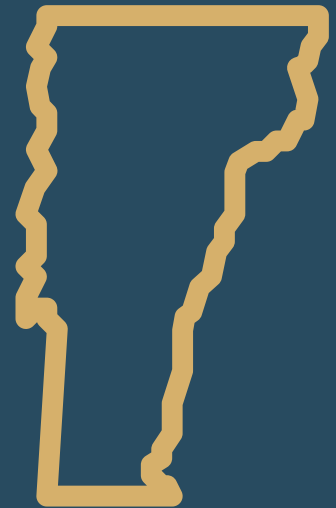


# ACT 40 OF 2023 CRIMINAL JUSTICE TRENDS AND INVESTMENT REPORT



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SUBMITTED TO  
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## **Introduction**

In 2023, the Vermont Legislature passed Act 40 *An act relating to a report on criminal justice – related investments and trends* naming the Statistical Analysis Center (SAC) *{The Crime Research Group (CRG) is the contracted SAC in Vermont}* as the entity to prepare and submit a comprehensive report to the policy and appropriation committees which have oversight for the criminal justice system in Vermont.

Act 40 instructed the SAC to compile data showing: recidivism rates, clearance rates, evidence of desistance, returns to incarceration from community supervision, bail rates, pretrial detainee data, funding for, and utilization of, substance abuse, mental health, educational, and vocational initiatives for incarcerated individuals, funding for, and utilization by, individuals served through Justice Reinvestment and related initiatives including: domestic violence intervention programming, offender transitional housing, restorative justice programs, general fund expenditures for justice reinvestment initiatives, and the average cost per bed of the Department of Corrections' out-of-state beds contract in fiscal year 2019 and for each fiscal year thereafter.

To the extent available, the report also includes demographic information on the data points reported.

## **How to Use This Report**

The following page contains links to an interactive web-based report for each element required in Act 40. This allows the user to directly engage with the data. The interactive reports also contain explanations of the data used in the report and discussions of data quality.

The narrative sections of this document contain information required in Act 40 that are not presented in an interactive web-based format.

## **Act 40 Criminal Justice and Trends Report**

Each section required in the report is listed below with a link to an interactive webpage with further information and the associated data.

Access to these reports can also be found on the [CRG website](#).

### **Recidivism Rates**

### **Evidence of Desistance**

### **Arrest and Clearance Rates**

**Returns to Incarceration from Community Supervision** with the following data points:

- [community supervision type, classified by probation, parole, and furlough;](#)
- [an indication if a return was for a violation or a new charge, including the crime type;](#)
- [an indication if a violation was classified as “significant/not violent” or “significant and violent” for any applicable statuses; and](#)
- [all available demographic information](#)

### **Bail Rates:**

- [Detainees held without bail](#)
- [Detainees held with bail and the associated monetary amounts](#)
- [Bailees who post bail and are released](#)
- [Pre-trial detainees held in Vermont, including the crime type and jurisdiction for which they are held](#)

### **Funding and utilization of the following services for incarcerated individuals:**

- [Substance abuse disorder treatment](#)
- [Mental health treatment](#)
- [Educational](#)
- [Adult Behavioral/Life](#)
- [Vocational](#)
- [Transitional housing](#)

### **Agencies, departments, programs and services employing restorative justice principles:**

#### Department of Corrections Funded

- [Restorative Justice Services](#)
- [Community Based Reentry Support Services](#)
- [Domestic Violence Accountability Programs](#)
  - [Results of VT Network and University of Nebraska Study](#)

#### Office of the Attorney General Funded

#### Department for Children and Families Funded

### **Department of Corrections In-State and Out of State beds**

- [In-state beds by gender, specialty unit, units closed or unavailable](#)
- [Contracted out of state beds; Average cost per bed per fiscal year](#)

## Act 40 of 2023: Justice Reinvestment Funding and Related Initiatives Section

This section of the report contains information related to:

1. Justice Reinvestment related initiatives
2. Services employing restorative Justice
3. Other general fund expenditures for Justice Reinvestment II Initiatives

Data and programs specifically identified in Act 40 are addressed in their own sections. This section contains information that could not be combined with other sections or have extensive data to analyze.

### Justice Reinvestment Related Initiatives

This section contains information about programs and services that were funded by Department of Corrections Out of State Bed Savings which were turned into the Justice Reinvestment II pool of funds.

