

# **PLAN TO REDUCE CORRECTIONAL COSTS AND ACHIEVE SAVINGS FOR REINVESTMENT**

**Vermont Department of Corrections  
December 12, 2007  
In compliance with  
Act 65, Sec. 153a  
of the 2007 69<sup>th</sup> Biennial Session  
of the General Assembly  
of the State of Vermont**



**TO: Members, Joint Corrections Oversight Committee  
Members, Joint Fiscal Committee**

**The Vermont Legislature has asked the Department of Corrections (DOC) to identify ways to curtail the growth in Corrections spending and Vermont's incarcerated population. The charge was:**

- **To reduce cost increases by \$4 million, and**
- **To reduce the number of non-violent offenders in prison by 10%, or 100 beds.**

**In response, the DOC has elicited input, suggestions, and commentary from a large number of people and organizations: the 1,160 DOC employees, the Vermont League of Cities and Towns, the Vermont State Employees Association, the Chittenden County law enforcement agencies, and from others in Vermont State Government.**

**This report presents a wide variety of difficult choices. If there were an easy way to save a single million dollars it would have been acted upon by now. Saving four million dollars will entail tradeoffs that will be unpopular with various constituencies and will be challenging to implement. Before anyone criticizes either the Legislature or the Department of Corrections for considering these choices, I urge them to offer better suggestions for how to limit escalating correctional costs that have escalated on average by 10% annually.**

**This study underscores the difficulty of finding savings that are simple, immediate and certain, in a system whose population has been growing for decades. The investments, which are described, may have to be made in advance of realizing certain anticipated savings.**

**Many of the options described here are multi-year strategies, which will bear fruit over time. Other options, which provide more immediate fiscal savings, may have less desirable side effects.**

**We look forward to reviewing these options with you and analyzing the more promising concepts in greater detail.**

**Sincerely,**

**Robert D. Hofmann  
Commissioner of Corrections**

**Vermont Department of Corrections  
PLAN TO REDUCE INCARCERATION AND  
TO ACHIEVE SAVINGS FOR REINVESTMENT**

December 12, 2007

**Executive Summary**

Given the unsustainable growth (74% increase between FY2000 and FY2007) in the Vermont Department of Corrections (DOC) budget, the Legislature directed Corrections to develop a plan to reduce the cost of incarcerating offenders. The legislation directs that the plan consider and recommend a variety of options to reduce incarceration costs by \$4 million.

The department recognizes that:

- these are serious issues
- DOC is funded at the expense of important programs in other critical areas of state and local government
- the reduction of \$4 million is a reduction in the growth of the corrections budget, not an actual reduction to the \$130 million Corrections budget.

This document is a comprehensive response to that charge. Numerous options have been described and their feasibility examined. DOC solicited input from a variety of stakeholders. Many suggestions were received. No one of these is a silver bullet and some are frankly counter-productive to the overall mission of the Department of Corrections and the system of Criminal Justice in Vermont. The largest costs in Corrections are in personnel for directly supervising offenders, both in correctional facilities and in the community. This document includes all options, to allow the reader to assess the full array of possible actions, even the most unattractive choices.

**Part I** of the document analyzes the complex history of the growth of incarceration in Vermont over the past two decades. Vermont has:

- Increased criminalization of behaviors and increased penalties
- Increased the capacity, efficiency and effectiveness of law enforcement and the criminal justice process

This has resulted in an increase in the:

- Volume of people under correctional supervision
- Duration of that supervision
- Accountability for violations of the law, and
- Use of the Corrections' system as the response to a changing array of social and human service issues

**Part II** of the document presents the structural limits to change. The section examines the levels of severity of offenses committed by persons under community supervision and in prison, their risk to reoffend, and their legal status. This section also presents the distribution of crime, risk and supervision levels of the offenders.

**Part III** of the document examines the Options and Tradeoffs in a set of strategies to achieve savings.

### **Strategy One: Reduce Facility Costs**

In the first Strategy, each facility is described in terms of its function in the criminal justice system, and the population housed. The feasibility of expansion, renovation, capacity reduction, and change of role are examined. This same framework is used to assess the bedspace contracted with Corrections Corporation of America and the population assigned to it. This leads to a discussion of three options for renovating, closing and re-tasking correctional facilities to reduce costs.

### **Strategy Two: Reduce Services**

The second Strategy examines the services provided by the Department in relation to the potential for savings. These savings include the reduced field and facility operations, curtailed community services, release of offenders in prison, shortened duration of supervision, elimination of treatment programs, and reduced facility costs.

### **Strategy Three: Partner with Others**

The third Strategy examines opportunities to create or expand partnerships with other government agencies and the Vermont communities. The capacity of these entities can help meet the service needs of offenders and reduce recidivism. Opportunities for expansion of the successful infrastructure of community justice are also presented.

### **Strategy Four: Do Things Differently to Increase Efficiency**

The fourth Strategy examines a wide variety of options and changes to current practices, including extensive use of electronic supervision, establishing new kinds of correctional facilities, creating alternative housing, reducing the duration of involvement in supervision, limiting violations, creating alternatives, and reducing the demand for incarceration at the front-end.

### **Strategy Five: Construct More Efficient Facilities**

The fifth Strategy describes the alternatives to the population reduction strategies described above, which are to establish more efficient bedspace, requiring either capital expansion on existing or new sites or partnering with private providers.

## **ADDITIONAL IDEAS AND IMPLICATIONS:**

Sixth, the plan presents a number of “out of the box” options and proposals that have been suggested from a variety of sources.

Finally, the plan presents the suggestions made by Corrections’ staff to the commissioner in response to his solicitation of ideas.

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## **FINDINGS:**

1. Corrections’ spending has been growing in excess of 10% per year.
2. There are virtually no low re-offense risk, non-violent offenders in prison.
3. The detainee population has been reduced due to increased efficiency in the courts.
4. Sentencing is the primary driver for growth. Sentences for violent felons and all misdemeanants have increased and the volume has doubled.
5. The Vermont Crime Rate has not increased over the past two decades, yet the inmate population has nearly tripled.
6. The current projection for the Vermont prison population is 2,600 inmates by the year 2012. The Council on State Governments is producing a sophisticated projection which is expected to show slower growth (but still far faster than the increase in the Vermont population).
7. The number of violent felons, sex offenders, drug felons, and high risk property felons exceeds the bed capacity of the Vermont system.
8. In addition to the violent, sex, drug, and high risk property felons, there are about 500 moderate risk, non-violent offenders in prison now.
9. Any alternatives for the non-violent population should have the capacity for housing, accountability, and supervision, as well as treatment.

## **CONCLUSIONS:**

It is clear that no single one of these strategies will suffice to reduce the growth of incarceration and its attendant costs. Any resultant plan will likely require combining several options.

The population in prison poses too much risk to randomly release to the existing array of services. Therefore it is imperative that any release be selective or accompanied by significant reinforcement in supervision and community intervention. The complexities presented by the cases of the inmates in prison make the logistics of simply removing a large number from a Vermont facility and closing it, extremely disruptive to the system.

This document presents options for austere, direct budget cuts to achieve the savings target requested by the legislature. However, in the long run, the most effective way to reduce the demand for increased prison capacity is to increase the effectiveness of

efforts at responding to crime and misbehavior in the community. Given the unlikelihood that DOC will continue to receive 10% annual budget increases, it is imperative that stakeholders forge a workable consensus on how to best deploy the available resources.

To accomplish this last task will require the leadership of all branches and all levels of Vermont State and local government.

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# THE LEGISLATIVE CHARGE

## **“Sec 153a Corrections; Correctional Facilities and Services:**

(a) The general assembly finds that spending on corrections facilities and services is increasing at an unsustainable rate. Therefore, the department of corrections shall develop a plan to decrease the cost of incarcerating offenders.

(b) The plan shall consider and recommend a variety of options to reduce facility costs, including but not limited to:

(1) Closing the Dale women’s facility and changing the use of the southeast state correctional facility in Windsor from a women’s correctional facility to either a work camp or a minimum security prison for men.

(2) Renovating the Chittenden regional correctional facility in South Burlington in order to make it into a women's correctional facility.

(3) Using one or more correctional facilities as detention facilities.

(4) Seeking contracts with public and private correctional services at out-of-state facilities that are as close to this state as possible.

(5) Using existing facilities more efficiently by closing some facilities and replacing lost capacity by expanding others.

(6) Establishing a dedicated substance abuse treatment facility.

(c) The plan shall also consider and recommend a variety of options to reduce incarceration costs by \$4,000,000, one-half of which shall be reinvested in reentry services. Options considered shall include at a minimum:

(1) Recommending changes to department policies and practices that will result in a reduction of at least 10 percent in the number of inmates incarcerated for nonviolent offenses by June 30, 2008.

(2) Using less costly community-based alternatives to incarceration for nonviolent offenders.

(3) Amending the eligibility criteria in order to expand the use of electronic monitoring through a global positioning system as means of reducing the nonviolent incarcerated population.

(4) Providing in communities a continuum of treatment approaches for substance abuse, ranging from intensive outpatient services to secure treatment, for nonviolent offenders with mental health and substance abuse problems.

(d) As the department develops the plan, it shall:

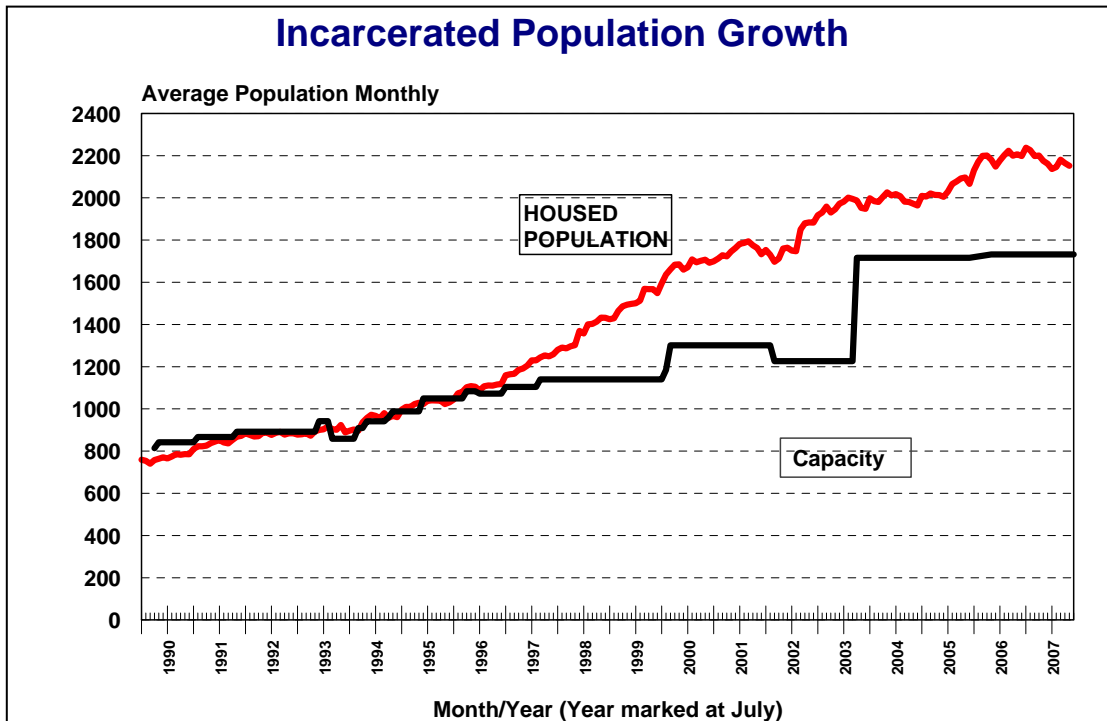
(1) Track the progress of the justice reinvestment initiative conducted by the Council of State Governments and use the information gathered to inform its work; and

(2) Consult with the police chiefs, sheriff, and state’s attorney of Chittenden County regarding the impacts of having no facility for incarcerating or detaining the male population in Chittenden County, and include a proposal to address these impacts.

(e) The department of corrections shall report the plan to the joint fiscal committee and the joint corrections oversight committee no later than November 1, 2007.”\*

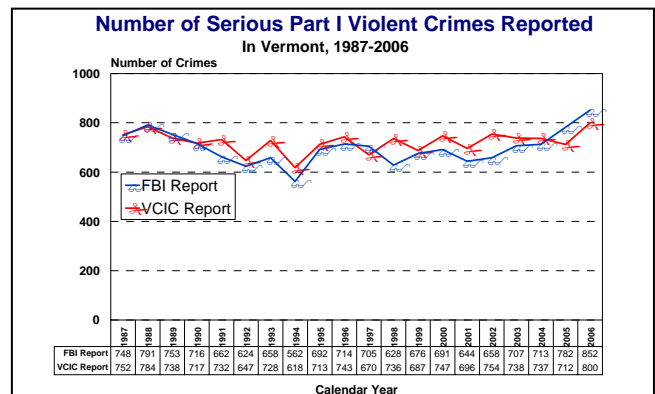
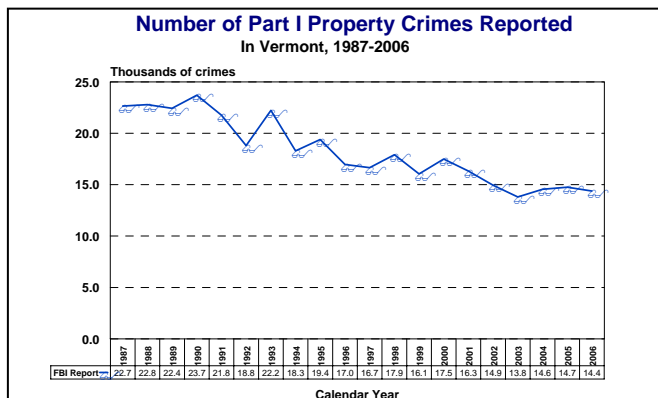
\*Subsequently changed by Corrections Oversight Committee and its Chair to December 12, 2007

# PART I – BACKDROP: THE PRISON POPULATION, GROWTH, AND CAUSES



The number of inmates incarcerated in Vermont Department of Corrections' prisons has been growing for more than two decades. In the mid 1990s, the rate of increase accelerated, and the population began to exceed the capacity of the system. The rate of growth has continued, despite a prolonged reduction in property crime and relatively stable rates of violent crime committed in the State, though violent crime has increased in the past two years.

\*The crime data is not indexed to population growth, which would tend to depress the crime rate per 100,000 residents.



The causes of population growth are complex, but can be summarized as follows:

## **A. INCREASED CRIMINALIZATION OF BEHAVIORS AND INCREASED PENALTIES**

Since the late 1970s, the Vermont General Assembly, with support from various Administrations, has responded to increased demand for criminal accountability from the general public and from victims' advocacy groups. The responses have included increasing penalties for a wide variety of offenses, decreasing the discretion of courts and corrections, and increasing resources for law enforcement, prosecution, defense, courts, and corrections in a spiral of cost escalation.

*Appendix A* outlines changes in laws affecting corrections since 1980. They include an increased focus on crimes involving violence, including crimes against women and children, vulnerable adults, and other categories. They also include crimes of public order involving motor vehicle violations and substance abuse. The penalties and definitions also increased accountability for repeat offenses.

## **B. INCREASED CRIMINAL JUSTICE PROCESSING<sup>1</sup>**

1. Felony Sentencing – While the lengths of sentences given for specific charges have remained stable, the number of persons convicted of a felony charge has doubled since 1990. In addition, the percent of convicted persons sentenced to incarceration has increased, particularly for violent felony convictions. More than half the growth in population is attributable to Felony Sentencing practices.
2. Misdemeanor Sentencing – Both the length of sentence and the number of persons sentenced have increased, resulting in doubling bed-years of incarceration imposed. The number of beds used to house misdemeanants has not increased, but the volume of traffic through the corrections facilities has increased dramatically, creating significant obstacles to providing quality service. The volume of traffic has been offset by the use of alternatives to incarceration: many sentenced offenders were placed on intermediate sanctions to serve their sentence in the community, saving costly prison space for more serious offenders.
3. Pre-trial Detention – While the number of beds used by detainees has declined in recent years, the volume of persons lodged continues to increase (more people for shorter stays). Even with the recent decline, the number of detainees housed is more than double the numbers from pre-1995.
4. Returns – Violators of release conditions including probation, parole, and furlough comprise one-sixth of the increase in population.

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<sup>1</sup> For a fuller explanation, see Appendix B, 4/19/07 Letter to House Institutions and Joint Corrections Oversight Committees

### C. DEMOGRAPHY, SOCIAL POLICY, AND JUSTICE

Over the past 20 years, the criminal justice system has been increasingly engaged to respond to citizen behavior. The justice system has only a limited array of options to respond to expansion of criminal behaviors. The application of criminal sentences responding to inappropriate behavior forces the increased use of the bottom line of the system, incarceration. As individuals cumulatively fail to abide by conditions established to control behavior, the response to failure has been to increase the sanction. This, in turn, has resulted in a greater number of persons who are at risk of further sanction for repeating inappropriate behavior or failing to abide by restrictions placed on them for the previous behavior.

Frequently, persons with difficulties (addictions, mental illness, cognitive limitations, and personality or learning disorders) have been placed under supervision and failed to abide by the required conditions, and are eventually incarcerated.

