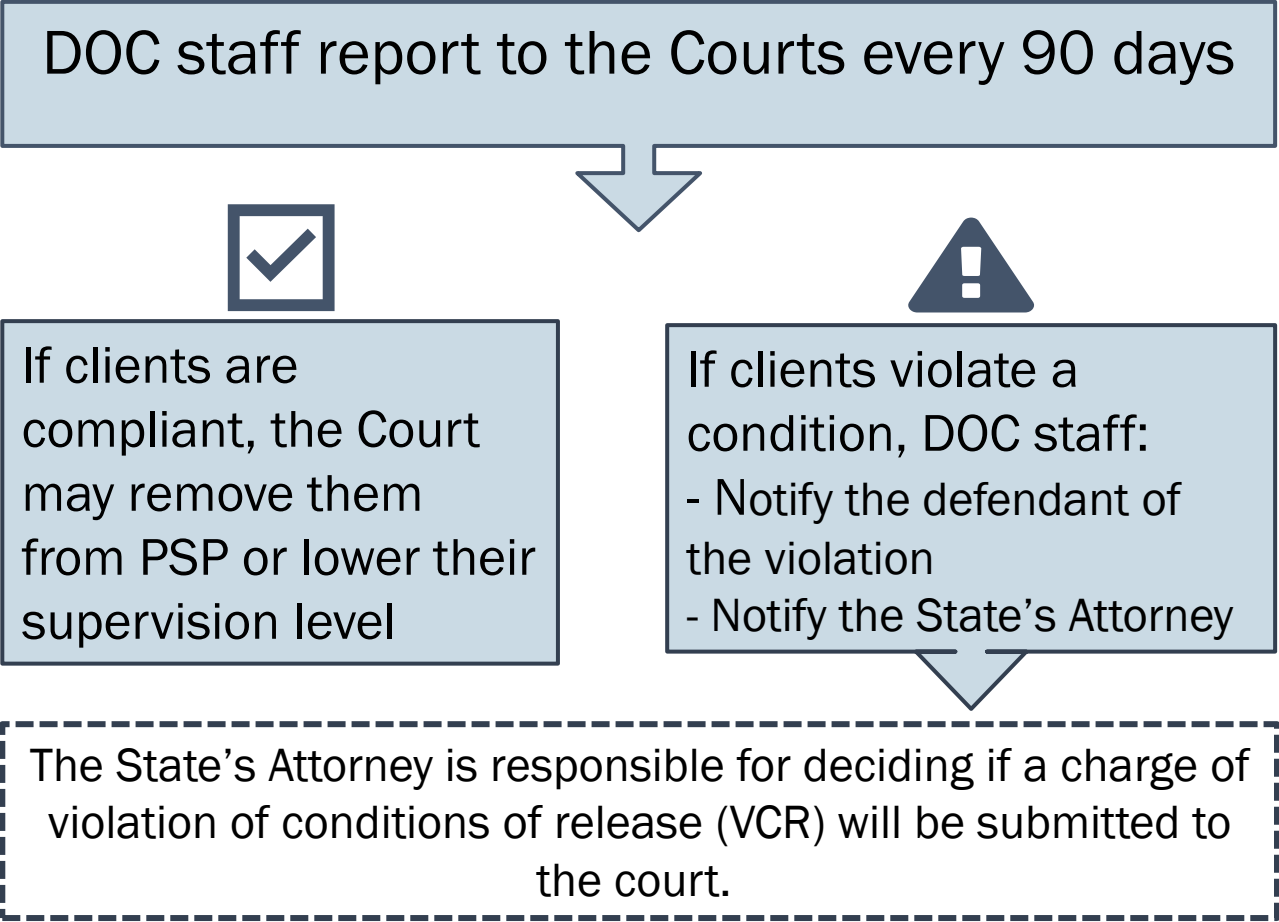
DOC supervises people at three different levels, depending on their risk

