



## Justice Reinvestment State Brief: **Vermont**



**This brief is part of a series for state policymakers interested in learning how particular states across the country have employed a data-driven strategy, called justice reinvestment, to better manage corrections spending, increase public safety, and redirect some of the savings toward efforts that will improve conditions in the neighborhoods to which most people released from prison return. From 2007 to 2008, Vermont policymakers worked with the Council of State Governments Justice Center (with the support of the Bureau of Justice Assistance, a component of the U.S. Department of Justice, and the Public Safety Performance Project of The Pew Charitable Trusts' Center on the States) to pursue a justice reinvestment strategy.**

### Highlights

- According to a prison population projection released in 2007, the prison population in Vermont was projected to increase 23 percent by 2018. To accommodate this growth, the state would need to contract for additional out-of-state prison capacity at a cost of at least \$82 million, or build and operate new prison beds, which the state estimated would cost more than \$200 million.
- An analysis of the prison population identified property and drug offenders with substance abuse needs as one of the fastest growing segments of the population. People admitted to prison for violating the conditions of their diversion or community supervision programs also contributed to the growth in the prison population.
- To reduce recidivism among these populations, state lawmakers approved, and the governor signed into law, legislation improving screening processes prior to sentencing, and focusing the conditions of supervision on those behaviors tied to an individual's risk of reoffending.
- To realize savings, the new law also required the closing and reorganizing of several prisons and established a new work camp where substance abuse treatment will be provided.
- The new policies are expected to realize bed savings of 436 by 2018, eliminating the need to increase the capacity of the correctional system and yielding up to \$54 million in net savings between 2009 and 2019.
- Policymakers are reinvesting \$3.9 million of the projected savings over the next two years to expand the capacity of in-prison and community-based treatment programs and to enhance community-based strategies that will reduce recidivism.

## Overview

According to a 2006 U.S. Department of Justice report, Vermont, one of the least populous states in the country, was among the states with the fastest growing prison populations in the nation.<sup>1</sup> Vermont's largest city is home to only 40,000 people, and unlike many other states, its resident population is not growing. Still, between 1996 and 2006, the state's incarceration rate increased 80 percent, nearly doubling its prison population from 1,058 to 2,123.<sup>2</sup>

To keep pace with the growth in the prison population, state spending on corrections increased from 4 percent of state general funds in 1990 to 10 percent of state general funds in 2008. While violent and property crime declined sharply in states across the U.S. over the last decade, Vermont's already low violent crime rate did not drop. In fact, as violent crime declined 31 percent nationally between 1995 and 2005, it increased slightly (2 percent) in Vermont.<sup>3</sup>

As the number of people in prison climbed, the rate at which people were reincarcerated remained high. Fifty percent of people released in 2005 were reconvicted of a new crime. Over several years, policymakers designed numerous innovative strategies, including intensive community-based supervision and substance abuse treatment, to reduce this rate of recidivism, but no data-driven mechanism existed to guide decisions about who received particular resources. Consequently, policymakers could not track the impact of these programs on recidivism rates and public safety.

In 2007, analyses projected that steep prison population growth would continue into the next decade, increasing 23 percent by 2018. Faced with the prospect of contracting for additional capacity in out-of-state facilities or constructing and operating new prisons at an additional cost of between \$82 million and \$206 million, policymakers had to decide if investing more taxpayer dollars in prison capacity was the best way to lower the state's high recidivism rate and increase public safety.<sup>4</sup> With bipartisan leadership from the governor and legislative leaders, and with the support of the chief justice, policymakers in Vermont decided to employ a justice reinvestment strategy, using rigorous data analyses to determine how best to increase public safety and save taxpayer dollars.

**“High rates of recidivism come at a substantial cost to taxpayers and create unsustainable growth in our state corrections budget. We need to continue to identify and implement new strategies that will protect our families and the safety of our communities by focusing on successfully reintegrating property and drug offenders into the community and preserving prison beds for the most serious offenders.”**

**— GOVERNOR JIM DOUGLAS (R)**

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1. William J. Sabol, Todd D. Minton, and Paige M. Harrison, *Prison and Jail Inmates at Midyear 2006*, Bureau of Justice Statistics, January 2007.

2. Unlike most other state departments of corrections, Vermont operates a unified system which maintains jurisdiction over both local jails and state prisons. Consequently, the figures cited here include people with sentences of one day or longer—the figures do not include people held in pre-trial detention. Given the differences in how Vermont's correction system is organized, it is difficult to establish national comparisons of prison population sizes, state incarceration rates, and other criminal justice statistics.

3. U.S. Department of Justice, Federal Bureau of Investigation. *Crime in the United States, 2006*, September 2007. Retrieved November 29, 2007, from <http://www.fbi.gov/ucr/cius2006/>.