The out of state bed savings are the primary funding mechanism for the State of Vermont's Justice Reinvestment initiatives. In previous funding cycles, these savings were transferred to the Justice Reinvestment appropriations fund in the DOC budget to be spent alongside base-funded grants. In 2023, this line item was set at the sum of \$899,652 as Justice Reinvestment base funding in Act 78 Sec. B.338.1.

In 2023, Governor Phil Scott signed Act 40, which created the Coordinated Justice Reform Advisory Council to make recommendations to the Commissioner of Corrections regarding "the 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." As per statute, the Commissioner is responsible for including these recommendations in the DOC's annual proposed budget. The information below details the amount available each year and the program or service that received funding.

### **The OOS Bed Saving/Justice Reinvestment Funds Allocations**

#### **FY21: \$777,170 (OOS Bed Savings)**

- \$317,030: Community Justice Center COLA/DEI Funding
- \$300,000: Vermont Network DVAP Funding
- \$100,000: Community Justice Center Market Research - Flint Springs
- \$60,140: Offender Management Service (OMS) Enhancements

#### **FY22: \$1,986,000 (OOS Bed Savings)**

- \$1,000,000: Reserved for OMS Case Management Tool
- \$350,000: Vermont Network

- \$342,247: COLA for Community Justice Centers
- \$290,000: OMS Intelligence Layer Study

**FY23: Funding structure changed by General Assembly**

- FY23 bed savings were absorbed into the new out of state bed contract as the Legislature restructured the Justice Reinvestment funding mechanism to base funding.

**FY24: \$899,652**

- \$108,700 shifted to BARJ by the Legislature
- \$300,000: Vermont Network (blended with based funds to provide a total of \$850,00)
- \$250,000: Additional funding to CJsCs
- \$240,952: Jenna’s Promise (women’s recovery and reentry services)

**FY25: \$490,952**

- \$131,084 – Vermont Network to support reentry services for women
- \$359,868 – Community Justice Centers to sustain FY25 Budgets

**Services Employing Restorative Justice Principle**

CRG did not complete an exhaustive search to determine all the possible programs and services in the state that might employ restorative justice principles. The following programs were identified through stakeholder conversations.

**Center for Crime Victim Services (CCVS) - The Voice and Choice Demonstration Project**

In 2018, CCVS was awarded a Victims of Crime Act (VOCA) grant to conduct a demonstration project named the Voice and Choice Demonstration Project. The goals of the project are to:

- Sustainably increase Vermont’s capacity to serve people affected by crime at the community level.
- Better identify and address victim’s self-defined needs, regardless of whether charges are filed.
- Increase opportunities for meaningful and voluntary victim involvement in restorative and parallel processes.
- Increase victim satisfaction and restore people’s faith in their communities.

CCVS subawards funds to five organizations:

- BROCC Community Action
- Franklin/Grand Isle Restorative Justice Center
- Lamoille Restorative Center
- Orange County Diversion Program
- South Burlington Community Justice Center

The Center has supported these programs since October 1, 2018, with \$200,490 annually, which has remained level since 2018. In the calendar year 2021, these programs supported 842 new crime victims, with 1,289 crimes indicated as some incidents of victimization involve more than one crime. During the SFY 24, the five Voice and Choice Programs reported serving 1,225 crime victims. Of those, 1,094 were new cases.

75% of the crimes fell into these top three categories: robbery, vehicular, and adult physical assault.

Victims received support in many ways. The most frequent services provided include referral to other services and resources (616 times); information about the criminal justice process (422 times), phone consultations (256 times); information about victim rights (185 times); information about criminal justice events (139 times).

## Other general fund expenditures for Justice Reinvestment II Initiatives

### **Forensic, Assertive, Community Treatment/ FACT**

The FACT program is noted in the [Joint Fiscal Office's Justice Reinvestment Budget FY24 and FY25](#) report.

The program received an annual \$400K in General Fund allocation and one-time funds of \$200K from the Mental Health Block Grant.

The FACT program serves criminal justice-involved adults (ages 18 years or older) with complex health and social needs OR a Severe Mental Illness (SMI) and have a moderate to high risk of reoffending.

FACT builds on the evidence-based Assertive Community Treatment (ACT) model by making adaptations based on criminal justice issues—in particular, addressing criminogenic risks and needs. All individuals served are 18 or older, under the supervision of Corrections and have mental health challenges such as schizophrenia, depression, anxiety, post-traumatic stress disorder, and/or substance use challenges.