Low Risk



High Risk

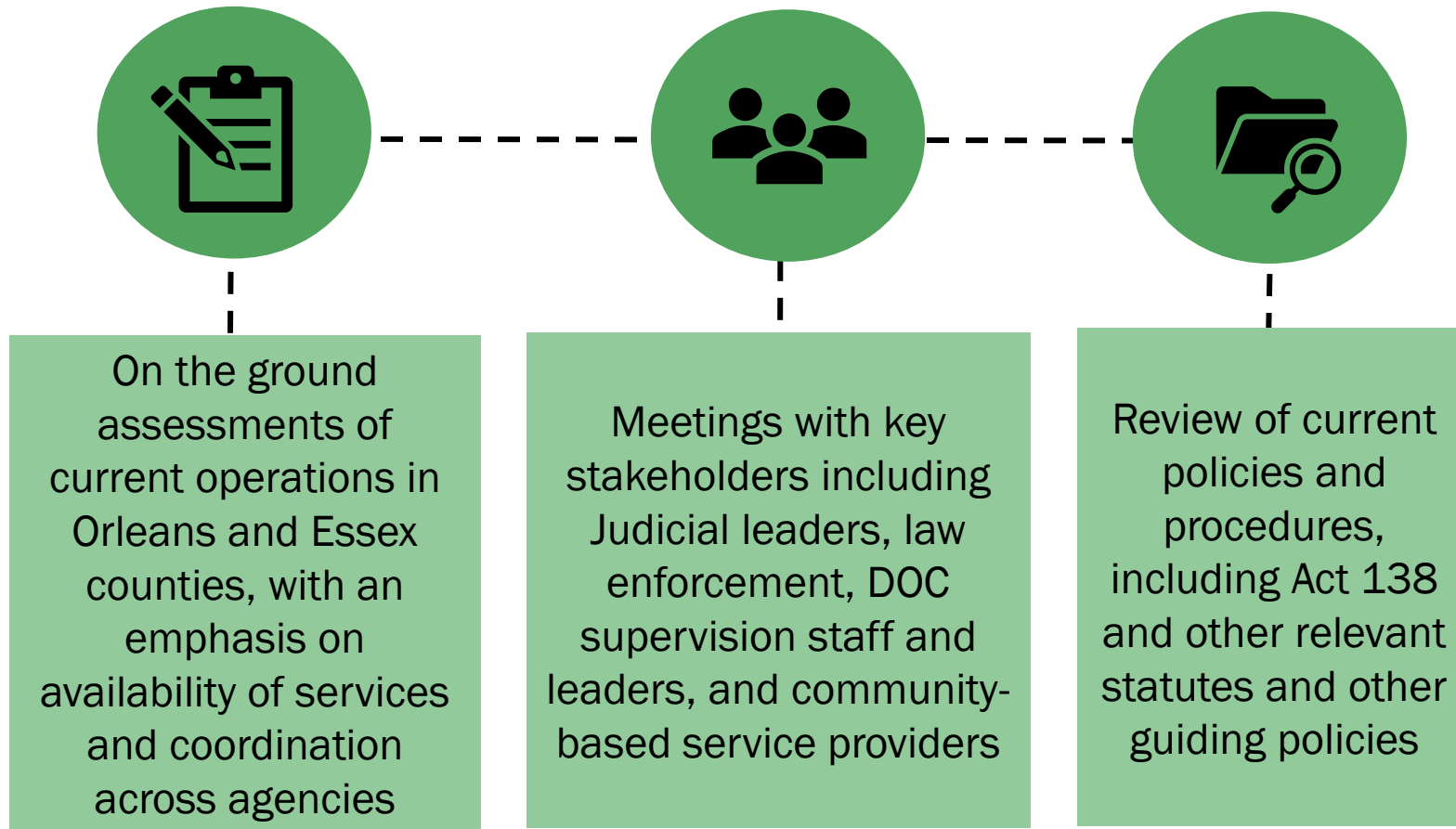
P1	Monitored through the Telephone Reporting Supervision Program (TRSP) system only
P2	Monitored through the TRSP system <u>AND</u> two calls from their assigned PPO per month
P3	Monitored through the TRSP system <u>AND</u> one call from their assigned PPO per week <u>AND</u> one required in-person office visit per month



Initial Findings

2

Our initial plan was to assess how PSP works in the pilot counties and propose strategies for a statewide rollout.