4. Council of State Governments Justice Center, *Recent and Projected Growth of the Vermont Prison Population, 2008*.

# STEP 1

## Analyze the Prison Population and Spending in the Communities to Which People in Prison Often Return<sup>5</sup>

In 2007, the Vermont governor, chief justice, and state legislative leaders requested intensive technical assistance from the Council of State Governments Justice Center (“Justice Center”). State policymakers established a bipartisan, bicameral, and inter-branch Justice Reinvestment Working Group to collaborate with the Justice Center to review analyses of the prison and community supervision populations and develop data- and consensus-driven policy options that could increase public safety, avert growth in the prison population, and save taxpayers’ money.

As the state did not have a prison population projection model, policymakers commissioned the Justice Center to provide an analysis of the prison population and identify the factors contributing to its projected 23 percent increase by 2018:<sup>6</sup>

- Property and drug offenders were the fastest growing segment of the prison population, accounting for over half of the increase in the felony prison population between 2000 and 2006.<sup>7</sup>

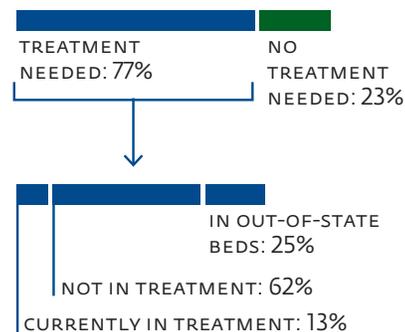
- People in need of substance abuse treatment were not screened prior to sentencing, nor were people in prison assessed prior to their release, and the availability of drug treatment inside the prisons was very limited. Although 77 percent of people sentenced to prison for property and drug offenses reported substance use disorders, only 13 percent were in an in-prison treatment program.<sup>8</sup>
- The state established a reintegration program to provide intensive supervision and community-based services targeted at offenders immediately upon release, but it was under-utilized: although approximately 70 people per month met the program’s requirements, just under half were denied placement on reintegration status due to insufficient housing options in the community. Further, most program participants were not released 90 days prior to their minimum sentence date as permitted by state law.<sup>9</sup>

“There’s no question that the current rate of growth in Vermont’s prison population is unsustainable... We must find ways to do better.”

— SENATE PRESIDENT PRO TEMPORE PETER SHUMLIN (D-PUTNEY)

### Substance Abuse Treatment Needs of Property and Drug Offenders

VERMONT SENTENCED PRISON POPULATION, OCTOBER 2007



5. Geographical analyses of Vermont’s communities were provided to state policymakers by the state’s Department of Corrections prior to the Justice Center’s assistance to the state. Consequently, Justice Center staff did not prepare such analyses for Vermont policymakers as part of their technical assistance efforts.

6. Ibid.

7. Council of State Governments Justice Center, *Increasing Public Safety and Generating Savings: Options for Vermont Policymakers*, 2008.

8. Ibid.

9. Ibid.

## STEP 2

# Identify Options to Generate Savings and Increase Public Safety

On January 9, 2008, the Justice Reinvestment Working Group convened a policy forum in the State Capitol to review an initial set of policy options. State officials, including the governor, chief justice, and legislative leaders, attended the policy forum to review these options and consider strategies for future implementation.

At the recommendation of the Working Group, state policymakers adopted several of the Justice Center's policy options, and in May 2008, the Vermont Legislature approved, and Governor Jim Douglas signed into law, House Bill 859, "An Act Relating to Increasing Substance Abuse Treatment, Vocational Training, and Transitional Housing for Offenders in Order to Reduce Recidivism, Increase Public Safety, and Reduce Corrections Costs," which included:

- the closing and reorganization of several prisons and the establishment of a new 100-bed work camp for male offenders with substance abuse treatment needs;
- the establishment of pilot screening and assessment processes prior to sentencing and prior to release from prison to identify people who are appropriate for treatment and diversion programs;
- the expansion of the Intensive Substance Abuse Treatment Program, a diversion program that provides intensive community supervision, to include a residential treatment option;
- steps to improve the supervision of high-risk offenders, which policymakers estimated should reduce by 10 percent the number of people under community supervision returned to prison:
  - establishing caseload caps for community corrections officers and assignment of supervision levels as based on the severity of offense and the risk to reoffend;
  - requiring judges to limit conditions of probation supervision to those that require rehabilitation, increase pro-social behavior, and reduce risk to public safety;
  - authorizing corrections officials to use electronic monitoring for people placed on conditional reentry, furlough, parole, or probation supervision;
  - creating an administrative probation program, a form of no-contact supervision, for people convicted of certain nonviolent misdemeanors who pose a low risk of harm to the public; and
- expanding transitional housing and job training programs to reduce costly and unnecessary delays for people entering the reintegration program and to reduce their recidivism upon release by 10 percent.<sup>10</sup>

**"Unless we find a way to ensure that people returning to the community from prison have access to drug treatment, employment opportunities and housing, we will miss an opportunity to make Vermont safer. We must identify and deploy strategies that protect the public by breaking the cycle of recidivism."**

**— SPEAKER GAYE SYMINGTON (D-JERICO)**

10. Vermont Legislature, House Bill 859, "An Act Relating to Increasing Substance Abuse Treatment, Vocational Training, and Transitional Housing for Offenders in Order to Reduce Recidivism, Increase Public Safety, and Reduce Corrections

Costs", enacted 2008. For full text of bill, see <http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/passed/H-859.HTM>.