The accumulation of these policies has led various parts of the State to use incarceration disparately. It has also led to unanticipated and unplanned consequences. Over the past five years, the growth in incarceration by various counties has varied, with Bennington, Franklin, Windham, and Windsor counties growing at twice the statewide average, while Addison, and Essex counties have grown at much less than the average. Washington County has had an actual decline in incarceration.

<b>Incarceration Rates per 10,000 residents</b>						
	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2005/2001 % Increase</b>
Addison	16.4	15.5	16.3	17.6	16.8	2.4%
Bennington	41.4	46.2	46.1	53.9	52.3	26.3%
Caledonia	28.4	30.9	32.9	34.1	32.6	14.8%
Chittenden	36.9	37.4	41.6	41.4	41.4	12.2%
Essex	23.6	29.6	36.3	31.9	25.9	9.7%
Franklin	22.8	21.1	27.1	28.4	29.9	31.1%
Grand Isle	7.6	5.7	10.5	10.8	9.2	21.1%
Lamoille	25.4	26.8	26.0	25.9	28.4	11.8%
Orange	10.0	9.2	11.5	12.5	12.1	21.0%
Orleans	28.3	28.0	31.3	32.5	33.1	17.0%
Rutland	28.2	27.9	32.6	30.6	33.1	17.4%
Washington	26.9	24.6	22.2	19.3	19.6	-27.1%
Windham	33.3	33.6	36.1	37.9	43.3	30.0%
Windsor	14.2	16.1	18.2	17.5	19.7	38.7%
<b>Statewide</b>	<b>27.7</b>	<b>28.0</b>	<b>30.6</b>	<b>30.9</b>	<b>31.6</b>	<b>14.1%</b>

Based on court of most serious charge. Population estimates from Vermont Department of Health, extrapolated. Average Daily Population Incarcerated per 10,000 residents

As seen from the following table, counties vary greatly in incarceration rate. Bennington, for example, incarcerates at 52% above the State average, while Washington County is at the State average. Both Counties experienced a crime rate near the state average.

Vermont Criminal Justice System Data												
Rates per 1,000 Residents as a Percent of Statewide Rate												
County	Police Actions (2004) DOC			Court Data (CY2005)				FY2006 DOC Data, Unique Persons				
	Crimes	Arrests	Pre-Trial Detention	Felony	Misdemeanor	Diversion	Reparative	Probation	Intermediate Sanctions	Prison - Sentenced	Furlough	Parole
Addison	31%	24%	45%	63%	67%	88%	38%	100%	23%	65%	30%	38%
Bennington	103%	120%	116%	137%	125%	87%	62%	167%	89%	152%	157%	213%
Caledonia	84%	95%	92%	73%	109%	108%	104%	133%	223%	115%	137%	100%
Chittenden	131%	127%	131%	136%	107%	88%	176%	92%	83%	123%	137%	117%
Essex	39%	53%	61%	61%	51%	22%	24%	108%	169%	74%	40%	46%
Franklin	111%	123%	98%	128%	103%	76%	127%	120%	69%	102%	127%	129%
Grand Isle	78%	63%	106%	65%	67%	78%	151%	117%	100%	94%	90%	92%
Lamoille	79%	89%	84%	117%	97%	115%	113%	99%	149%	82%	83%	79%
Orange	72%	45%	55%	41%	60%	68%	76%	84%	94%	58%	83%	63%
Orleans	71%	75%	80%	77%	81%	94%	53%	108%	226%	106%	117%	96%
Rutland	98%	108%	108%	78%	76%	194%	87%	101%	109%	108%	147%	113%
Washington	97%	56%	78%	85%	103%	99%	129%	80%	120%	98%	143%	129%
Windham	115%	161%	124%	117%	167%	122%	53%	137%	106%	132%	103%	67%
Windsor	83%	78%	110%	66%	93%	70%	51%	98%	89%	58%	27%	54%

The table above shows that Vermont counties also vary greatly in rates of crimes, arrests, convictions, and the use of community strategies, as well as the use of incarceration. They also vary widely in their use of alternatives to incarceration. For example, the table shows the variance from the rate of “crimes” to the rates of “prison sentenced” and “detention”. All things being equal, the proportionate use of court, correctional, and alternative resources should be similar to the incidence of crimes and arrests by law enforcement. To develop an example: Addison County experiences crime at 31% of the State crime rate given its population. It arrests at 24% of the State arrest rate. Addison County detains people at 45% of the State detention rate. Addison County places people in prison at 65% of the State prison usage rate. Addison County is well below the state rate, which is 100% in all categories.

Addison County places people on probation at 100% of the State probation usage rate. So, Addison could be said to use Probation far more than its crime rate would suggest, and Prison about the same as its felony crime rate.

However, differences in reporting mitigate this (some police agencies have not consistently reported crime to VCIC).

Changes in Bed Utilization from FY2003 to FY2007									
Status of Inmate	Northwest Courts			Northeast Courts					Total
	Chittenden	Franklin	Grand Isle	Caledonia	Essex	Lamoille	Orleans	Washington	
Sentenced	177	58	6	-15	-6	2	24	-1	
Detained	-23	7	-1	5	1	1	1	4	
Net Change	154	65	5	-10	-5	3	25	3	
Status of Inmate	Southwest Courts			Southeast Courts			Total		
	Addison	Bennington	Rutland	Orange	Windham	Windsor			
Sentenced	4	41	40	3	67	3	391		
Detained	-1	-18	11	-1	-5	6	-26		
Net Change	3	23	51	2	62	9	365		

Table displays the differences (along the trend line) calculated for a 5 year period.

The table above shows a change in bed utilization from various courts over the past five years, with Chittenden and Bennington showing a reduction in detention, while at the same time Chittenden County is the leader by far in the utilization of expensive sentenced incarceration.

## D. INCREASED USE OF CORRECTIONS SYSTEM TO RESPOND TO SOCIAL ILLS AND CRIMINAL ACTS

- Drug Abuse

In the past five to seven years, Vermont has seen a dramatic increase in the number of arrests, prosecutions, and convictions in State courts for drug crimes. The crimes which result in incarceration usually involve trafficking in serious drugs – notably heroin and cocaine – and various regulated pharmaceuticals. The number of inmates incarcerated for felony drug offenses has increased from an average of 20 in 2002 to 176 in 2006. This has been a major component of the growth in incarceration. Another factor contributing to growth in incarceration rates is the increase in the number of property crimes committed by addicted offenders. In a recent study of the prevalence of mental illness among inmates, a total of 345 of 566 inmates with a mental illness diagnosis were found to have a *co-occurring diagnosis* of substance abuse disorder, primarily for opiates. This does not include other inmates with abuse issues that have not been clinically identified. Most other classification studies show a similar ratio of drug use/abuse among all inmates with up to 2/3 of inmates with drug problems, and 3/4 with alcohol abuse issues.

African-Americans under DOC by Residence					
Residence	Incarcerated		In Community		
	Birthplace		Birthplace		
	Vt Born	Not Vt	Vt born	Not Vt	
unknown	2	7		3	9
Nonresident		51		1	42
Addison					3
Bennington	1	8		1	6
Caledonia		1			7
Chittenden	7	63		7	105
Essex					
Franklin		3		2	5
Grand Isle		1			1
Lamoille		2		1	6
Orange					2
Orleans		2			1
Rutland	1	14		3	18
Washington		3		5	13
Windham		8		2	18
Windsor	1	3			9
Totals	12	166		25	245

A significant side effect of the focus on opiate trafficking has been a dramatic increase in the number of African-Americans incarcerated in Vermont prisons. Since 2000, the percentage of VT prisoners who are black has increased from 5% to 10% of the total. Black inmates comprise 10% of all inmates and 32% of those incarcerated for drug crimes. There were 196 persons of African-American descent incarcerated in Vermont corrections on September 10, 2007. Of the 178 for whom a place of birth and residence is known (18 not recorded), 51, or 26.7% were not residents of Vermont when first lodged. In addition, over 93% of the black inmates were born outside Vermont, versus 100% of Asians, 38% of whites, and 27% of American Indians.

- Substance Abuse (Alcohol)

In the 1990s, Vermont began to crack down on drivers who were found to be under the influence of alcohol. In 1995, the third offense for DUI was made a felony. While the number of convictions for DUI has remained fairly level since 1990, the number of persons under correctional supervision for repeat offenses has nearly doubled. Some 195 inmates are in prison for a primary offense of DUI.

- Sexual Abuse

No crime has dominated the attention of the public and the media (and consequently the legislature and the criminal justice system) more than that of sexual abuse. This population has been one of the primary drivers of growth in incarceration, in spite of the relatively level number of convictions for these crimes since the late 1980s (there was a substantial drop in convictions in 2006). In 1990, there were 134 sex felons in prison in Vermont. In 2007, there are 436.

- Domestic Violence

Increasing attention to the crime of domestic violence has also led to increased utilization of corrections as both a treatment response and for protection of victims. There is an expectation by many in the system that the threat of incarceration for failure to abide by program requirements will deter further violence. The primary assumption is that the consequence of prison is sufficient coercion to mandate participation in programming. There is significant evidence nationally that this program model is not effective in reducing recidivism. (See *Appendix C, What Works...*)

- Mental Illness

The number of offenders with diagnosed mental illness incarcerated in Vermont is significant. In a recent study by the DOC Mental Health provider, 566 inmates, or 34% of all inmates housed in Vermont prisons were identified as having clinical diagnoses<sup>2</sup> of mental illness. The incidence of diagnoses differs substantially between women and men. Women inmates are twice as likely (56% vs. 34% of the males) to have a diagnosis of some form of mental illness, as are men. While there is a significant portion of offenders in prison who have a diagnosis of mental illness, only a small number (3-4% of all inmates) are at any one time classified as Seriously Mentally Ill. With a newly expanded definition of Serious Mental Illness, that percentage will inevitably increase.

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<sup>2</sup> Axis 1 diagnosis of a major mental illness as defined in the DSM-IV, the standard manual of psychiatric diagnosis.



## **E. INCREASED EMPHASIS ON ACCOUNTABILITY**

Committing a new offense while under supervision of corrections usually results in an additional period of incarceration. This has manifested in the number of offenders being returned to incarceration for violation of release conditions, and in sentences handed down for repeatedly offending (DUI-3, Domestic Abuse, etc).

The failure to abide by instructions of the court or furlough by corrections is the source of significant numbers of violations and returns to jail. In fact, the furlough program (Conditional Reentry) is designed around the use of short periods in jail (Graduated Sanctions) as a response to failure to comply with rules or misbehavior short of committing a new crime.

In calendar year 2006, there were 2,260 furloughees returned to incarceration for violations of release conditions. The violations were predominantly graduated sanctions and suspensions of furlough due to substance abuse or rules violations, with very small numbers of new criminal acts.

However, cumulatively, these returns currently account for approximately 350 beds annually and account for about 16% of the growth since 1990.

Similarly, Vermont Courts have responded to community interest and legislative direction by sanctioning offenders who are under supervision with incarcerative sentences to serve far more frequently (more than two times as likely) than those who had either completed prior supervision or (more than six times as likely) than those who had never been under supervision<sup>3</sup>.

The result of this practice is that 97% of the sentenced inmates in prison on a given day are persons who have been under correctional supervision prior to their latest offenses.

## **F. COMPARING VERMONT VS. NATIONAL TRENDS**

The incarceration rate for Vermont has been increasing, but since about 2000, the rate of increase has been faster than either the US rate or rates of similar (size, rural nature) states. Our comparison uses the National Bureau of Justice Statistics Prisoner Rate, which includes only inmates sentenced to maximums of more than one year. This comparison does not include detainees and inmates serving shorter sentences, who are housed in County Jails in most other States. In that regard, Vermont still has one of the lowest rates of overall incarceration (jail and prison combined) in the nation.

The disparity in the rates is the underlying issue in this analysis. The reason that Vermont's rate is increasing for inmates serving longer sentences is that more Vermont inmates are serving longer sentences. While the US rate of growth has slowed substantially, Vermont continues to grow. It may be a lag effect, that Vermont is

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<sup>3</sup> See Appendix B., 4/19/2007 Letter to House Institutions and Joint Corrections Oversight Committees

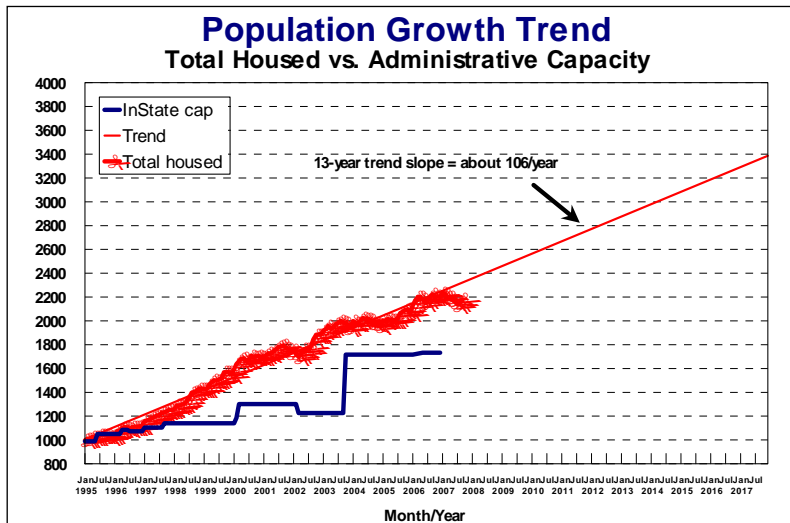
“catching up” to the rest of the nation, or it may be that Vermont has not implemented the strategies that have reduced growth rates elsewhere.

Sentenced Prisoner Incarceration Rates						
Inmates per 100,000 residents						
	1985	1990	1995	2000	2005	2006
National Rate	201	293	409	478	491	497
Vermont Rate	82	99	143	218	247	258
Vermont Rank	47	47	46	43	43	42
VT Rate % of US	41%	34%	35%	46%	50%	52%
States Lower than Vermont	NH	WV	WV	WV	NE	NE
	MN	MN	ME	RI	MA	MA
	ND	ND	MN	NH	ND	UT
			ND	ND	NH	ND
				MA	RI	NH
				ME	MN	RI
				MN	ME	MN
						ME

Inmates are sentenced prisoners serving more than one year; rates are per 100,000 residents. Source of data -- US Bureau of the Census, *Prisoners in (1985, 1990, 1995, etc.)* report using the year end count (Dec.31). Does not count Jail population (less than 1 year), or not sentenced. National rate includes state and federal systems.

### G. BED SPACE PROJECTIONS

The projection of bed space demand is more art than science, although the math is straightforward.



The regression of the growth trend continues at the rate of about 106 beds per year. Further analysis of that trend shows some variation in the type of offenses that are expected to grow. This is largely a function of changes in the system over the past five or six years. As discussed elsewhere<sup>4</sup>, the components of growth are detention (19% of the growth), sentencing (58% of the growth), retention past minimum release date (5% of the growth), and return (revocation) (17% of the growth). A more sophisticated model

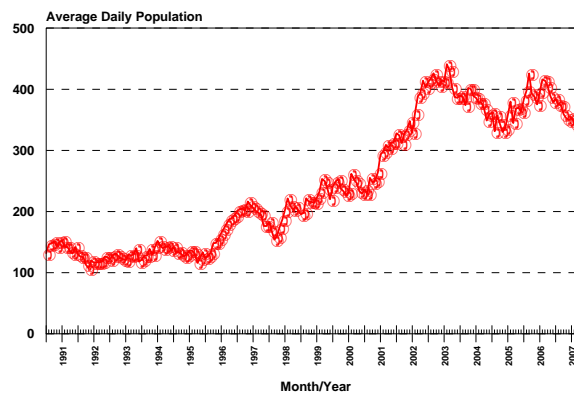
<sup>4</sup> See Appendix B. 4/19/2007 Letter to House Institutions and Joint Corrections Oversight Committees.

of projection for Vermont Corrections is currently being developed by the Council on State Government's Justice Center and will predict slower future growth (but growth still vastly outpacing the increase in Vermont's population).

### Pre-Trial Detainees

In examining the populations in prison over the past seven years (2000-2007), and the admissions to prison, several factors are evident.

1. Detention has grown, nearly doubling from 2000 – 2003, but decreasing somewhat in the years since.
2. Sentences for violent felons, drug felons, and property felons are longer.
3. More property and drug felons are incarcerated.



Inmates in Junes: 1989 - 2007						
Year	Sentenced			Sentenced		
June	Detainees	Pre Min	Past Min	no data	Total	% Pre Min
1989	121	241	230	23	615	49%
1990	115	280	271	7	673	50%
1991	140	318	290	3	751	52%
1992	107	424	337	5	873	55%
1993	117	389	342	30	878	51%
1994	130	424	349	38	941	52%
1995	128	470	388	37	1023	53%
1996	124	371	522	35	1052	40%
1997	207	486	474	9	1176	50%
1998	182	607	476	41	1306	54%
1999	218	608	629	51	1506	47%
2000	225	686	718	55	1684	47%
2001	281	688	734	71	1774	46%
2002	329	798	588	53	1768	55%
2003	431	953	554	45	1983	61%
2004	382	1045	563	43	2033	63%
2005	342	1085	515	29	1971	67%
2006	378	1139	586	36	2139	65%
2007	347	1186	592	40	2165	65%

The number of persons held in prison as pre-trial detainees grew from 1989, peaked in 2003, and has declined since. The number of persons held prior to reaching their minimum release date has increased steadily, and is nearly five times as large as in 1989. The number held past their minimum increased until 2001, when the impact of Conditional Reentry began to be seen, and has remained fairly steady since then.