We found important strengths during our first site visit to Orleans County, but also quickly identified core challenges that will impede PSP success throughout the state, regardless of location or service availability.

Strengths include partner commitment to success, strong supervision staff and foundational training and approaches

There is strong commitment to PSP among judicial leaders and good coordination between DOC and court staff.

DOC continues to hire, train and retain strong supervision staff who follow evidence-based practices in how they work with clients.

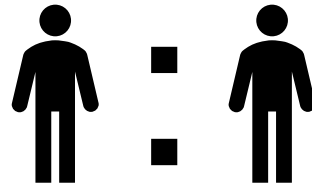
In the pilot county we visited, key stakeholders are informed and engaged in the success of PSP.

Despite these strengths, there are key problems in the design of PSP that will undermine its impact and success.



CHALLENGE #1

Referral & reporting processes are not conducive to effective supervision practices.



CHALLENGE #2

Current DOC staffing does not allow for the adequate supervision intensity for this population.



CHALLENGE #3

Coordination across state agencies that serve this population must be stronger to provide the necessary services and treatments.

These challenges need to be addressed for PSP to succeed across the state.

- **CHALLENGE 1:** DOC does not have the authority they need to effectively and more immediately respond to violations of conditions of release, or to work collaboratively with the Courts under current procedures.
- **CHALLENGE 2:** Without more resources and staff, DOC supervision officers cannot provide the amount of contact, monitoring and support that this population of people require to be successful.
- **CHALLENGE 3:** There must be more coordination across state agencies that address criminal justice, housing, mental health and substance use issues in order for this population of people to more immediately and consistently access the supports they need in their communities.

SHORT
TERM

MEDIUM
TERM

LONG
TERM

Initial Recommendations

3

Successful pretrial systems rely on supportive services.

Support > Supervision

Pretrial services focused solely on **supervision strategies** (mandatory drug testing & reporting) don't improve outcomes. **Supportive pretrial services** using strengths-based counseling and addressing underlying challenges (housing, treatment & employment) are far more successful at improving court appearances and reducing rearrest.

Key Elements of Effective Pretrial Supervision

Evaluation & Data

Many pretrial services agencies don't collect basic data like **court appearance rates, pretrial rearrest rates, or successful service connections**. Effective programs document and publicly share these results, seek feedback from clients and partners, and **adjust policies and practices based on this information**.

Hub & Spoke

Pretrial services work best with both **court and community presence**. Court-based staff serve as the "hub," interviewing and accepting people into programs at bail hearings or first appearances. They make voluntary referrals to "spoke" agencies—community organizations providing services near people's homes and neighborhoods.

Vermont can immediately strengthen PSP for better results.

1

Increase the frequency and intensity of contacts, including more in-person interactions.

- Individuals with five open documents have significant mental health, substance use, housing, employment, or criminal thinking needs that must be addressed to decrease court involvement. More interaction, both in frequency and the intensity of contact is necessary, and will require that DOC has the necessary funding and resources to add additional pretrial officers.

2

Authorize DOC staff to make direct referrals to the Courts in response to condition violations

- Give officers the ability to directly refer a violation to the Courts, allowing for a swift accountability response when clients violate the conditions of their release.
- DOC should notify the States Attorney about their referral for a violation, but not have to wait for SA response and action to identify a path forward with the Courts.

Vermont can immediately strengthen PSP for better results.

3

Provide more opportunities for DOC staff to interact with the Courts and to adjust PSP conditions based on client progress.

- Direct DOC and the Courts to develop a process that allows for regular contact between supervision officers and the judge, to support the client's success and monitor their progress in a less formal and more timely structure.
- Provide officers more flexibility in determining or altering service needs for clients. This will enable officers to ensure clients receive the right type and dosage of treatments to ensure their success.

4

Direct DOC to add behavioral health and substance use screens to their initial assessment of each client, to better and more immediately identify these needs.

- In some cases this information may already be available for a client, but when it is not it is essential that all parties know right away what an individual's mental health and substance use challenges and needs are.

Vermont can immediately strengthen PSP for better results.