FACT is a collaborative project between the Vermont Departments of Corrections, the Department of Mental Health, and Pathways Vermont. The FACT team consists of the following positions at Pathways:

- Team Leader 1 FTE
- Service Coordinator .85 FTE
- Peer Specialist .85 FTE
- Supported employment specialist .5 FTE
- Nurse .5 FTE
- Substance Use Specialist .85 FTE
- Housing First Director .05 FTE
- Psychiatrist .25 FTE



59 individuals have been served between July 1, 2022, and October 2024.

85% have substance use challenges.

## Act 40: Advancements to the DOC data collection OMS Section

The Department of Corrections (DOC) Offender Management System (OMS) was implemented in March 2017. The OMS supports daily operations through multiple modules designed to record administrative data related to the incarceration and supervision of people. These administrative data are the primary source of the information shared by DOC for the Act 40 report. OMS is an off-the-shelf system designed by JailTracker which produces specialized software solutions for the corrections community. The software can be configured to meet the needs of the DOC. Since implementation, DOC has worked to improve the performance of OMS using the configuration abilities it can control. Additionally, DOC can request enhancements from JailTracker. Some enhancements are completed without charge if they improve software performance for all JailTracker customers. Changes that are required due a legislative mandate are also free of charge. DOC can request enhancements that are specific to its needs for which JailTracker charges. This report focuses on the paid enhancements to OMS starting with FY21 funding.

### FY21 Appropriation

#### **\$60,140** OMS Enhancement

The DOC budget appropriation included \$60,140 for OMS Enhancements. At the time, DOC was also working on the second phase of Justice Reinvestment II which included an implementation grant through the Council on State Governments (CSG) to upgrade the OMS. The total grant funding for OMS was \$118,950 and ended on December 31, 2022. The grant was used to make enhancements to OMS so that DOC could satisfy the significant data monitoring as required by JRI II. Due to the timing of the grant, the JRI II enhancements were prioritized. These enhancements included streamlining processes within OMS to improve the quality and accuracy of data collection.

The modifications made to the system include:

1. A significant change in the database structure to allow DOC to determine why an individual supervised in the community returned to incarceration and why (technical vs non-technical violations).
2. Expanded the OMS and OffenderLink data exchange to allow for bi-directional information sharing and tracking of supervision conditions.
3. Created a Staffing Module within OMS to accurately track the revocation process and outcome.
4. Created an incentives module to track incentives for supervised individuals and to allow DOC to show the ratio of incentive-to-violation.
5. Created a caseload view module that allows staff to have customized views of their caseloads, which show missing data, items coming due, and items overdue.

These modifications were completed on December 15, 2022.

Once the grant monies were expended, DOC used the \$60,140.00 on the following enhancements.

1. Release and booking enhancements to mitigate booking and movement errors.
2. Create the ability to merge bookings that were entered incorrectly.
3. Development of the Women's Risk Needs Assessment tool (expected to be active by the end of 2024)
4. Created the ability to put a record on hold pending litigation. This will prevent expungement and sealing of records in this status.
5. Procure a web product to comply with SOC auditing. This will test the web version of OMS to ensure it meets security standards (OMS Web version tentative launch is July 2025)

## FY22 Appropriation

### **\$1,000,000** Reserved for Digital Intelligence Layer

This funding was reserved for the DOC to procure a digital intelligence layer for OMS and other data systems. A digital intelligence layer is management layer that can access data from multiple sources to provide insights and make predictions in real time. The objectives of the digital intelligence layer are to create efficiencies, increase automation of manual tasks, increase public safety, reduce costs, reduce prison population, reduce racial disparities, expand individual case planning, improve the transition of supervision between correctional facilities and community partners, facilitate increased data sharing between DOC and its partners, and reduce recidivism. After these funds were appropriated, a decision was made to conduct an evaluation that would inform an RFP. The RFP is currently in development.

### **\$290,000** OMS Intelligence Layer Study

This funding was used to contract with Vant4ge (note: spelled with the numeral 4 in the place of an "a"), a software engineering company, to provide an evaluation report for an Offender Management System (OMS) Digital Intelligence Layer.

## FY25 Appropriation \$353,000

Most of these funds (\$300,000) are for the purpose of contracting with a vendor to enhance the DOC's capacity to analyze and interpret data, with the goals of transferring individuals from incarceration to community supervision more quickly and improving reentry and case management processes.

The remaining \$53,000 went into the JailTracker contract to support a conversion from remote desktop access to Azure cloud. This is needed for the system to be compatible with Windows 11.

Further questions about these enhancement should be directed at the DOC.