The impact of these effects has been the accumulation of beds which are encumbered into the future. The table above shows the impact of one year's admissions on future beds needed. Analyzing a recent population (September 26, 2007), the numbers of beds encumbered into the future for each crime type depends on the minimum sentence. Looking five years out, there will still be some 40 felons who were admitted

in 2006, who will still be in prison in 2011. If the rate of admissions remains the same, the average daily population will accumulate some 240 beds.

Impact of New Admissions on Future Beds Needed													
Offense Type	Annual Admits	Average Minimum Sentence to Serve (Years)	Beds Encumbered					Five Years' Accum'ted ADP	Remain. Bed-Years Needed until Min	Persons Remain. After 5 Years	Average Years Remain. to Serve	Adjusted Accum'd ADP	Beds in Use Pre-Min 09/26/2007
			1st Year	2nd Year	3rd Year	4th Year	5th Year						
Felony-Serious	319	3.9	241	115	78	56	39	529	590	30	19.7	1119	437
Felony-Person	132	1.5	84	38	21	9	7	160	11	3	3.2	171	104
Felony-Property	523	1.1	298	97	46	18	10	468	75	5	16.6	543	265
Felony-Drug	178	1.1	97	32	17	7	3	154	3	2	1.9	157	94
Felony-Motor Vehicle	339	1.1	206	52	18	6	3	285	0	0	1.0	286	109
Felony-Other	69	1.2	32	6	3	2	0	43	0	0		43	20
Misdemeanor-Person	284	0.5	100	12	2	0	0	113	0	0		113	58
Misdemeanor-Property	96	0.5	29	3	0	0	0	32	0	0		32	18
Misdemeanor-Drug	53	0.3	13	1	1	0	0	14	0	0		14	12
Misdemr-Motor Vehicle	228	0.4	52	7	3	0	0	61	0	0		61	20
Misdemeanor-Other	68	0.3	12	1	0	0	0	14	0	0		14	12
(unknown)	35	0.6	13	1	0	0	0	14	0	0		14	7
<b>Total</b>	<b>2323</b>	<b>1.3</b>	<b>1177</b>	<b>365</b>	<b>189</b>	<b>98</b>	<b>61</b>	<b>1890</b>	<b>679</b>	<b>40</b>	<b>17.1</b>	<b>2568</b>	<b>1156</b>
Felony Total	1559		958	340	183	98	61	1640	679	40		2318	1029
Misdemeanor Total	729		206	24	6	0	0	236	0	0		236	120

As shown in the table below, the average minimum sentence for all inmates who have not reached their minimum release date has increased from just under 4 years to 5.4 years. The volume of felony (particularly violent felony) admissions has increased substantively since the mid 1990s, while the average amount of time served by those in prison has declined somewhat.

What has changed most is the amount of time still left to serve. On average, in 1989, the inmate who had not reached his or her minimum term had served about 2.5 years, and had about 1.5 years still left to serve. In 2007, the average inmate had served about 2.9 years, but has 2.5 years left to serve.

Impact of Minimum Sentences on Encumbrance of Beds										
	Encumbered by Minimum		Remain Until Min		Have Served		# PreMin in calculation	Years		
	June	Bed-Years	Bed-Years	Bed-Years	Bed-Years	%		Avg Min Length	Avg Til Min	Avg Served
1989		928	346		583	63%	234	4.0	1.5	2.5
1990		967	421		546	56%	278	3.5	1.5	2.0
1991		1168	531		637	55%	312	3.7	1.7	2.0
1992		1937	803		1134	59%	422	4.6	1.9	2.7
1993		2092	933		1159	55%	384	5.5	2.4	3.0
1994		2616	1203		1413	54%	420	6.2	2.9	3.4
1995		2858	1249		1608	56%	467	6.1	2.7	3.4
1996		2793	1191		1602	57%	366	7.6	3.3	4.4
1997		3108	1411		1697	55%	474	6.6	3.0	3.6
1998		3585	1622		1963	55%	592	6.1	2.7	3.3
1999		3632	1655		1976	54%	590	6.2	2.8	3.4
2000		4061	1938		2122	52%	674	6.0	2.9	3.2
2001		4489	2242		2247	50%	669	6.7	3.4	3.4
2002		4819	2429		2389	50%	784	6.2	3.1	3.1
2003		5172	2528		2644	51%	940	5.5	2.7	2.8
2004		5549	2818		2731	49%	1034	5.4	2.7	2.6
2005		5709	2935		2774	49%	1068	5.4	2.8	2.6
2006		6043	2837		3205	53%	1122	5.4	2.5	2.9
2007		6333	2949		3384	53%	1167	5.4	2.5	2.9

Calculations only include "Pre Minimum" inmates; Inmates with minimum sentences >= 100 years are removed ; Inmates without release dates but no sentence lengths are removed. Lifers and persons without data removed from table

This has led to a dramatic increase in the number of bed-years encumbered into the future. The 1,167 inmates who are in prison now and have not reached their minimum release have served a cumulative 2,949 years in prison, and have 3,384 more years to serve.

A significant part of the encumbrance is of serious violent felons. In 1989, 84 serious violent felons in prison had encumbered some 271 bed-years. By 2007, the encumbrance has grown to 2,172 bed-years by 676 serious violent felons. In fact, pre-minimum serious violent felons had an average minimum of about 8 years in 1989. The average minimum for violent felons in 2007 is 11.2 years.

The data are point-in-time, and are weighted toward the more serious, longer serving inmates.

An examination of the characteristics of the flow of sentenced inmates during a year is instructive. The table below is complex. The inmates being released are not always the same people as the inmates admitted (the shorter the sentence, the more likely they are). In fact, of the 1,757 new admissions last year, only 757 will encumber a bed beyond one year. Thus, the average length of stay of the inmates released is significantly less (particularly with more serious crimes) than the average sentence of the inmates admitted, because the longer sentenced inmates are not as present in the average.

The flow of admissions contributes to growth when the time to be served by the inmates coming in is longer than the time served by those coming out.

In fact, this difference is a primary source of growth in the population. For example, of the 284 serious violent felons admitted last year, 30 of them will still be in prison not having reached their minimum sentence five years from now. Moreover, those 30 will have an average of 19.7 more years to serve. It is the accumulation of these offenders, whose sentences are considerably longer than the inmates they “replace” in the population, which is a significant component of growth.

This analysis looks backwards. It does not reflect the impact of changes to the criminal code in the recent past. These changes are cumulative. Recent legislation has substantially increased penalties for future sex offenders, and barring changes in conviction rates, will very likely create increased demand for bedspace beyond the trends.

While the total number of sex offender convictions in 2006 was down from the year previous, it is not significantly different than the average number over the past decade. As such the predicted impact of the new sex offender legislation on bedspace continues to be estimated at hundreds of additional beds within five years.

As a result, a projection of future demand uses past practice differentially for the populations with longer sentences and with crimes that are more serious. Using

differential trends for the empirical data from 2001-2007, the following can be used as a projection for bed space demands, with trends for detainees, sentenced offenders pre-minimum sentence and post-minimum, and returns.

Fiscal Year 2007 Incarcerated Population by Offense type								
Offense type	June 30, 2006		New Sentenced Admissions	Average Minimum	Releases	Avg. Time Served	June 30, 2007	
	Sentenced	Detained		Years		Years	Sentenced	Detained
<b>Felonies</b>								
Serious	676	119	269	4.4	285	1.4	660	122
Person	192	25	111	1.5	110	0.9	177	35
Property	430	70	407	1.1	471	0.6	419	51
Drug	112	50	126	1.3	123	0.7	130	32
Motor Veh	120	20	215	1.2	237	0.5	155	12
Other	41	29	61	1.1	65	0.5	45	37
<b>Misdemeanors</b>								
Person,	95	25	212	0.5	253	0.3	104	19
Property	35	10	78	0.4	99	0.2	38	7
Drug	10	4	43	0.3	49	0.2	25	3
Motor Vehicle	23	9	163	0.3	148	0.2	39	12
Other	9	7	57	0.3	62	0.1	14	10
uncat	15	13	15	0.6	6	0.3	12	5
<b>total</b>	<b>1758</b>	<b>381</b>	<b>1757</b>	<b>1.4</b>	<b>1908</b>	<b>0.6</b>	<b>1818</b>	<b>345</b>
Numbers do not add precisely due to multiple releases for many offenders, changes in charges from time of admission to time of release, and many other factors.								

This projection is consistent with the overall trend above, but disaggregates it by offense type.

**Vermont Prison Population Projection: Fiscal Year (FY) 2012**

Total Beds in Use								
	Actual	Actual	Projection	Increases and Proportion				
	FY2001	FY2007	FY2012	2000	2007 vs 2000	2007	2012 vs 2007	2012
<b>Felonies</b>				% of total	% increase	% of total	% increase	% of total
<b>Serious</b>	664	794	901	39%	120%	36%	113%	35%
<b>Person</b>	203	228	228	12%	112%	10%	100%	9%
<b>Property</b>	387	509	603	23%	132%	23%	118%	23%
<b>Drug</b>	32	177	321	2%	553%	8%	181%	12%
<b>Motor Veh</b>	131	152	175	8%	116%	7%	115%	7%
<b>Other</b>	68	75	75	4%	110%	3%	100%	3%
<b>subtotal</b>	1485	1935	2303	87%	130%	88%	119%	88%
<b>Misdemeanors</b>								
<b>Person,</b>	110	123	136	6%	112%	6%	111%	5%
<b>Property</b>	32	41	49	2%	128%	2%	120%	2%
<b>Drug</b>	8	18	27	0%	225%	1%	150%	1%
<b>Motor Veh</b>	41	39	41	2%	95%	2%	105%	2%
<b>Other</b>	19	24	30	1%	126%	1%	125%	1%
<b>subtotal</b>	210	245	283	12%	117%	11%	116%	11%
<b>uncat</b>	19	22	20	1%	116%	1%	91%	1%
<b>Total</b>	1714	2202	2606	100%	128%	100%	118%	100%
<p>Projection is based on 2002-2005 admissions, length of minimum sentence, and releases of offenders during the same period. It does not take into account recent changes such as sex offender sentencing laws.</p>								

Felony sentencing is the primary driver of growth, and will continue to be the driver. The fastest growing component of the projected population is drug felons. Projecting the arrest, prosecution, conviction, and sentencing practices of the past five years, this population will continue to grow more rapidly than any other component. However, the component of serious, violent felons will continue to grow for the next fifteen years.

The projection is an empirical analysis. A more sophisticated model for projecting the impact of changes to the system contemplated by the legislature and by this plan is currently being constructed by the Council on State Government's Justice Center. This more sophisticated projection will also project continued growth (but at a slower rate) and the need for hundreds of additional prison beds.

## **PART II: THE STRUCTURAL LIMITS TO CHANGE**

### **A. OFFENSE SEVERITY**

Criminal offenses in Vermont are not categorized (in statute) by level of severity. One can infer a degree based on the maximum penalty allowed, but it is clearly subjective. There is no criminal code that provides a severity of different offenses ranking. In theory and in fact, the law applies the same limited choice of punishment to all offenders, regardless of the differences in behavior, motivation, condition, and culpability of the offender, or the consequences of the behavior on the victim(s) and community. The court is thus constrained to look at all crime through the same lens, and limited to the same limited array of responses.

Nearly all criminal justice agencies categorize offenses and offenders for operational management purposes. Police agencies generally use categories of the National Crime Information Center of the Federal Bureau of Investigation for reporting. Vermont police use the Vermont Incident Based Reporting System (VIBRS) system. Corrections uses two systems, one descriptive of type, and the other of severity. Each system has its drawbacks, but is useful for classification of the response, and for resource allocation.

In many states, the major classification of offenses into felony and misdemeanor categories results in differential response. In most states, felonies are a state responsibility, while misdemeanors are handled at a local, city, or county level.

- **Misdemeanants**

A whole class of offenders is incarcerated for misdemeanor offenses. While these are usually recidivists and many are incorrigible offenders with very lengthy records for repeat misdemeanor offenses, their sentences and stay in prison tend to be very short. Prison for these offenders serves very little in the way of reduction in recidivism. In fact, incarcerating these offenders may well be counterproductive in that the period is not sufficient for treatment intervention, but is long enough to disrupt any stability factors such as employment. Prison does serve as a labeling function to place them under higher supervision after release.

Among those with similar profiles, those low risk offenders who are incarcerated are more likely to reoffend than those who are placed on probation or in intermediate sanctions. A significant predictor of recidivism is association with persons with attitudes supporting criminal behavior.

There are about 240 beds (12% of the average daily population) devoted to misdemeanants on a typical day. About 500 more misdemeanants are lodged each year for a total of about 750 different misdemeanor offenders serving time in jail each year. The average length of stay for these offenders per episode is about 60 days, though violent misdemeanants tend to be lodged for six months.



Elimination of incarceration for misdemeanants would currently create savings of approximately \$5 million annually. This could be offset by strategies in communities to manage these offenders. Such strategies are discussed in subsequent sections. However, such a change might have a counteracting effect on the practice of charging and plea inflation by prosecutors.

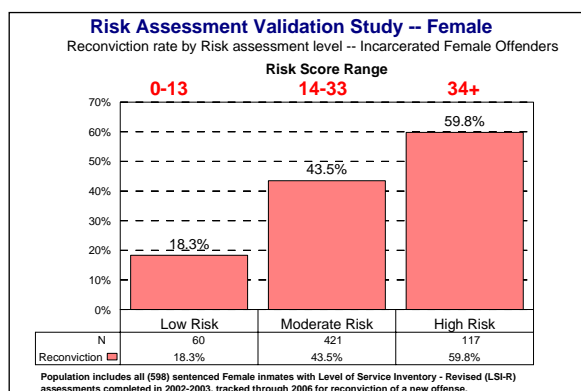
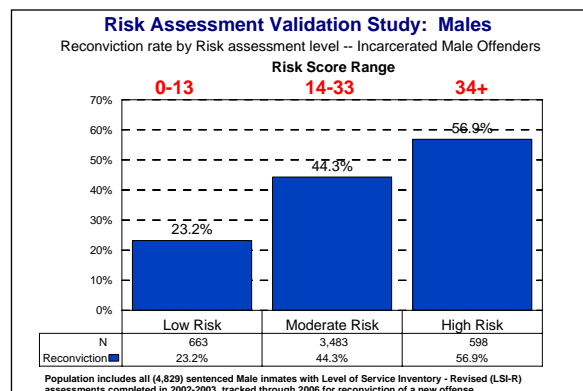
- **Felons**

Eighty-eight percent of the inmates in Vermont prisons are serving on felony charges. Ninety percent of the increase in population over the past 15 years has been comprised of felons. If the projections above are realized, by 2012 there will be more felons than there are inmates today. There will be more property and drug felons than serious violent felons. Drug felons currently account for 8% of the beds used. Property felons account for 23% of the beds used. Males are much more likely to be in prison for a violent crime (55% of the men, vs. 29% of the women).

## B. RISK TO RE-OFFEND

Corrections departments across the nation are increasingly employing risk assessments as a primary tool in determining placement, services, and release recommendations. Vermont has been a leader in the development of risk-based approaches to corrections.

The graphs below demonstrate the efficacy of the instrument used by Vermont DOC to assess risk to reoffend. The graph represents the actual reconviction rates of about two years of Vermont inmates (males and females) who were assessed using the Level of Service Inventory-Revised (LSI-R), a nationally-recognized risk assessment and case-



planning instrument developed in Canada. This study was completed in August 2007. There is significant difference in recidivism rates between those offenders assessed at low, moderate, or high levels of risk, which is important in validating the use and utility of the instrument to sort Vermont offenders by the risk of re-offense. It should be emphasized that the instruments measure the risk of committing and being convicted of a new criminal offense, not the risk in terms of violence or severity. There is no significant difference between the rates for males and females, using the same cut-off

scores. The instruments are not perfect, and are actuarial in outcome; that is, they are predictive of the behavior of groups, not, with certainty, individuals.

### C. LEGAL STATUS AND RISK

Examining the entire population from the perspective of risk category by legal status reveals a direction for the use of sanctions. Vermont clearly allocates resources based on the severity of the crime. The preponderance of violent felony offenders are in prison, or have been in prison.