5

Direct the relevant Health and Human Services (HHS) agencies to develop a streamlined method for referring PSP clients to behavioral health services

- The departments of Mental Health, Housing and Substance Use must work with DOC to identify the challenges in the PSP population accessing available and necessary services as part of their participation in PSP, and then develop an approach by which DOC can immediately refer a person to those services in the short period of time they are being supervised.

6

Focus the use and resources of PSP on those individuals who pose the greatest public safety threats.

- The primary goal and focus of any pretrial supervision should be on ensuring people are safe. This means focusing the eligibility and the deployment of resources on those who pose the highest risk of doing harm to themselves and others, including people with a domestic violence-related charge.

Vermont can immediately strengthen PSP for better results.

7

Collect and regularly monitor data related to PSP outcomes

- Work with the relevant agencies to identify the best and most immediate ways the Department can collect and report on data related to the client and programmatic outcomes for PSP.
- This data should focus on the positive measures of success (i.e. connections to housing, employment and treatment) as much as negative measures (i.e. court appearances, violations, revocations).
- Information gathering should be inclusive of and collaborative with PSP clients and program partners.

Example of Comprehensive Pretrial Services: Connecticut

Administration: The CT Courts Support Services Division (CSSD) administers and employs staff for its statewide pretrial services program

Budget: Approximately \$1.33 million per year

Financial impact: Based on prison bed cost savings, PTP saves the state between 20- 30 million dollars annually.

Key Features

- Operates 24/7/365
- Review custodial arrests and bond appropriateness
- Assess criminogenic and suicide risk
- Considers mitigating factors like education, employment, and stable housing
- Special focus on domestic violence issues

Supervision Levels

- Intensive – includes GPS or RF monitoring
- Moderate – Conditions requiring immediate notification such as electronic monitoring and travel restrictions
- Indirect – Managed through treatment providers and adult behavioral health services

Example of Comprehensive Pretrial Services: Colorado

Colorado passed a pretrial services bill in 2020 that required all counties to develop a pretrial services program by April 2021 and created a pretrial services fund to support the counties' efforts.

County Profile: Jefferson County

In Jefferson County, two units are responsible for administering the county's pretrial services, with different functions and locations for each.

Pretrial Officer Unit:

- Located in the detention facility.
- People who are arrested are screened and interviewed upon arrival, 24/7/365 days a year.
- A detailed pretrial report is prepared and includes a validated risk assessment, criminal history, behavioral health needs, and other relevant factors.

Pretrial Case Management Unit:

- Located in the courthouse.
- Supervises clients, meeting with clients regularly to review compliance and offer information for additional resources, as needed.

Key Takeaways



As currently designed **PSP cannot provide adequate supervision** to ensure success for clients or Vermont.



In the short and medium term, **DOC needs authority over court referrals and more resources** to hire pretrial services officers.



Stronger coordination between behavioral health, housing and corrections actors and agencies are necessary to ensure strong connections to care for PSP clients.



These initial adjustments and investments can help Vermont **avoid continued growth** of its incarcerated pretrial population and **address underlying crime and safety challenges**.

Next Steps and Remaining Work

4

Over the next five months we will assess how PSP can best function across the state, meeting with stakeholders and leadership to answer key questions.



What are the ongoing coordination barriers between state agencies that make referrals to community programming most difficult or inefficient?



How do members of the judiciary and the legal community (State's Attorneys and defense) experience or anticipate working with PSP?



What is the bare minimum for additional staffing DOC would need to provide the level and quality of supervision that is required?



How can eligibility criteria and supervision intensity and resources be most effectively focused on individuals who pose the greatest public safety risk while awaiting trial?

Through the remainder of the year we will continue to provide assessment findings and recommendations

- **July- September**

- Continuing engagement with key stakeholders from the courts, including judges, State's Attorneys and the Defender General's office, as well as community service providers.

- **October**

- Draft report of comprehensive findings and recommendations for administrative and legislative consideration.

- **November-December**

- Work with DOC and the legislature to identify viable changes to policy and statute and assist in any drafting or implementation planning for PSP updates and improvements.

Thank You!

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