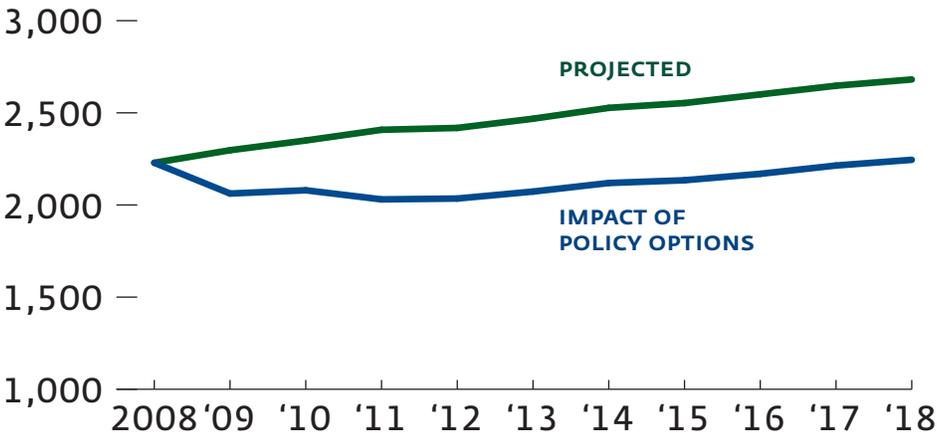
**STEP  
3**

**Quantify Savings and Reinvest in Select High-Stakes Communities**

The reorganization of Vermont’s correctional facilities will generate savings in the state corrections budget that policymakers can reinvest in the resources and programs included in the legislative package. In turn, the policies and programs that the state enacted, if implemented effectively, are expected to avert some of the projected growth in the Department of Corrections’ (DOC) prison population: the revised prison population projection shows that the state will need 436 fewer beds by FY 2018. These bed savings will help reduce the state’s need to contract for out-of-state capacity to house the prison population and avert the need to construct new prisons, yielding an estimated \$54 million in net savings between FY 2009 and FY 2018.<sup>11</sup>

State officials developed a plan to reinvest \$3.9 million of the projected savings over the next two years. In FY 2009, the state will reallocate \$600,000 to design and implement an assessment tool to identify people with substance abuse needs prior to release and expand in-prison substance abuse treatment and vocational training in a new 100-bed work camp for men. The plan also reallocates \$3.3 million in FY 2010 for electronic monitoring, a new residential component for the Intensive Substance Abuse Program, and increases funding for the transitional housing program to include housing assistance and life skills training.<sup>12</sup>

**Projected Impact of Policy Options**



11. Ibid, Council of State Governments Justice Center.

12. Ibid, Vermont Legislature.

**STEP  
4**

## Measure the Impact and Enhance Accountability

To track various agencies' implementation of the activities that the new law prescribes, and to determine their impact on the prison population, the legislature commissioned several studies and tasked the Joint Corrections Oversight Committee with reviewing these reports and presenting each before the legislature:

- DOC and the state court administrator will issue a report on the implementation of the screening and assessment program and provide recommendations for continuing and/or expanding the program. Additionally, the state court administrator, in consultation with several state agencies, including DOC and the Department of Health, will report on the operating costs and cost savings of the screening and assessment pilot program.
- The Joint Fiscal Office and the Office of Finance and Management will collaborate to evaluate the fiscal impact of the bill on state corrections expenditures. These state agencies will report to the legislature annually.
- DOC will report on the effectiveness of efforts to increase inmate participation in substance abuse treatment programs and reduce by 10 percent the number of revocations to prison for persons on conditional reentry, a community supervision program that requires participants to participate in a reentry program while completing their sentence in the community.

The Vermont Center for Justice Research, the state's criminal justice Statistical Analysis Center, will evaluate the effectiveness of the Administrative Probation Program, including whether program participants commit new offenses and the nature of those offenses.

**“Vermont’s 50 percent recidivism rate is simply unacceptable given the impact on the safety of local communities and the cost to taxpayers. To reduce recidivism and increase public safety, we needed to focus on investing in strategies to improve how we connect people with substance abuse needs to treatment and supervise them once released.”**

**— SENATOR RICHARD SEARS (D-BENNINGTON), CHAIRMAN,  
SENATE JUDICIARY COMMITTEE**

To learn more about the justice reinvestment strategy in Vermont and other states, please visit: [www.justicereinvestment.org](http://www.justicereinvestment.org).



## JUSTICE CENTER

THE COUNCIL OF STATE GOVERNMENTS

The Council of State Governments Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The Justice Center provides practical, nonpartisan advice and consensus driven strategies, informed by available evidence, to increase public safety and strengthen communities.



**BJA** Bureau of Justice Assistance



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To learn more about the Bureau of Justice Assistance, please visit: <http://www.ojp.usdoj.gov/BJA/>.

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To learn more about the Public Safety Performance Project, please visit: <http://www.pewpublicsafety.org/>.

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