<b>Legal Status and Offense Type</b>						
	<b>Felons</b>			<b>Misdemeanants</b>		<b>Total</b>
	<b>Violent</b>	<b>Prop/drug</b>	<b>Misc</b>	<b>Viol</b>	<b>Misc</b>	
Risk Management Probation	450	300	94	513	197	1554
Response Supervision Probation	162	1008	201	560	2837	4768
Intermediate Sanctions	30	74	137	35	93	369
Reentry	250	375	167	76	62	930
Parole	159	294	273	25	68	819
Incarceration	888	535	207	97	95	1822
<b>Total</b>	<b>1939</b>	<b>2586</b>	<b>1079</b>	<b>1306</b>	<b>3352</b>	<b>10262</b>

<b>Legal Status and Offense Type: Column Percentages</b>						
	<b>Felons</b>			<b>Misdemeanants</b>		<b>Total</b>
	<b>Violent</b>	<b>Prop/drug</b>	<b>Misc</b>	<b>Viol</b>	<b>Misc</b>	
Risk Management Probation	23%	12%	9%	39%	6%	15%
Response Supervision Probation	8%	39%	19%	43%	85%	46%
Intermediate Sanctions	2%	3%	13%	3%	3%	4%
Reentry	13%	15%	15%	6%	2%	9%
Parole	8%	11%	25%	2%	2%	8%
Incarceration	46%	21%	19%	7%	3%	18%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

<b>Legal Status and Offense Type: Row Percentages</b>						
	<b>Felons</b>			<b>Misdemeanants</b>		<b>Total</b>
	<b>Violent</b>	<b>Prop/drug</b>	<b>Misc</b>	<b>Viol</b>	<b>Misc</b>	
Risk Management Probation	29%	19%	6%	33%	13%	100%
Response Supervision Probation	3%	21%	4%	12%	60%	100%
Intermediate Sanctions	8%	20%	37%	9%	25%	100%
Reentry	27%	40%	18%	8%	7%	100%
Parole	19%	36%	33%	3%	8%	100%
Incarceration	49%	29%	11%	5%	5%	100%
<b>Total</b>	<b>19%</b>	<b>25%</b>	<b>11%</b>	<b>13%</b>	<b>33%</b>	<b>100%</b>

There are a large number of violent offenders on probation, but if they are on that status, they are nearly all under intensive supervision, on a risk management caseload.

Examining the risk level posed by the offenders at the different statuses is instructive in explaining the different placement by the courts.

The following analysis does not include probation, because the instrumentation for risk assessment is currently different for probation and not strictly comparable. Subsequent sections will analyze this further.

The recidivism percentages on the above table are the actual historical recidivism of Vermont inmates who scored in the ranges of assessment as determined by re-conviction after placement in the community or release from prison.

<b>Summary of LSI-R Score Ranges and Status</b>						
Recidivism Rate	LSI-R Re-Offense Risk					Total
	Low	Low-Mod	Moderate	High	Highest	
	11.7%	31.1%	48.1%	57.3%	76.0%	
<b>Prison</b>	73	463	845	359	82	1822
<b>Reentry</b>	35	276	452	136	31	930
<b>Parole</b>	101	389	262	61	6	819
<b>Intermediate Sanctions</b>	45	152	119	50	3	369
	Percent of Row (scored only)					Total
	Low	Low-Mod	Moderate	High	Highest	
<b>Prison</b>	4%	25%	46%	20%	5%	100%
<b>Reentry</b>	4%	30%	49%	15%	3%	100%
<b>Parole</b>	12%	47%	32%	7%	1%	100%
<b>Intermediate Sanctions</b>	12%	41%	32%	14%	1%	100%

Does not include 292 inmates (mostly detainees), 23 Reentry, 121 Parole, and 373 Int. Sanctions persons not scored

#### **D. SUPERVISION IN COMMUNITY: COMBINING RISK, OFFENSE SEVERITY, AND LEGAL STATUS**

Offenders supervised in the community are on different legal statuses, including Probation, Intermediate Sanctions, Furlough, and Parole. While there are high-risk offenders in each status, they are all predominantly non-violent offenders with a high re-offense risk. The preponderance of high risk violent offenders are either in prison or under more intensive community supervision of furlough, parole, or intermediate sanctions. Examining the intersection of the offense type, the risk profile, and the legal status provides further opportunity for analysis of resource utilization.

- **Probation**

Probation is the legal status for an offender whose sentence is not imposed, but suspended by the court. The offender must comply with conditions of probation, supervised by probation officers in the community. The majority of persons on probation demonstrate lower risk. They are also generally convicted of less severe crimes.

Offenders on Risk Management Probation (supervision in the community with smaller caseloads and services that are more intensive) are convicted of more serious offenses, as well as having high re-offense risk levels. As mentioned earlier, the assessment instrumentation for Probationers is the Ryan-Johnson risk assessment (R-J), which is different than the LSI-R used for all other statuses. While not strictly comparable, it is broadly equivalent for purposes of this discussion.

Offense Seriousness vs Risk									
Probation - Response Supervision - July 27, 2007 (no score--> 492)									
		RJ Risk Level				% of Whole Population			
		Low	Moderate	High	Total	Low	Moderate	High	Total
Offense Level	F-Violent	77	49	36	162	2%	1%	1%	3%
	F-Prop/Drug	481	379	148	1008	10%	8%	3%	21%
	F-Misc	62	112	27	201	1%	2%	1%	4%
	M-Violent	279	207	74	560	6%	4%	2%	12%
	M-Misc	1148	1308	381	2837	24%	27%	8%	60%
	Total	2047	2055	666	4768	43%	43%	14%	100%
Probation - Risk Management - July 27, 2007 (no score--> 389)									
		RJ Risk Level				% of Whole Population			
		Low	Moderate	High	Total	Low	Moderate	High	Total
Offense Level	F-Violent	158	154	138	450	10%	10%	9%	29%
	F-Prop/Drug	55	104	141	300	4%	7%	9%	19%
	F-Misc	24	25	45	94	2%	2%	3%	6%
	M-Violent	166	174	173	513	11%	11%	11%	33%
	M-Misc	52	76	69	197	3%	5%	4%	13%
	Total	455	533	566	1554	29%	34%	36%	100%

Offenders on Response Supervision Probation (larger caseloads, limited services) have committed less serious offenses, and pose lower risk. Seventy-two percent (72%) of the Response Supervision population is misdemeanants. While 54% of the Risk Management population is felons, 21% are high-risk felons, but only 9% are high-risk violent felons.

- **Intermediate Sanctions**

Intermediate sanctions are penalties that are more restrictive than probation, but less intrusive (and expensive) than prison. These sanctions are sentences to the community, with intensive supervision, and required treatment program participation. They include programs like the intensive substance abuse program (ISAP) and the intensive domestic abuse treatment program (IDAP).

Very few of the intermediate sanction offenders are violent felons (most of the IDAP offenders are misdemeanants), and only 1% is high-risk violent felons. This is due to the design of the program, which includes offenders on ISAP and IDAP sentenced to this status, as well as those placed on alternative short sentences to serve on community service work crews.

The population on intermediate sanction status is comprised of higher risk offenders than probation, with 73% in the low-moderate or moderate risk category (compared with 34% of Risk Management Probation assessed in the moderate range above). While they are higher risk to reoffend, it is generally with a non-violent offense.

Offense Seriousness vs. Risk -- Intermediate Sanctions							
		LSI-R Re-Offense Risk (no score:373)					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	2	16	8	4		30
	F-Prop/Drug	6	27	23	17	1	74
	F-Misc	21	71	37	7	1	137
	Felony Total	29	114	68	28	2	241
	M-Violent	6	14	10	5		35
	M-Misc	10	24	41	17	1	93
	Misd Total	16	38	51	22	1	128
<b>Total</b>		45	152	119	50	3	369
		% of Intermediate Sanctions Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	1%	4%	2%	1%	0%	8%
	F-Prop/Drug	2%	7%	6%	5%	0%	20%
	F-Misc	6%	19%	10%	2%	0%	37%
	Felony Total	8%	31%	18%	8%	1%	65%
	M-Violent	2%	4%	3%	1%	0%	9%
	M-Misc	3%	7%	11%	5%	0%	25%
	Misd Total	4%	10%	14%	6%	0%	35%
<b>Total</b>		12%	41%	32%	14%	1%	100%

- **Parole**

Offenders who succeed on Conditional Reentry are usually recommended by the DOC

Offense Seriousness vs. Risk -- Parole							
		LSI-R Re-Offense Risk (no score: 121)					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	26	76	48	8	1	159
	F-Prop/Drug	30	125	101	34	4	294
	F-Misc	38	135	90	9	1	273
	Felony Total	94	336	239	51	6	726
	M-Violent	3	12	6	4		25
	M-Misc	4	41	17	6		68
	Misd Total	7	53	23	10		93
<b>Total</b>		101	389	262	61	6	819
		% of Parole Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	3%	9%	6%	1%	0%	19%
	F-Prop/Drug	4%	15%	12%	4%	0%	36%
	F-Misc	5%	16%	11%	1%	0%	33%
	Felony Total	11%	41%	29%	6%	1%	89%
	M-Violent	0%	1%	1%	0%	0%	3%
	M-Misc	0%	5%	2%	1%	0%	8%
	Misd Total	1%	6%	3%	1%	0%	11%
<b>Total</b>		12%	47%	32%	7%	1%	100%

to the Parole Board, which may place them on parole, at lower supervision intensity than Conditional Reentry. The parole population is even smaller in proportion of high-risk offenders than any other status, and substantially smaller in violent offenders of any risk level. This is indicative of the release practices of the Parole Board, which generally require a period of successful furlough prior to parole.

- **Conditional Reentry**

<b>Offense Seriousness vs. Risk -- Reentry</b>							
		<b>LSI-R Re-Offense Risk (no score:23)</b>					
<b>Recidivism</b>		<b>11.7%</b>	<b>31.1%</b>	<b>48.1%</b>	<b>57.3%</b>	<b>76.0%</b>	
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent	13	73	124	32	8	250
	F-Prop/Drug	7	85	194	71	18	375
	F-Misc	7	68	70	17	5	167
	<b>Felony Total</b>	<b>27</b>	<b>226</b>	<b>388</b>	<b>120</b>	<b>31</b>	<b>792</b>
	M-Violent	4	27	34	11		76
	M-Misc	4	23	30	5		62
	<b>Misd Total</b>	<b>8</b>	<b>50</b>	<b>64</b>	<b>16</b>		<b>138</b>
<b>Total</b>	<b>35</b>	<b>276</b>	<b>452</b>	<b>136</b>	<b>31</b>	<b>930</b>	
		<b>% of Reentry Population</b>					
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent	1%	8%	13%	3%	1%	27%
	F-Prop/Drug	1%	9%	21%	8%	2%	40%
	F-Misc	1%	7%	8%	2%	1%	18%
	<b>Felony Total</b>	<b>3%</b>	<b>24%</b>	<b>42%</b>	<b>13%</b>	<b>3%</b>	<b>85%</b>
	M-Violent	0%	3%	4%	1%	0%	8%
	M-Misc	0%	2%	3%	1%	0%	7%
	<b>Misd Total</b>	<b>1%</b>	<b>5%</b>	<b>7%</b>	<b>2%</b>	<b>0%</b>	<b>15%</b>
<b>Total</b>	<b>4%</b>	<b>30%</b>	<b>49%</b>	<b>15%</b>	<b>3%</b>	<b>100%</b>	

The Conditional Reentry population is those offenders released from prison after serving their minimum sentence, but who have yet to be granted parole. The population mirrors the incarcerated population in terms of risk profile, but is somewhat lower than those in prison in proportion of high risk, and somewhat lower in terms of violence. This is due to the longer sentences served by high-risk violent felons, in general, and the requirement for participation in treatment.

This population also includes those on Reintegration Furlough, 90 days prior to their minimum release. They represent about 70 of the 930 offenders on reentry.

The size of the reentry population is a function of sentencing, since most (80%) offenders are released on reaching their minimum term.

## E. INCARCERATION

The incarcerated population is comprised of much higher proportions of high risk and violent felony offenders. Half of the incarcerated population is violent felons, and only ten percent are misdemeanants, almost none of whom are low risk to re-offend. In fact, the majority of the few low risk offenders who are in prison (55 of 73) are convicted of violent felonies but assessed unlikely to re-offend.

Offense Seriousness vs. Risk -- Incarcerated							
		LSI-R Re-Offense Risk (no score: 272 Mostly Detention)					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	55	226	390	178	39	888
	F-Prop/Drug	4	118	263	121	29	535
	F-Misc	10	66	99	25	7	207
	<b>Felony Total</b>	<b>69</b>	<b>410</b>	<b>752</b>	<b>324</b>	<b>75</b>	<b>1630</b>
	M-Violent	1	20	51	22	3	97
	M-Misc	3	33	42	13	4	95
	<b>Misd Total</b>	<b>4</b>	<b>53</b>	<b>93</b>	<b>35</b>	<b>7</b>	<b>192</b>
<b>Total</b>		<b>73</b>	<b>463</b>	<b>845</b>	<b>359</b>	<b>82</b>	<b>1822</b>
		% of Incarcerated Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	3%	12%	21%	10%	2%	49%
	F-Prop/Drug	0%	6%	14%	7%	2%	29%
	F-Misc	1%	4%	5%	1%	0%	11%
	<b>Felony Total</b>	<b>4%</b>	<b>23%</b>	<b>41%</b>	<b>18%</b>	<b>4%</b>	<b>89%</b>
	M-Violent	0%	1%	3%	1%	0%	5%
	M-Misc	0%	2%	2%	1%	0%	5%
	<b>Misd Total</b>	<b>0%</b>	<b>3%</b>	<b>5%</b>	<b>2%</b>	<b>0%</b>	<b>11%</b>
<b>Total</b>		<b>4%</b>	<b>25%</b>	<b>46%</b>	<b>20%</b>	<b>5%</b>	<b>100%</b>

This characteristic is significant in planning for any reduction in incarceration. To have any real impact on bed space demand and the resulting financial cost to Vermonters, the offenders released to alternative placements would have to be selected from a population who, while perhaps non-violent, pose a higher degree of recidivism risk than those currently in the community.

The vast majority (86%) of persons released in a given year in Vermont were sentenced to minimum terms of less than one year. In fact, two thirds were sentenced to less than 90 days. In most other states, these offenders would not be in State Prison, but in local Jails or supervised in alternatives in the community. In addition, Vermont facilities hold pre-trial detainees, who would in most states be in county or local lockups.

There are several observations that can be made from these data that influence planning to achieve savings through alternatives to incarceration.

- The number of offenders who are low re-offense risk and in prison or in an alternative to incarceration, is very low. Those in prison who are low risk have generally committed violent offenses (Non-violent low risk offenders rarely receive prison sanctions, and are mainly given probation – see table below)

- Diverting larger numbers of offenders from incarceration will necessarily require placement in the community of offenders with some increased risk of re-offense.
- Consequently, increased measures will need to be taken to manage that risk.
- These offenders are already returning to the communities from which they came; the vast majority who are in prison will return home within six months.

Many offenders of moderate risk are currently supervised in the community. The question posed in this analysis is whether the offenders who are under more restrictive sanctions can be supervised better in the community earlier, and prevent recidivism. This can reduce the penetration into corrections and reduce the drain on resources.

Most Serious Crime -- Prison Admissions -- Fiscal Year 2005												
	Felony						Misdemeanor					
Data	Serious	Person	Property	Drug	MV	Oth	Person	Property	Drug	MV	Oth	Total
# Start as Detainee	134	47	167	59	56	23	84	34	17	32	16	676
Avg Detain Stay (mo.)	5.1	3.5	2.2	3.8	1.8	2.0	1.2	1.8	1.3	1.0	1.6	2.8
Avg Min length (mo.)	32.7	16.1	12.8	10.9	12.8	10.9	5.4	4.8	3.2	3.8	2.7	12.6
Avg Max (no lifers)	95.2	56.0	58.5	32.4	40.2	37.4	13.7	10.7	6.4	10.9	5.6	41.8
Avg Stay (any)	12.9	9.6	6.8	5.7	3.6	5.9	2.7	2.2	1.8	1.0	2.2	5.6
Avg PreMin stay	8.6	6.3	4.8	4.0	2.9	3.5	1.8	1.4	1.4	0.8	1.5	3.9
# Stay past Min	115	41	155	47	55	32	87	34	14	47	25	656
Avg PastMin Stay	4.0	4.8	2.1	1.1	1.3	0.9	1.3	0.6	0.3	0.3	1.4	2.0
# Stay <= month	114	62	266	113	268	25	206	91	64	192	74	1480
# Stay <= Quarter	164	83	354	141	317	43	283	112	79	219	88	1892
# Stay <= HalfYear	202	97	427	165	346	58	316	118	85	229	93	2147
Avg Age (admit)	31	32	28	32	39	28	31	28	31	34	30	32
Avg Age (end)	32	32	29	32	40	28	31	28	31	34	30	32
Avg LSI-R	26	27	28	22	23	27	25	27	23	23	22	25
# Male admissions	321	135	450	163	384	58	302	109	82	198	88	2304
# Female admissions	40	10	142	45	34	12	38	18	10	35	10	395
# Episodes	361	145	592	208	418	70	340	127	92	233	98	2699

The table above has a great deal of data. It is a look back at the people who were sentenced in FY2005, cumulating the months served during the year. There are a number of findings of note.

- Only 676, or 25% of the total admissions, remained in incarceration from detention through sentencing. (There are many more persons detained each year – about 4,200 – but only 676 were sentenced from detention with time to serve beyond the time spent in detention. In other words, about 3,300 persons per year are lodged as detainees and subsequently released on bail or at arraignment, or sentenced at trial to time already served.)
- Of the 2,699 persons admitted as sentenced inmates, 80% stay less than six months including time as a detainee. More than half of these stay less than one month.
- The average age of most offenders is about the same (28-32) with the singular exception of Motor Vehicle felons who are a decade older (40) than the others.



## Part III: OPTIONS and TRADEOFFS

The options within the current Vermont criminal justice system necessarily involve a series of tradeoffs and compromises. Without significant public policy change, the means to make significant savings are narrowly limited.

There are a very large number of options that can be imagined, that have been tried by other jurisdictions, or that have been suggested to the Department as this study has progressed. This document will examine several of these options, as a general overview. Detailed analysis of each option would have required many more pages. We look forward to working with the Legislature in more expansive discussion and consideration of the most promising options.

Vermont's correctional system is a patchwork of small facilities built over decades, reflecting evolving concepts of corrections. Some of the facilities are tiny, built on a human scale, designed as multi-purpose regional responses to the need to detain and release inmates into a community-based system. Other of the facilities are modern and fairly efficient campus designs, with high security and program capability. Some are old and in need of major renovation or replacement. The absence of sufficient prison capacity in Vermont has resulted in contracting with out-of-state corrections providers to house the excess population.

The options to make major savings are also limited by the nature of Vermont's correctional facilities. The economies of scale that are present in many other states are not available in Vermont due to the small size of our correctional facilities, and the architecture of the buildings (e.g., the population of all nine Vermont facilities would fit into a single facility in many other states). To achieve savings of a single million dollars (let alone of the magnitude of \$4 million), incremental reductions in operations are inadequate. Whole programs or operating units (facilities) must be eliminated or replaced with less costly options. This has been the essence of the strategy of the Department during the last two Administrations, and the Legislature over the past ten years, creating sanctions and programs in the community that are more restrictive than probation, but less costly than prison.

The response of the State of Vermont to growth in incarceration has been incremental. In the early 1990s, the primary strategy was to create a set of sentencing options short of incarceration. That strategy was highly successful, and continues to divert some 40% of the incarcerated demand to community-based alternatives. Since 1998, that strategy has been increasingly inadequate to keep pace with the rate of growth. Since 1998, despite creating additional bed space (Springfield and Dale facilities), incremental growth has been accommodated with contracted bed space out of state, first in public facilities in New Jersey and Virginia, and then with a private contractor, Corrections Corporation of America (CCA, [www.correctionscorp.com](http://www.correctionscorp.com)).

Currently, each inmate sent to CCA facilities has a fixed daily cost. Both the additional cost of expansion and the savings from contracting are incremental. The capacity for

expansion is literally a function of budget. The capacity is there, and utilization only requires funding. The consequence is the \$21,199 annual per capita cost. In contrast, the per capita cost of Vermont facilities (\$45,702 in FY2007) is relatively fixed. Additional utilization of that capacity may result in overcrowding, but also in an actual lower per capita cost.

Reducing the utilization of CCA contracted bedspace and returning inmates to Vermont is far more complex than simply bringing offenders back. The inmates who are in Kentucky and elsewhere are not generally ready for release. They will either displace inmates in Vermont, who would need to transition into structured release mechanisms, or require additional Vermont prison capacity. The capacity to place the returning inmates is not currently available. The difficulty then is in timing the reinvestments in capacity, program, or housing with the savings from bed reduction in prison. If reinvestment is to work, the savings must be achieved as the new approaches are developed. We must implement strategies in concert with one another. No single approach will suffice.

## **Strategy One: REDUCE FACILITIES' COSTS (Capacity Reduction)**

There are a limited number of ways to lower facility costs by the target four million dollars.

- **Plan A: Bring Some Back, Release Some Others**

The first option is simple on the surface: bring back 200 inmates from CCA facilities. (I.e., 200 inmates x \$21,199 = \$4.2 million). To bring them back in sufficient numbers to create savings would require that alternatives be in place for housing either them or 200 other inmates (most likely a blend of the two) currently housed in Vermont facilities, who would be released to make room for the inmates returning from out of state.

This requires the release of 200 inmates to occur at the same time other capacities are being built. These capacities could be either additional or expanded Incarcerative facilities or alternatives or other mechanisms.

This approach involves a wide variety of possible strategies, no one of which stands alone in providing the necessary savings. These will be discussed later in this report.

- **Plan B: Close Entire Facilities**

The second option is to close a facility and send the population out of state. This is fiscally straightforward, but has a number of challenging operational complexities to implementation.

Closing only part of a facility does not achieve significant savings. Savings are not generated from single bed reductions, as the unit must be staffed at the same level whether it has one inmate or is full. There are only three facilities (Chittenden, Marble Valley, and Northwest) that would generate \$4 million in savings without sending even more inmates out of state. For example, one can't reduce either Newport or Springfield by 200 and still have actionable savings, because the plant still operates – the only savings are per diem costs for individual food and sundries (about \$2,000 annually per bed), and correctional officer staff assigned to any units closed. Administration, program, medical, perimeter security, and operational security staff must be maintained.

The closing of a facility is a complex endeavor. The DOC guidelines for placing inmates out-of-state would need extensive reexamination. These include the requirements for treatment, the current exclusion of youthful inmates with educational requirements, and the exclusion of inmates who are exemplary workers in correctional industries. Also, staff job retention rights under the State labor contract would need to be analyzed relative to possible relocation or displacement. The result is that savings will certainly not be as direct as the table above implies.

<b>Hypothetical Cost of Contracting by Facility (FY2007 Expenditures)</b>					
Facility	Average Daily Population	Total FY2007 Expenditures	Per capita Cost	Cost if Outsourced @ \$21,199 per cap	Net Savings
Chittenden (S. Burlington)	181	\$ 8,583,779	\$ 47,424	\$ 3,837,019	\$ 4,746,760
Northeast(St. Johnsbury)	141	\$ 6,843,708	\$ 48,537	\$ 2,989,059	\$ 3,854,649
Marble Valley (Rutland)	143	\$ 7,068,527	\$ 49,430	\$ 3,031,457	\$ 4,037,070
Work Camp (St. Johnsbury)	98	\$ 3,969,879	\$ 40,509	\$ 2,077,502	\$ 1,892,377
Northern (Newport)	362	\$ 14,350,428	\$ 39,642	\$ 7,674,038	\$ 6,676,390
Northwest (St. Albans)	245	\$ 11,898,637	\$ 48,566	\$ 5,193,755	\$ 6,704,882
Southern(Springfield)	346	\$ 14,994,612	\$ 43,337	\$ 7,334,854	\$ 7,659,758
Dale (Waterbury)	60	\$ 4,024,916	\$ 67,082	\$ 1,271,940	\$ 2,752,976
Southeast (Windsor)	105	\$ 5,091,211	\$ 48,488	\$ 2,225,895	\$ 2,865,316
TOTALS (Instate)	1681	\$ 76,825,696	\$ 45,702	\$ 35,635,519	\$ 41,190,177
Out-of-State (CCA)	519	\$ 11,002,508	\$ 21,199	\$ 11,002,281	\$ -

Rough Costs -- does not address unforeseen expenses including transition costs and costs of mothballing facilities

### **Projected Contract Costs (CCA -- New England Option @\$80/Day)**

<b>Hypothetical Cost of Contracting by Facility (FY2010 Projections)</b>					
Facility	FY2007 Average Daily Population	Estimated FY2010 Expenditures	Estimated Per capita Cost	Cost if Outsourced @ \$29,204 per cap	Estimated Net Savings
Chittenden (S. Burlington)*	181	\$ 10,360,011	\$ 57,238	\$ 5,285,200	\$ 5,074,811
Northeast(St. Johnsbury)*	141	\$ 8,259,869	\$ 58,581	\$ 4,117,200	\$ 4,142,669
Marble Valley (Rutland)*	143	\$ 8,531,210	\$ 59,659	\$ 4,175,600	\$ 4,355,610
Work Camp (St. Johnsbury)*	98	\$ 4,791,362	\$ 48,891	\$ 2,861,600	\$ 1,929,762
Northern (Newport)*	362	\$ 17,319,948	\$ 47,845	\$ 10,570,400	\$ 6,749,548
Northwest (St. Albans)*	245	\$ 14,360,810	\$ 58,616	\$ 7,154,000	\$ 7,206,810
Southern(Springfield)*	346	\$ 18,097,432	\$ 52,305	\$ 10,103,200	\$ 7,994,232
Dale (Waterbury)*	60	\$ 4,857,787	\$ 80,963	\$ 1,752,000	\$ 3,105,787
Southeast (Windsor)*	105	\$ 6,144,730	\$ 58,521	\$ 3,066,000	\$ 3,078,730
TOTALS (Instate)*	1681	\$ 92,723,161	\$ 55,160	\$ 49,085,200	\$ 43,637,961
Out-of-State (CCA)**	519	\$ 12,022,737	\$ 23,165	\$ 15,154,800	\$ (3,132,063)

\*2010 costs estimated at 6.47% growth per year for VT facilities

\*\*2010 costs estimated at 3.0% growth per current contract

Of course the cost differential between Vermont-based prisons and out-of-state providers could change. If Corrections Corporation of America raised its rates from the current \$58.08 per diem, any savings would decrease. If the costs of Vermont's Union contract escalated, the savings would increase. CCA has expressed an interest in siting a facility in New Hampshire. If CCA were to build a facility for Vermont inmates, CCA estimates per diem costs will be in the vicinity of \$80, to include amortization of new construction.

A single facility to house all of Vermont's overcrowding would involve consolidating all of the out of state population in a single facility. Were that the solution, the inmates who are currently in Kentucky would be relocated to this new facility, at a new higher rate, reducing potential savings.

<b>Percapita Cost Comparison</b>				
Vermont vs Corrections Corporation of America				
		<b>Vermont (1)</b>	<b>CCA (2)</b>	<b>CCA - NH (3)</b>
<b>FY2007</b>	actual	\$ 46,207	\$ 20,200	
<b>FY2008</b>	est	\$ 49,197	\$ 21,170	
<b>FY2009</b>	proj	\$ 52,380	\$ 21,805	\$ 28,470
<b>FY2010</b>	proj	\$ 55,769	\$ 22,458	\$ 29,382

(1) Vermont est. at avg growth last 4 years 6.47%  
(2) CCA at contract inflation of 3.0%  
(3) CCA NH est for new facility in, e.g., New Hampshire

The rate of growth of Vermont per capita costs has been 6 ½ % over the past several years. The CCA contract inflation rate is 3%. However, at renewal of contracts, that rate is subject to negotiation and subject to supply and demand.

The Out-of-State contract rates are subject to supply and demand and have dropped when prison capacity was plentiful and risen substantially when capacity was scarce. Nonetheless, the 2007-2008 CCA rate of \$58.00 is below the New Jersey County and State of Virginia rates paid in the late 1990s.

Given the cost comparison, the issues then become: which facility or facilities to close, modernize or expand? What are the collateral effects? Can eligible inmates be identified, and what current selection criteria must be altered?

- **Plan C: Re-Task Several Facilities**

The legislative charge suggests the third approach. This requires consideration of not simply closing, but re-tasking facilities with new populations or missions in response to the changing demands for incarceration and in conjunction with the closing of some capacities, expansion of other capacities, and community alternatives.

There are a number of different understandings of the problem. The correctional facilities serve multiple populations and functions, and intersect with the interests of the criminal justice system, law enforcement, cities and towns, victims, families of offenders, advocates, and taxpayers. Each of these stakeholders has a valid interest in Vermont's current and future correctional system.

Each correctional facility has its own patchwork of idiosyncrasies of structure and operation that make it more or less feasible to expand, re-task, or reduce capacity. There is no single standard. In addition, simply moving populations around does not create any additional capacity.

The next section of this report examines the possible changes for each facility and the resulting consequences or complications. At the end of this section we present three specific scenarios for facility savings.

## A. Analysis of Facilities – Population and Potential for Change

<b>Intakes at Facilities, 2005</b>						
Name	Abbreviation	Location	<i>Women</i>	% Total	<i>Men</i>	% Total
Chittenden Regional Correctional Facility	CRCF	<b>S. Burlington</b>	384	41%	1435	30%
Marble Valley Regional Correctional Facility	MVRCF	<b>Rutland</b>	168	18%	966	20%
Northeast Regional Correctional Facility	NERCF	<b>St. Johnsbury</b>	92	10%	715	15%
Northern State Correctional Facility	NSCF	<b>Newport</b>	28	3%	213	5%
Northwest State Correctional Facility	NWSCF	<b>Swanton</b>	5	1%	433	9%
Southern State Correctional Facility	SSCF	<b>Springfield</b>	129	14%	877	19%
Dale State Correctional Facility	DSCF	<b>Waterbury</b>	42	4%	74	2%
Southeast State Correctional Facility	SESCF	<b>Windsor</b>	95	10%	0	0%
totals			943	100%	4713	100%

Counts only earliest intake of unique person during year.

This table depicts the flow of inmates and detainees into the facilities of first lodging. Both women and men are lodged by law enforcement at the closest facility and transported to the appropriate facility at State (DOC) expense. It should be noted that there are only 1,716 beds available in the nine Vermont facilities, 1,551 for men and 178 for women. Clearly, the population of these facilities turns over many times during the year.

### 1. Chittenden Regional Correctional Facility (CRCF) in S. Burlington

The facility is significantly under-built to serve the substantial needs of the county. In a representative recent count, only 19% of the inmates sentenced in Chittenden Court were housed in CRCF (S. Burlington). Chittenden County generates far more inmates than it has prison beds. The following table counts charges, not individuals, so inmates with charges in more than one county will be multiply counted.

<b>Inmate Population by Court of Charges, September 26, 2007</b>											
	CCCC	NECF	NESC	NWCF	RCCC	SJCC	SSCF	OOS	DSCF	WCF	Total
Chittenden	151	153	41	80	5	11	47	214	35	41	778
Franklin	12	22	6	85		2	15	55	11	13	221
Grand Isle	4	6	1	5				10	2		28
<b>Northwest</b>	167	181	48	170	5	13	62	279	48	54	1027

Chittenden, Franklin, and Grand Isle Courts have contributed 1,027 charges for inmates of the system. This level of court activity requires a capacity for processing that far exceeds that of this facility.

CRCF was opened in 1975 and has a rated capacity of 156 beds. The gymnasium, which was converted to a housing unit, has held up to an additional 38 inmates under a court-ordered cap of 197 inmates. The “house” unit (54 beds) was renovated in the late 1990’s. The general condition of the remainder of the facility is poor. The housing units are small, requiring costly higher staff ratios. Lines of sight on corridors are terrible, requiring additional posts. With an average annual population in FY2007 of 181, per capita annual costs were \$47,424.

- **Inmate Risk Profile**

Very few low risk sentenced offenders are housed at CRCF. The distribution of violent, property, and drug felons is similar to the total incarcerated population, but the number of “miscellaneous” (including offenses like perjury and escape) felons is somewhat higher, likely due to a larger population in community supervision, resulting in more furlough violations for escape.

The recidivism percentages indicated below is the relative risk of offenders with LSI scores in the risk range committing and being convicted of a new offense, not risk of any particular kind of behavior.

<b>Chittenden Regional Correctional Facility (So. Burlington)</b>							
<b>All Incarcerated any Status - July 27, 2007 (no score--&gt;47)</b>							
		<b>LSI-R Risk</b>					
<b>Recidivism</b>		<b>11.7%</b>	<b>31.1%</b>	<b>48.1%</b>	<b>57.3%</b>	<b>76.0%</b>	
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	
		<b>Total</b>					
<b>Offense Level</b>	F-Violent	2	8	21	7	3	41
	F-Prop/Drug		8	14	4	3	29
	F-Misc	1	5	9	3		18
	<b>Felony Total</b>	<b>3</b>	<b>21</b>	<b>44</b>	<b>14</b>	<b>6</b>	<b>88</b>
	M-Violent		2	5	1		8
	M-Misc		2	4	1		7
	<b>Misd Total</b>		<b>4</b>	<b>9</b>	<b>2</b>		<b>15</b>
<b>Total</b>	<b>3</b>	<b>25</b>	<b>53</b>	<b>16</b>	<b>6</b>	<b>103</b>	
		<b>% of Whole Population</b>					
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent	2%	8%	20%	7%	3%	40%
	F-Prop/Drug	0%	8%	14%	4%	3%	28%
	F-Misc	1%	5%	9%	3%	0%	17%
	<b>Felony Total</b>	<b>3%</b>	<b>20%</b>	<b>43%</b>	<b>14%</b>	<b>6%</b>	<b>85%</b>
	M-Violent	0%	2%	5%	1%	0%	8%
	M-Misc	0%	2%	4%	1%	0%	7%
	<b>Misd Total</b>	<b>0%</b>	<b>4%</b>	<b>9%</b>	<b>2%</b>	<b>0%</b>	<b>15%</b>
<b>Total</b>	<b>3%</b>	<b>24%</b>	<b>51%</b>	<b>16%</b>	<b>6%</b>	<b>100%</b>	

- **Function: Detention**

As a regional facility, CRCF's role is to serve the needs of the northwest region for detention. There were 47 detainees from Chittenden Court in the facility on the day surveyed. There were 19 elsewhere in the entire system.

**DETAINEE POPULATION BY FACILITY AND COURT**

7/27/2007

<b>COURT</b>	<b>MALE HOUSING</b>							<b>FEMALE HOUSING</b>		
	Chittenden	St Albans	St. Johnsbury	Newport	Work Camp	Marble Valley	Springfield	Dale	Windsor	Total
Chittenden	47	7	1	8			3			66
Franklin	1	16							2	19
Grand Isle										0
<b>NORTHWEST</b>	<b>48</b>	<b>23</b>	<b>1</b>	<b>8</b>			<b>3</b>		<b>2</b>	<b>85</b>

While the facility serves primarily male inmates, admissions and booking of women creates an average of one or two female beds occupied daily. Detainees from Chittenden Court are also housed in other facilities, but recent improvements in court processing efficiencies have greatly reduced detainee housing demand in Chittenden County.

- **Function: Reentry**

CRCF provides a transitional unit for offenders reentering the Chittenden County area after serving sentences or periods of sanction for violation of furlough. Offenders in this unit are nearing release and are spending their time finding housing, securing work, and reconnecting with the community.

- **Expansion of Capacity**

CRCF's facility footprint does not allow for expansion. According to the Vermont Department of Buildings & General Services (BGS), the foundation construction does not allow expanding by adding stories on top of the existing building. The facility is located in a highly developed, dense area of South Burlington. There is no additional land available on site.

- **Renovation**

CRCF is in relatively poor shape. The design of sight lines and security structures make it barely functional from a correctional perspective. Other major maintenance necessary for the facility's continued use includes security fencing, roof security, and sewage. There is a significant problem with the sewer lines under the facility, contaminating shower drains. Windows in many areas need replacement. Major kitchen renovations estimated at \$150,000 to \$300,000 would be needed, plus an extensive security upgrade to glass and locks.

Currently, Sheriff's transportation vans will not fit into CRCF's garage, so the door must be left open while offenders are being unloaded from the van. A transport escape last year occurred partly as a result.

The camera system is in need of replacement with digital systems.

- **Reduction of Capacity**

Closing CRCF would eliminate the entry point for a large portion of the inmates in the Vermont system. CRCF is unquestionably the busiest of the facilities, with fully one third of all inmates entering Vermont's corrections system there. Each bed at the facility is occupied by the equivalent of 25 different people during the year. The two other high volume facilities, Marble Valley (MVRCF) and St. Johnsbury (NERCF), have fewer beds and significantly lower turnover. CRCF also functions as the male detention center for Chittenden, Franklin, and Grand Isle District Courts.



- **Change of Role**

The legislative charge to this report includes the possible change of role for Chittenden to serve as a Women's Correctional Facility, housing all of the women incarcerated in Vermont. From the opening of the CRCF in South Burlington in 1975, nearly all of the women incarcerated in Vermont were housed in this facility, co-located with men. This was increasingly untenable. Dedicated female capacity was added when the Dale facility was opened in 2002, and after the Southeast State Correctional Facility (SESCF) was converted to a female facility in 2003.

CRCF provides male detention capacity for law enforcement and the courts in Chittenden County. Should the facility role change to a women's correctional facility, renovation would be required, particularly for the smaller units. The male inmates and detainees could be moved to Northwest State Correctional Facility (NWSCF) in St. Albans, and an equivalent number of men from other parts of the system moved to out of state contract beds. This would require maintaining NWSCF and changing its role from a central, high security facility to, at least in part, a regional, short term and detention center. This would further mix long term inmates with a transient population, creating significant security and contraband issues.

There have been as many as 183 women housed in Vermont facilities as recently as November, 2006. Absent a significant reduction in the trend of incarceration of women seen over the past ten years, capacity for women beyond that of CRCF would be required. Complicating this further is the inadvisability of maintaining the use of CRCF's gymnasium as a dormitory, further reducing the useable bed space at the facility as a women's facility. While women inmates pose a lower escape and security level than men, several of them have long sentences, and loss of the program opportunities currently available at SESCf (Windsor) for extended periods would have deleterious effects.

Were the detention function for men reduced or eliminated, detainees would be transported from various facilities to court in Burlington by Sheriffs. Incapacitated persons (CRCF provides housing for 50% of all incapacitated persons lodged statewide) would be transported to NWSCF (St. Albans) by the lodging authority. The lodging authority, however, would not be likely to return to the facility the next day to pick up the incapacitated person, requiring transport by family, friends, community-arranged transportation, or DOC personnel. Release planning for reentering male inmates would be accomplished at a distant facility, making community reintegration more difficult for these offenders.

*Selected Comments of Chittenden County Law Enforcement Relative to Converting the Chittenden Facility to a Female Facility (see Appendices for full texts)*

**From the Colchester Police Department** - "A quick calculation estimates our department alone would have traveled an additional 6,515.4 miles and spent 111 additional hours travel time to Northwest verses CRCC. With the amount of lodgings and incaps needing transport from Chittenden County police Agencies it seems counterproductive to further deplete our resources by these significant drains."

**From the South Burlington Police Department** - "...I calculated the impact to my budget at approximately \$18,000 to \$20,000 for arrested individuals. "I am strongly opposed to this suggestion and worry what the trickle down effect would be to other agencies..."

**From the Chittenden County Sheriff's Office** - "In 2006, the Chittenden County Sheriff's Office transported approximately 3,000 inmate transports to Vermont District Courts in Vermont, the majority of those to the Burlington Courthouse." "I have spoken about this proposal to the Chittenden County State's Attorney, T.J. Donovan and he feels the same as I do...Without going on forever, this is a bad move..."

This facility has an inadequate medical and mental health space and limited work and program space.

**2. Marble Valley Regional Correctional Facility (MVRCF) in Rutland**

MVRCF (Rutland) was opened in 1979 and has a rated capacity of 118 beds. The facility is rated as a medium security facility with one minimum-security unit. It has housed as many as 170 inmates under extreme crowding conditions. With an average annual population in FY2007 of 143, per capita annual costs were \$49,430. With significant overcrowding, the costs per capita decrease. For example, if the population were reduced to 118, and expenditures and staffing remained the same, the per capita cost would be nearly \$60,000.

Inmate Population by Court of Charges, September 26, 2007											
	Male Housing							Female Housing			Total
	CCCC	NECF	NESC	NWCF	RCCC	SJCC	SSCF	OOS	DSCF	WCF	
Addison	7	16	5	3	12	1	12	34	2	4	96
Bennington		23	11	21	41	2	37	51	1	6	193
Rutland	2	32	21	11	83	1	48	59	4	25	286
SouthWest	9	71	37	35	136	4	97	144	7	35	575

• **Inmate Risk Profile**

Marble Valley Regional Correctional Facility (Rutland)							
All Incarcerated any Status - July 27, 2007 (no score-->39)							
		LSI-R Risk					Total
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	2	8	17	6		33
	F-Prop/Drug		7	13	3	1	24
	F-Misc	1	3	6		1	11
	<b>Felony Total</b>	<b>3</b>	<b>18</b>	<b>36</b>	<b>9</b>	<b>2</b>	<b>68</b>
	M-Violent		1	1	1		3
	M-Misc		4	1	1	1	7
	<b>Misd Total</b>		<b>5</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>10</b>
<b>Total</b>		<b>3</b>	<b>23</b>	<b>38</b>	<b>11</b>	<b>3</b>	<b>78</b>
		% of Facility Population					Total
		Low	Low-Mod	Moderate	High	Highest	
Offense Level	F-Violent	3%	10%	22%	8%	0%	42%
	F-Prop/Drug	0%	9%	17%	4%	1%	31%
	F-Misc	1%	4%	8%	0%	1%	14%
	<b>Felony Total</b>	<b>4%</b>	<b>23%</b>	<b>46%</b>	<b>12%</b>	<b>3%</b>	<b>87%</b>
	M-Violent	0%	1%	1%	1%	0%	4%
	M-Misc	0%	5%	1%	1%	1%	9%
	<b>Misd Total</b>	<b>0%</b>	<b>6%</b>	<b>3%</b>	<b>3%</b>	<b>1%</b>	<b>13%</b>
<b>Total</b>		<b>4%</b>	<b>29%</b>	<b>49%</b>	<b>14%</b>	<b>4%</b>	<b>100%</b>

Inmates at MVRCF are predominantly felons but also of moderate risk levels. This is in keeping with its role as a reentry facility housing offenders who have completed most of their sentence. Many of the offenders are returns from field placement on violation or graduated sanction.

- **Function: Detention**

**DETAINEE POPULATION BY FACILITY AND COURT**

7/27/2007

COURT	MALE HOUSING						FEMALE HOUSING			
	Chittenden	St Albans	St. Johnsbury	Newport	Work Camp	Marble Valley	Springfield	Dale	Windsor	Total
Addison						3	1		1	5
Bennington			1			21	10		4	36
Rutland	1			1		19	30	3	5	59
SOUTHWEST	1		1	1		43	41	3	10	100

The facility serves as the detention center and pre-release center for Bennington, Rutland, and Addison counties. However, many of the detainees from southwest courts are also housed in Springfield at the Southern State Correctional Facility.

- **Expansion of Capacity**

The facility is built on the grounds of the old House of Correction for Women in Rutland. As such, it is located in a residential neighborhood and has no room for horizontal expansion. The Department of Buildings and General Services (BGS) has examined the potential of vertical expansion, but the costs would be prohibitive.

- **Renovation**

MVRCF is in relatively good shape. The vocational training building was built as temporary housing in 1986 and is in serious need of replacement. It was originally designed for a 5-year life cycle. Other major maintenance required for the facility's continued use includes structural distress issues from 25+ years of use. The facility is scheduled for replacement by 2021<sup>5</sup>.

- **Reduction of Capacity**

MVRCF is the second most active correctional facility with 20% of the total male and 18% of the female intakes processing through the facility. Each bed at the facility is occupied by the equivalent of 18 different people during the year. The facility also functions as the detention center for Rutland and Bennington District Courts. There were 100 detainees from these courts housed system wide. Forty-three were actually housed at this facility. Given demand, reduction of this facility is not feasible.

- **Change of Role**

Like Northeast Regional Correctional Facility (NERCF) in St. Johnsbury, MVRCF is designed for secure detention and short-sentenced inmates and as a reentry facility for

<sup>5</sup> R. Tasha Wallis & Robert D. Hofmann, "Correctional Facilities Infrastructure Assessment," February 2006.

inmates nearing the end of a longer sentence. It is not considered feasible to change roles for MVRFC or that of NERCF (St. Johnsbury). MVRFC could house all male detainees from the region at the expense of reentry and violation housing.

### 3. Northeast Regional Correctional Facility (NERCF) in St. Johnsbury

NERCF (St. Johnsbury) was opened in 1981, and is architecturally a near twin to the MVRFC (Rutland). It is rated as a medium security facility with a minimum-security unit. The operational capacity is 108 beds, but the facility has housed as many as 165 inmates under extreme conditions in the past. With an average annual population in FY2007 of 141, per capita annual costs were \$48,537. If the population were at capacity, 108, with no change in staffing, the per capita cost would have been in excess of \$63,000.

**Inmate Population by Court of Charges, September 26, 2007**

	CCCC	NECF	NESC	NWCF	RCCC	SJCC	SSCF	OOS	DSCF	WCF	Total
Caledonia	1	24	2	7	1	38	10	31	2	4	120
Essex		4		1		7	1	6		1	20
Lamoille	9	26	3	15		19	8	19	4	3	106
Orleans	3	52	5	3		6	11	37	3	7	127
Washington	2	26	9	19	1	68	15	37	6	3	186
<b>Northeast</b>	<b>15</b>	<b>132</b>	<b>19</b>	<b>45</b>	<b>2</b>	<b>138</b>	<b>45</b>	<b>130</b>	<b>15</b>	<b>18</b>	<b>559</b>

- **Inmate Risk Profile**

<b>Northeast Regional Correctional Facility (St. Johnsbury)</b>							
<b>All Incarcerated any Status - July 27, 2007 (no score--&gt;35)</b>							
		<b>LSI-R Risk</b>					
<b>Recidivism</b>		<b>11.7%</b>	<b>31.1%</b>	<b>48.1%</b>	<b>57.3%</b>	<b>76.0%</b>	
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent	1	4	13	8		26
	F-Prop/Drug		2	14	3		19
	F-Misc		1	10	7	2	20
	<b>Felony Total</b>	<b>1</b>	<b>7</b>	<b>37</b>	<b>18</b>	<b>2</b>	<b>65</b>
	M-Violent		1	4	1		6
M-Misc		2	5	1		8	
<b>Misd Total</b>		<b>3</b>	<b>9</b>	<b>2</b>		<b>14</b>	
<b>Total</b>		<b>1</b>	<b>10</b>	<b>46</b>	<b>20</b>	<b>2</b>	<b>79</b>
		<b>% of Whole Population</b>					
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent	1%	5%	16%	10%	0%	33%
	F-Prop/Drug	0%	3%	18%	4%	0%	24%
	F-Misc	0%	1%	13%	9%	3%	25%
	<b>Felony Total</b>	<b>1%</b>	<b>9%</b>	<b>47%</b>	<b>23%</b>	<b>3%</b>	<b>82%</b>
	M-Violent	0%	1%	5%	1%	0%	8%
M-Misc	0%	3%	6%	1%	0%	10%	
<b>Misd Total</b>	<b>0%</b>	<b>4%</b>	<b>11%</b>	<b>3%</b>	<b>0%</b>	<b>18%</b>	
<b>Total</b>		<b>1%</b>	<b>13%</b>	<b>58%</b>	<b>25%</b>	<b>3%</b>	<b>100%</b>

The sentenced population at NERCF (St. Johnsbury) is predominantly felon, but has a smaller proportion of violent offenders than the rest of the male system.

- **Function: Detention**

**DETAINEE POPULATION BY FACILITY AND COURT**

7/27/2007

COURT	MALE HOUSING							FEMALE HOUSING		
	Chittenden	St Albans	St. Johnsbury	Newport	Work Camp	Marble Valley	Springfield	Dale	Windsor	Total
Caledonia		2	15	4			1			22
Essex			2	2			1			5
Lamoille	1		6	4			1			12
Orleans				9			2	1	1	13
Washington	1	1	15				3	2		22
<b>NORTHEAST</b>	<b>2</b>	<b>3</b>	<b>38</b>	<b>19</b>			<b>8</b>	<b>3</b>	<b>1</b>	<b>74</b>

The facility serves as the detention center and pre-release center for Caledonia, Essex, Lamoille, Orleans, and Washington counties. Offenders from the Orleans area are housed in Northern State Correctional Facility (NSCF) in Newport for the convenience of the court.

- **Expansion of Capacity**

NERCF has land for expansion. The Caledonia Community Work Camp (CCWC) is in fact located on the grounds of NERCF, and there is additional space available on state property to expand either facility. Use of this space would impinge on the recreation fields for the two facilities. Expanding the existing regional facility would be complicated given the construction design. Like MVRCF (Rutland), NERCF is a medium security design. Additions would not be easy. Stand-alone additions are, however, feasible given the land available and the mutually beneficial relationship developed with the local community.

- **Renovation**

While the facility is in reasonably good physical condition, there are accumulated maintenance needs at this facility, because of 25+ years of service.

- **Reduction of Capacity**

NERCF serves the courts of Caledonia, Essex, Orleans, Lamoille, and Washington counties. Only half of the detainees housed in DOC from those counties are actually housed in NERCF.

DOC receives 15% of the total male and 10% of the female intakes processing through the NERCF. Each bed at the facility is occupied by the equivalent of 12 different people during the year. The facility also functions as the detention center for Caledonia, Essex, Lamoille, Orleans, and Washington District Courts. Given the demand, reduction of this facility is not feasible.

- **Change of Role**

Like, MVRCF (Rutland), the NERCF is designed for secure detention and short-sentenced inmates and as a reentry facility for inmates nearing the end of a longer sentence. It is not presently feasible to change role for this facility.

#### 4. Northwest State Correctional Facility (NWSCF) in St. Albans

NWSCF (St. Albans) was originally opened as a Young Adult Offender Diagnostic and Treatment Facility in 1968, with 40 beds. After the closing of Windsor Prison in 1975, the facility was double-bunked and converted to the (then) most secure facility for the state with the addition of D & E Wings. The facility was expanded in 1984 with the addition of three units (F, G, and H) totaling 90 beds for housing sex offenders, and again in 1990 with I and J units adding 50 beds, for a total of 242 beds.

- **Inmate Risk Profile**

Northwest State Correctional Facility (Swanton)							
All Incarcerated any Status - July 27, 2007 (no score-->29)							
		LSI-R Risk					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	8	31	61	29	4	133
	F-Prop/Drug	1	9	17	12	2	41
	F-Misc		6	12	1		19
	<b>Felony Total</b>	<b>9</b>	<b>46</b>	<b>90</b>	<b>42</b>	<b>6</b>	<b>193</b>
	M-Violent		1	4	1	1	7
	M-Misc		4	8			12
	<b>Misd Total</b>		<b>5</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>19</b>
<b>Total</b>	<b>9</b>	<b>51</b>	<b>102</b>	<b>43</b>	<b>7</b>	<b>212</b>	
		% of Whole Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	4%	15%	29%	14%	2%	63%
	F-Prop/Drug	0%	4%	8%	6%	1%	19%
	F-Misc	0%	3%	6%	0%	0%	9%
	<b>Felony Total</b>	<b>4%</b>	<b>22%</b>	<b>42%</b>	<b>20%</b>	<b>3%</b>	<b>91%</b>
	M-Violent	0%	0%	2%	0%	0%	3%
	M-Misc	0%	2%	4%	0%	0%	6%
	<b>Misd Total</b>	<b>0%</b>	<b>2%</b>	<b>6%</b>	<b>0%</b>	<b>0%</b>	<b>9%</b>
<b>Total</b>	<b>4%</b>	<b>24%</b>	<b>48%</b>	<b>20%</b>	<b>3%</b>	<b>100%</b>	

- **Function: Secure Treatment**

NWSCF houses a population of sex offenders in treatment or awaiting treatment, and other serious criminals. One quarter of the inmates score in the highest risk profiles; and two thirds have committed violent felony offenses. Inmates at Northwest generally are participating in treatment programs or in Vermont Correctional Industries (“VCI”), which provides productive inmate activities as well as providing printing services for state and local government. A very small number of inmates are convicted of low severity offenses, largely housed as overflow from CRCF (S. Burlington).

- **Function: Detention**

NWSCF houses 35-40 detainees, about half of whom are from Franklin Court. The rest are lodged under contract with the Federal U.S. Marshal, who has no prison space in Vermont, though many Vermonters are arrested by the Federal Government.

Northwest State Population by Court

Add	Benn	Rutl	Chit	Fran	Gr Is	Caled	Essx	Lamo	Orln	Wash	Oran	Winm	Wins	Unk	Total	Undup.
3	21	11	80	85	5	7	1	15	3	19	5	9	7	37	308	237

- **Expansion of Capacity**

NWSCF has significant room for expansion, with a 160-acre, wooded site. The facility is seriously deteriorated and the 1969 core facility structures are “obsolete and almost unserviceable.”<sup>6</sup>

- **Renovation**

Numerous upgrades have been made to the facility, but “programmatically the facility is barely serviceable”<sup>7</sup>. Correctional programming and space utilization are extremely inefficient.

- **Reduction of Capacity**

While discrete units of the facility could be closed, incremental or resulting savings, as discussed earlier, would be minor. Significant renovation would require closing the entire facility given the configuration of inmate movement requirements. The facility could be closed entirely which would require finding space for Franklin county detainees within the existing instate system and placing the residual sentenced population in out of state contract housing.

However, finding sufficient inmates who meet the criteria for going out of state would be difficult, likely requiring eliminating the criteria for age, for example, that restricts inmates who attend the Community High School of Vermont or those who participate in Vermont Offender Work Programs from being sent. We currently send inmates with as short a sentence to serve as 60 days, and might have to shorten this window even further, or curtail the reentry window served in Vermont prisons.

In addition, closing this facility would necessitate finding a facility to host the sex offender treatment program. This requires both space and access to qualified treatment contractors.

Per capita cost for FY2007 was \$48,566.

- **Change of Role**

With some renovation, NWSCF could be converted to a secure women’s facility serving a statewide women’s population. The facility is located north of Chittenden County, the source of many women currently admitted to the Corrections system at CRCF (South Burlington). Even after closing the least serviceable units, the remaining 200 beds would be adequate for housing women for some time into the future. Any unused space could be used to house female offenders from other New England states (New Hampshire has expressed interest in the past).

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<sup>6</sup> R. Tasha Wallis & Robert D. Hofmann, “Correctional Facilities Infrastructure Assessment,” February, 2006

<sup>7</sup> R. Tasha Wallis & Robert D. Hofmann, “Correctional Facilities Infrastructure Assessment,” February, 2006

The grounds also have room for significant expansion. The land would allow, for example, a work camp to serve the northwest region of the state, with separate housing from either the current population of men, or a re-tasked women’s facility.

The US Marshal has indicated an interest in acquiring more bed space from DOC. This option is discussed later.

### **5. Southern State Correctional Facility (SSCF) in Springfield**

The population at SSCF (Springfield) consists of a mixture of southeast region detainees, inmates awaiting transfer out of state and returning from out of state, a small number of aged and infirm inmates, and a significant population of inmates with mental illness. Half of the population has a diagnosis of mental illness; most of the seriously mentally ill inmates are housed here. The facility houses both the acute care unit with a population of 16 and the transitional housing unit for inmates with mental illness.

The facility staff have distinguished themselves by effectively supervising offenders who pose unmanageable disciplinary issues in other Vermont facilities.

**Southern State Correctional Facility**

Add	Benn	Rutl	Chit	Fran	Gr Is	Caled	Essx	Lamo	Orln	Wash	Oran	Winm	Wins	Unk	Total	Undup.
12	37	48	47	15		10	1	8	11	15	21	103	83	38	449	<b>345</b>

The demand for housing from the southeast region has been growing, in particular from Windham County.

**Inmate Population by Court of Charges, September 26, 2007**

	CCCC	NECF	NESC	NWCF	RCCC	SJCC	SSCF	OOS	DSCF	WCF	Total
Orange		7	1	5	1	8	21	13	1		57
Windham	1	18	7	9	1	2	103	72	3	13	229
Windsor	1	11	5	7	3	4	83	37	5	4	160
<b>Southeast</b>	2	36	13	21	5	14	207	122	9	17	446

The consequence is that the facility housed inmates from nearly every court in Vermont.



- **Inmate Risk Profile**

Southern State Correctional Facility (Springfield)							
All Incarcerated any Status - July 27, 2007 (no score-->83)							
		LSI-R Risk					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	13	42	51	27	4	137
	F-Prop/Drug		11	26	13	7	57
	F-Misc	1	8	13	3		25
	<b>Felony Total</b>	<b>14</b>	<b>61</b>	<b>90</b>	<b>43</b>	<b>11</b>	<b>219</b>
	M-Violent	1	4	10	1		16
	M-Misc		7	2	2	1	12
	<b>Misd Total</b>	<b>1</b>	<b>11</b>	<b>12</b>	<b>3</b>	<b>1</b>	<b>28</b>
<b>Total</b>		<b>15</b>	<b>72</b>	<b>102</b>	<b>46</b>	<b>12</b>	<b>247</b>
		% of Facility Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	5%	17%	21%	11%	2%	55%
	F-Prop/Drug	0%	4%	11%	5%	3%	23%
	F-Misc	0%	3%	5%	1%	0%	10%
	<b>Felony Total</b>	<b>6%</b>	<b>25%</b>	<b>36%</b>	<b>17%</b>	<b>4%</b>	<b>89%</b>
	M-Violent	0%	2%	4%	0%	0%	6%
	M-Misc	0%	3%	1%	1%	0%	5%
	<b>Misd Total</b>	<b>0%</b>	<b>4%</b>	<b>5%</b>	<b>1%</b>	<b>0%</b>	<b>11%</b>
<b>Total</b>		<b>6%</b>	<b>29%</b>	<b>41%</b>	<b>19%</b>	<b>5%</b>	<b>100%</b>

- **Function: Secure Treatment**

The sentenced population at SSCF is of higher risk level and violent offense than any other facility. The facility also provides housing for inmates with diagnoses of mental illness in the department, and provides a medical care facility, and units for mental health care.

- **Function: Detention**

SSCF serves as the detention facility serving the Orange, Windsor, and Windham Courts.

**DETAINEE POPULATION BY FACILITY AND COURT**

7/27/2007

COURT	MALE HOUSING							FEMALE HOUSING		
	Chittenden	St Albans	St. Johnsbury	Newport	Work Camp	Marble Valley	Springfield	Dale	Windsor	Total
Orange			2				9		1	12
Windham							20			20
Windsor	1		1				26		2	30
SOUTHEAST	1		3				55		3	62

- **Expansion of Capacity**

This is a logical facility to expand. The facility opened in 2003 and was designed for expansion to accommodate at least one more 150-bed unit. SSCF has modern security and electronics. The site has been fitted up for expansion of the facility.

The additional bed space would further increase the economies of scale provided by the existing design and configuration of the facility. Any expansion of the facility should include additional program and workspace, since there is already limited activity for inmates, let alone for an expanded population. Kitchen and dining hall facilities might also need an upgrade for the expanded population.

- **Renovation**

Renovation of this facility is not necessary. However, the co-generation heating plant built into the original design has not been put into operation as planned, and a new energy plant should be considered for long-term needs.

- **Reduction of Capacity**

Per capita cost for FY2007 was \$43,337, making SSCF among the most efficient facilities. It would be unwise to reduce capacity at the facility given that it houses many extremely difficult-to-manage offenders. To the contrary, expansion of the capacity of this facility would reduce per capita costs.

- **Change of Role**

SSCF was designed as a modern secure program facility to house special populations and those requiring higher security and intervention. It would be inappropriate to change the role of this facility, although the utilization of the facility for mentally ill and otherwise difficult populations would be expandable.

## **6. Northern State Correctional Facility (NSCF) in Newport**

Built in 1994, NSCF (Newport) houses a significant number of offenders from Chittenden County. It also serves as a detention center for Orleans Court. The facility is of medium security configuration, with 385 beds. The facility houses an array of treatment programs, and is a flagship for the Community High School of Vermont and the Habits of Mind program.

**Northern State Correctional Facility**

Add	Benn	Rutl	Chit	Fran	Gr Is	Caled	Essx	Lamo	Orln	Wash	Oran	Winm	Wins	Unk	Total	Undup.
16	23	32	153	22	6	24	4	26	52	26	7	18	11	18	438	<b>346</b>

- **Inmate Risk Profile**

The profile of inmates at this facility shows a much higher proportion of drug/property felons than at other facilities, including SSCF (Springfield) and NWSCF (St. Albans).

Northern State Correctional Facility (Newport)							
All Incarcerated any Status - July 27, 2007 (no score-->21)							
		LSI-R Risk					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	5	33	68	19	9	134
	F-Prop/Drug		22	55	30	4	111
	F-Misc	1	5	10	2		18
	<b>Felony Total</b>	<b>6</b>	<b>60</b>	<b>133</b>	<b>51</b>	<b>13</b>	<b>263</b>
	M-Violent		5	13	8	2	28
	M-Misc	1	5	12	4	1	23
	<b>Misd Total</b>	<b>1</b>	<b>10</b>	<b>25</b>	<b>12</b>	<b>3</b>	<b>51</b>
<b>Total</b>	<b>7</b>	<b>70</b>	<b>158</b>	<b>63</b>	<b>16</b>	<b>314</b>	
		% of Whole Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	2%	11%	22%	6%	3%	43%
	F-Prop/Drug	0%	7%	18%	10%	1%	35%
	F-Misc	0%	2%	3%	1%	0%	6%
	<b>Felony Total</b>	<b>2%</b>	<b>19%</b>	<b>42%</b>	<b>16%</b>	<b>4%</b>	<b>84%</b>
	M-Violent	0%	2%	4%	3%	1%	9%
	M-Misc	0%	2%	4%	1%	0%	7%
	<b>Misd Total</b>	<b>0%</b>	<b>3%</b>	<b>8%</b>	<b>4%</b>	<b>1%</b>	<b>16%</b>
<b>Total</b>	<b>2%</b>	<b>22%</b>	<b>50%</b>	<b>20%</b>	<b>5%</b>	<b>100%</b>	

- **Function: Secure Treatment**

The facility role is to serve as the program center for youthful offenders, for offenders in Habits of Mind programs, and for offenders in the Cognitive Self Change Program. The proportion of violent offenders is lower than the other central facilities. The facility also houses a number of older inmates serving long sentences.

- **Function: Detention**

The facility houses approximately 32 detainees, most on serious charges and including eight detainees from Orleans Court.

- **Expansion of Capacity**

The Facility was expanded in 2000, adding 116 beds. The grounds could accommodate an additional unit, but there are grade and wetland issues that restrict substantial expansion.

- **Renovation**

This facility is in good shape with modern construction. No significant renovation is required aside from the deterioration of several of the roofs.

- **Reduction of Capacity**

The economies that could be achieved with reductions of less than the entire facility would be minimal. NSCF is one of the more efficient prisons in the state.

Per capita cost for FY2007 was \$39,642.

- **Change of Role**

The facility is designed as program-intensive housing. Conversion to secure housing with minimal programming could reduce costs in the short term, but would likely result in increased security staffing to offset the security benefits of providing programming to willing inmates.

### **7. Caledonia Community Work Camp (CCWC) in St. Johnsbury**

The work camp is relatively new, built in 1994 as an innovative model of correctional facility for Vermont. It houses non-violent offenders in minimum-security settings, participating in community service work crews, education, and substance abuse treatment. The majority of the inmates are not on-site during the day. The facility houses up to 100 male offenders.

- **Inmate Risk Profile**

<b>Caledonia County Work Camp (St. Johnsbury)</b>							
<b>All Incarcerated any Status - July 27, 2007 (no score--&gt;1)</b>							
		<b>LSI-R Risk</b>					
<b>Recidivism</b>		<b>11.7%</b>	<b>31.1%</b>	<b>48.1%</b>	<b>57.3%</b>	<b>76.0%</b>	
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent						
	F-Prop/Drug		13	32	3	2	50
	F-Misc	2	21	13			36
	<b>Felony Total</b>	<b>2</b>	<b>34</b>	<b>45</b>	<b>3</b>	<b>2</b>	<b>86</b>
	M-Violent						
	M-Misc	2	5	3	1		11
	<b>Misd Total</b>	<b>2</b>	<b>5</b>	<b>3</b>	<b>1</b>		<b>11</b>
<b>Total</b>	<b>4</b>	<b>39</b>	<b>48</b>	<b>4</b>	<b>2</b>	<b>97</b>	
		<b>% of Whole Population</b>					
		<b>Low</b>	<b>Low-Mod</b>	<b>Moderate</b>	<b>High</b>	<b>Highest</b>	<b>Total</b>
<b>Offense Level</b>	F-Violent						
	F-Prop/Drug	0%	13%	33%	3%	2%	52%
	F-Misc	2%	22%	13%	0%	0%	37%
	<b>Felony Total</b>	<b>2%</b>	<b>35%</b>	<b>46%</b>	<b>3%</b>	<b>2%</b>	<b>89%</b>
	M-Violent						
	M-Misc	2%	5%	3%	1%	0%	11%
	<b>Misd Total</b>	<b>2%</b>	<b>5%</b>	<b>3%</b>	<b>1%</b>	<b>0%</b>	<b>11%</b>
<b>Total</b>	<b>4%</b>	<b>40%</b>	<b>49%</b>	<b>4%</b>	<b>2%</b>	<b>100%</b>	

The profile of the work camp population is distinctively different from all other male facilities, in that there are generally no violent offenders, either felony or misdemeanor, at the facility. There are also very few high-risk offenders. This is consistent with the role of the facility. However, there are also very few low risk (to re-offend) offenders due to the high proportion of substance abusers among the population. People with low re-offense rates generally serve their time in the community.

- **Function: Work Camp**

The Work Camp provides non-violent inmates the opportunity to make amends for their criminal acts by performing unpaid work services for communities and non-profit organizations surrounding the facility.

- **Function: Detention – N/A**

There are no detainees at the work camp.

- **Expansion of Capacity**

The Work Camp is located on the grounds of NERCF (St. Johnsbury). The current facility could easily be expanded by approximately 20 beds, requiring modest renovation and the addition of ten bunk beds. There is sufficient space on the grounds for more significant expansion. An additional unit could be placed on the site, enhancing operating efficiencies. This is further discussed in following sections.

- **Renovation**

The facility is in good shape, requiring modest improvements in drainage.

- **Reduction of Capacity**

The inmates at this facility are the “safest” in the incarceration system (generally none are serving on violent charges), and could well be placed in the community. The facility could then be closed. However, these inmates are less likely to succeed in the community given substance abuse issues combined with work skill and experience deficits. The facility also enjoys the best DOC/Community relations in the system, due to the very large contribution of labor provided to the Town of St. Johnsbury and surrounding communities.

Per capita cost for FY2007 was \$40,509, but since inmates get 2-for-1 credit for time served, the effective cost is half this.

- **Change of Role**

The facility cannot accommodate a higher security offender, but could be converted to a women’s facility (work camp or therapeutic community).

## 8. Southeast State Correctional Facility (SESCF) in Windsor

This facility is the oldest correctional facility still in operation in Vermont with buildings dating back to 1935. In 2003, with the opening of the SSCF (Springfield), SESCOF (Windsor) was emptied and converted to women's housing. The facility is minimum security with an open dormitory security configuration. The capacity of the facility is 104 beds, and the average population housed exceeded this number in FY2007.

The per capita cost for FY2007 was \$48,488.

- **Inmate Risk Profile**

Southeast State Correctional Facility (Windsor)							
All Incarcerated any Status - July 27, 2007 (no score-->22)							
		LSI-R Risk					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	1	9	5	4		19
	F-Prop/Drug	1	11	11	10	3	36
	F-Misc	3	1	3	1	1	9
	<b>Felony Total</b>	<b>5</b>	<b>21</b>	<b>19</b>	<b>15</b>	<b>4</b>	<b>64</b>
	M-Violent			1	3		4
	M-Misc		1	3	2		6
	<b>Misd Total</b>		<b>1</b>	<b>4</b>	<b>5</b>		<b>10</b>
	<b>Total</b>	<b>5</b>	<b>22</b>	<b>23</b>	<b>20</b>	<b>4</b>	<b>74</b>
		% of Whole Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	1%	12%	7%	5%	0%	26%
	F-Prop/Drug	1%	15%	15%	14%	4%	49%
	F-Misc	4%	1%	4%	1%	1%	12%
	<b>Felony Total</b>	<b>7%</b>	<b>28%</b>	<b>26%</b>	<b>20%</b>	<b>5%</b>	<b>86%</b>
	M-Violent	0%	0%	1%	4%	0%	5%
	M-Misc	0%	1%	4%	3%	0%	8%
	<b>Misd Total</b>	<b>0%</b>	<b>1%</b>	<b>5%</b>	<b>7%</b>	<b>0%</b>	<b>14%</b>
	<b>Total</b>	<b>7%</b>	<b>30%</b>	<b>31%</b>	<b>27%</b>	<b>5%</b>	<b>100%</b>

The population of this facility is of very low violence, with more than two-thirds of the women convicted of non-violent offenses. The recidivism risk profile is somewhat higher than that of men. There are a small number of low risk women, convicted of felonies, housed at the facility.

- **Function: Treatment for Women**

The facility provides correctional treatment programs and gender-specific treatment programs for women. The facility also houses a large component of the Vermont Correctional Industries, including Vermont State license plate and highway sign manufacture. The facility does not provide secure general population confinement above a minimum-security level.

- **Function: Detention**

While originally designated in 2003 as a facility for sentenced women only, the facility now houses 18 detainees, two thirds of the women detained.

**DETAINEE POPULATION BY FACILITY AND COURT**

7/27/2007

COURT	Add	Benn	Rutl	Chit	Frank	Gr Is	Cale	Essx	Lam	Orl	Wash	Orng	Wdm	Wdsr	Other	Total
Dale			3							1	2				2	8
Windsor	1	4	5		2					1		1		2	2	18
<b>Totals</b>	<b>1</b>	<b>4</b>	<b>8</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>4</b>	<b>26</b>

- **Expansion of Capacity**

The facility sits on 900 acres of state land, and has a sewer/water extension to the site. The grounds are well suited to significant expansion. With adequate and complete separation, both male and female housing could be added. Recruitment of staff for an expanded facility in this labor market could be problematic.

The facility infrastructure and deterioration make including demolition of the existing plant a consideration during any significant expansion.

- **Renovation**

The main building is programmatically obsolete. Many of the outbuildings are suitable for ongoing program use. Renovation of the existing main building (built in 1935) is not advisable. A second fence is required to meet basic standards for security.

- **Reduction of Capacity**

Given the demand for women's housing at the current time, and obvious economies of scale, reduction of capacity is not feasible.

- **Change of Role**

Any change of role for SESCOF is contingent on finding alternate housing for the women inmates. Compared to male populations, women in prison do not pose as significant a threat of violence or escape. This reality should be addressed in developing either alternative placements or facility housing. Their main risk is for re-offense and self-harming behaviors such as drug abuse, but not of substantial violence to staff or other inmates.

SESCOF could readily be converted back to a minimum-security male facility. The facility could house any kind of offense severity, as it is a closed facility. However, the present security level and architecture of the facility restricts it to only minimum security, pro-social male inmates. This would be an ideal site for a work camp, or an Offender Work Program male facility. The site is suitable for further expansion.

## 9. Dale State Correctional Facility (DSCF) in Waterbury

DSCF (Waterbury) was converted from a component of the Vermont State Hospital in 2001 as a first step to respond to the growth of female inmates. It is a medium security facility for women, with four booking detention beds on the ground floor occasionally used for male incapacitated persons or for overnight lodgings.

- **Inmate Risk Profile**

Dale State Correctional Facility (Waterbury)							
All Incarcerated any Status - July 27, 2007 (no score-->15)							
		LSI-R Risk					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	1	1	2	2	1	7
	F-Prop/Drug		3	10	7		20
	F-Misc			2	1		3
	<b>Felony Total</b>	<b>1</b>	<b>4</b>	<b>14</b>	<b>10</b>	<b>1</b>	<b>30</b>
	M-Violent		1	4			5
	M-Misc		1	2	1	1	5
	<b>Misd Total</b>		<b>2</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>10</b>
<b>Total</b>	<b>1</b>	<b>6</b>	<b>20</b>	<b>11</b>	<b>2</b>	<b>40</b>	
		% of Whole Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	3%	3%	5%	5%	3%	18%
	F-Prop/Drug	0%	8%	25%	18%	0%	50%
	F-Misc	0%	0%	5%	3%	0%	8%
	<b>Felony Total</b>	<b>3%</b>	<b>10%</b>	<b>35%</b>	<b>25%</b>	<b>3%</b>	<b>75%</b>
	M-Violent	0%	3%	10%	0%	0%	13%
	M-Misc	0%	3%	5%	3%	3%	13%
	<b>Misd Total</b>	<b>0%</b>	<b>5%</b>	<b>15%</b>	<b>3%</b>	<b>3%</b>	<b>25%</b>
<b>Total</b>	<b>3%</b>	<b>15%</b>	<b>50%</b>	<b>28%</b>	<b>5%</b>	<b>100%</b>	

As with SESCOF (Windsor), the profile of women at DSCF shows a very low proportion of violence with a consequential very high proportion of non-violent offenses. The recidivism risk profile, however, shows many high-risk offenders. This is in keeping with the serious substance abuse and mental health issues exhibited by the women's population. Vermont facilities are not geared to female inmates serving long terms. Windsor is not secure enough, and Dale is too confined. As a result, there are three Vermont women inmates convicted of serious violent crimes currently serving time in other states through the Interstate Compact.

- **Function: Special Housing**

The Dale Facility houses women with special housing needs, including mental health needs, and need for secure housing, as well as a population of inmates reentering the northwest part of the state.



- **Function: Detention**

Few detainees are housed at DSCF. On the particular snapshot day, there were no women detained from Chittenden Court.

- **Expansion of Capacity**

The facility fills the capacity of the site. Further expansion is extremely problematic as the rest of the available plant is not well suited for use as a correctional facility.

- **Renovation**

Similarly, the investment in renovation of existing office sites would be prohibitive. In addition, connection to other buildings would be difficult.

- **Reduction of Capacity**

Per capita cost for FY2007 was \$67,082. This is the most expensive facility in the system, per capita, and merits special attention. The per capita cost in FY2005 was more than \$72,000, and has come down only due to expansion of the numbers housed with the addition of 16 mental health beds in 2005. Further reduction in use would drive up the per capita costs.

- **Change of Role**

The role of DSCF could be developed as a special housing center for women inmates. The facility is not suited to long term stay due to the limited yard and program space. With sufficient bed space alternatives to house the women inmate population, the most cost-beneficial change of role would be to close the facility as correctional housing. It may be possible to convert the facility to transitional housing, but operational costs will continue to be prohibitive due to the tiny scale.

However, the use of DSCF as a specialized facility serving the mental health and co-occurring substance abuse issues presented by a significant number of women in the system is an expensive possibility. Some 54% of the incarcerated women have a diagnosis of mental illness, but specialization would likely increase per capita costs.

DSCF is not suitable for housing male inmates, particularly those with mental illness, who can be significantly violent and disruptive.

## **10. Out of State Contract Beds (Corrections Corporation of America)**

The Vermont Department of Corrections began using out of state beds under contract in 1998, first with a county Sheriff in Monmouth, New Jersey, later contracting for expanded bedspace from the State of Virginia. In 2003, due to increasing cost

pressures, the contract was put out to bid and was awarded (at reduced cost) to Corrections Corporation of America (CCA).

There are inmates from every court in Vermont housed out of state.

**Out of State (Contract) Facilities**

Add	Benn	Rutl	Chit	Fran	Gr Is	Caled	Essx	Lamo	Orln	Wash	Oran	Winm	Wins	Unk	Total	Undup.
34	51	59	214	55	10	31	6	19	37	37	13	72	37	28	703	551

- Inmate Risk Profile**

The population housed in contract bed space is significantly more violent, and higher risk, than those housed in Vermont facilities. Fully 62% of these offenders are convicted of violent felonies, and fully one quarter poses the highest risk of reoffending.

Contracted Housing (CCA)							
All Incarcerated any Status - July 27, 2007 (no score-->0)							
		LSI-R Risk					
Recidivism		11.7%	31.1%	48.1%	57.3%	76.0%	
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	22	90	152	76	18	358
	F-Prop/Drug	2	32	71	36	7	148
	F-Misc	1	16	21	7	3	48
	<b>Felony Total</b>	<b>25</b>	<b>138</b>	<b>244</b>	<b>119</b>	<b>28</b>	<b>554</b>
	M-Violent		5	9	6		20
	M-Misc		2	2			4
	<b>Misd Total</b>		<b>7</b>	<b>11</b>	<b>6</b>		<b>24</b>
<b>Total</b>	<b>25</b>	<b>145</b>	<b>255</b>	<b>125</b>	<b>28</b>	<b>578</b>	
		% of Whole Population					
		Low	Low-Mod	Moderate	High	Highest	Total
Offense Level	F-Violent	4%	16%	26%	13%	3%	62%
	F-Prop/Drug	0%	6%	12%	6%	1%	26%
	F-Misc	0%	3%	4%	1%	1%	8%
	<b>Felony Total</b>	<b>4%</b>	<b>24%</b>	<b>42%</b>	<b>21%</b>	<b>5%</b>	<b>96%</b>
	M-Violent	0%	1%	2%	1%	0%	3%
	M-Misc	0%	0%	0%	0%	0%	1%
	<b>Misd Total</b>	<b>0%</b>	<b>1%</b>	<b>2%</b>	<b>1%</b>	<b>0%</b>	<b>4%</b>
<b>Total</b>	<b>4%</b>	<b>25%</b>	<b>44%</b>	<b>22%</b>	<b>5%</b>	<b>100%</b>	

Moreover, many of these offenders have refused to participate in treatment programs offered by the DOC. Nevertheless, one quarter of this population is convicted of drug or property felonies.

- Function: Detention**

No detainees are housed out of state given the necessity of their availability for court action. The nearest CCA facility is in Lee, Kentucky, about 900 miles away.

- Expansion of Capacity**

The contract with Corrections Corporation of America is expandable, at a set per diem. The current contract costs \$58 per day per inmate. The FY 2007 per capita actual

contract cost of these beds was \$21,199. Including all Vermont costs for managing the contract, the per capita cost is \$23,481.

Competition from other states for additional (limited) bed space may provide further cost increases.

For the longer term, CCA is currently engaged in discussions with several communities in New Hampshire concerning locating facilities in that region, to serve their Northeast market. A CCA facility located near Vermont's eastern border would expand the number of eligible inmates, improve access to programming, and ease the burden of travel for many Vermont families. The cost, while much lower than Vermont prisons, would be significantly higher than the CCA prison in Kentucky.

The current facility in Kentucky is an older facility and has been amortized. CCA has estimated the 2010 price at \$78-80 per inmate per day, or \$29,200 annually per inmate, for a commitment of approximately 800 inmates.

To meet this commitment level we would need to transfer and re-price upwards the number of inmates currently out of state. This will offset much of the savings potential from closing a Vermont facility and transferring inmates to a CCA facility in New England.

- **Renovation**

Not applicable.

- **Reduction of Capacity**

Capacity is generally available, but is impacted by supply brought on-line by prison operators and demand by State and local jurisdictions.

- **Change of Role**

The criteria for inmates accepted for housing at CCA are not likely to change. The CCA facilities do not accept seriously physically or mentally ill offenders, or offenders whose behavior is exceptionally disruptive or who cannot conform to rules. In many of CCA facilities, the classification system is influenced by host state departments of correction, and has increased levels of criteria for exclusion. This currently requires CCA to place 10% of the Vermont inmates at facilities outside Kentucky.

As such, the role of CCA facilities will not change, only the utilization.

## **B. Optional Scenarios for Facility Restructuring**

**Goals: Maintain bedspace for housing violent offenders, maintain adequate housing for women, improve efficiency, and reduce costs.**

There are several options for achieving the savings in facility costs directed by the legislature. Each option is complex, involving closing the facility, moving inmates, and possibly undertaking renovations, which require different timing logistics in order to accomplish the respective tasks. Any promising options will require significant additional exploration, analysis, and planning. In particular, minimizing staff dislocations to the greatest degree possible will require extensive preparation to match impacted staff with job opportunities with at correctional locations.

### **OPTION 1: Convert Northwest State into Women's Facility, then Close Dale and Windsor**

- **Expand Out-of-State Utilization**
- **Convert Northwest (St. Albans) into Women's Facility**
- **Close Dale (Waterbury) & Southeast (Windsor)**
- **Expand existing Caledonia Work Camp (St. Johnsbury)**
- **Consider additional Work Camp at Northwest or other community**
- **Consider expanding Southern State (Springfield)**

The first option would involve moving the men out of the Northwest Facility (St. Albans), sending them Out-of-State, renovating that facility, and converting the facility to a women's facility. At a minimum, D and E wings at Northwest should be closed. Program design should include renovation for separate health and mental health special population housing.

In the second phase, on completion of the renovations, all women would be relocated to the Northwest Facility (St. Albans), and both Dale (Waterbury) and Southeast (Windsor) would be closed.

For the male inmates, the Work Camp at St. Johnsbury would be expanded by 20 beds in the existing structure, and construction of a second dormitory (50-80 beds) initiated.

In the next phase, the Southeast (Windsor) Facility would be renovated, and expanded to house male inmates. This could be as a work camp or a secure facility. As the renovation of Northwest is completed, a separate work camp (on the same State property) for men could be built. As construction is completed, some of the men would be returned from CCA. These will depend on the impact of any alternatives in diverting non-violent offenders.

Alternatively, the Southern State (Springfield) facility expansion could be initiated to provide more secure bedspace.

- (Step 1) Men
  1. Add 20-100 beds at existing St. Johnsbury Work Camp
  2. Move up to 240 inmates to CCA
  3. Close Northwest (NWSCF, St. Albans)
  4. Renovate and re-task NWSCF as Women's Facility
- (Step 2) Women
  1. When renovation of NWSCF is complete, move women from Dale and Windsor to NWSCF
  2. Close Dale (Waterbury)
  3. Close Southeast (SESCF, Windsor)
- (Step 3) Men
  1. Renovate SESCOF for continuing role as Work Camp or New facility
  2. Add 150 bed Housing Unit to Southern State (SSCF, Springfield)
  3. Build 100-150 bed Work Camp on Northwest grounds
  4. As construction completes, and if population allows, move men back from out-of-state.

### **Option 1 Advantages**

- Produces savings from Dale Closing in the first year and thereafter, closing the most financially inefficient facility.
- Produces savings in first year and thereafter from male housing transferred to CCA
- Locates all women in single facility near Chittenden County
- Provides adequate capacity for women, with room to grow
- Work camps sited on an existing facility property
- Provides seasoned workforce to fill traditional turnover at Chittenden Facility

### **Option 1 Disadvantages**

- Creates substantial staff dislocation
- Finding 240 eligible inmates to go Out-of-State will be extremely difficult
- Creates challenges for equitable allocation of Correctional Industries
- Reliance on Work Camp bedspace and sufficient non-violent population
- Requires substantial capital funding.

## **OPTION 2: Close Dale and Northwest State**

- **Expand Southeast (Windsor)**
- **Expand Out-of-State Utilization**
- **Close Dale (Waterbury) & Northwest State (St. Albans)**
- **Expand existing Caledonia Work Camp (St. Johnsbury)**
- **Consider additional Work Camp at Northwest or other community**
- **Consider expanding Southern State (Springfield)**

This option would involve moving the women who are housed at the Dale facility in Waterbury to the Southeast facility in Windsor. This would require the rapid acquisition of additional bedspace (about 74 beds) for the Southeast facility (Windsor) or the development of a community-based secure residential treatment facility.

The Southeast (Windsor) expansion would require additional staffing. Depending on the number of buildings involved, positions would be transferred from the Dale women's facility, though in most cases relocation will be unattractive for staff.

Simultaneously, the St. Johnsbury Work Camp could be readily expanded by about 20 beds with minimal construction. At the same time, the Northwest State facility in St. Albans would be closed, and an equivalent number of inmates moved out of state to CCA facilities. The number moved would vary based on the success of any alternatives implemented from savings.

With capital funding, an additional housing unit could be built on the grounds of the Southern State Facility (Springfield), and an additional dormitory building added to the Caledonia Community Work Camp (St. Johnsbury), bringing the total expansion to 70-100 beds. These additions would also require staffing, including security, work crew, and shift supervision. As construction is completed, in whatever stages, some male inmates would be returned to Vermont. An outline follows:

- Women
  1. Repair Southeast Facility at Windsor housing and admin space.
  2. Acquire additional bedspace at Southeast (Windsor)
  3. Move women from Dale to Southeast (Windsor)
  4. Close the Dale Facility in Waterbury
- Men
  1. Add 20-100 beds at existing St. Johnsbury Work Camp
  2. Move up to 240 inmates to CCA
  3. Close Northwest (St. Albans)
  4. Add 150 bed Housing Unit to Southern (Springfield)
  5. Build 100-150 bed Work Camp on Northwest grounds
  6. As construction completes, and if population allows, move men back from Out-of-State

### **Option 2 Advantages**

- Produces savings from Dale Closing in the first year and thereafter, closing the most financially inefficient facility.
- Produces savings from Northwest Closing in the first year and thereafter, closing a capital-needy facility
- Provides adequate capacity for women
- Work camps sited on an existing facility property
- Provides seasoned workforce to fill traditional turnover at Chittenden Facility

## **Option 2 Disadvantages**

- Creates substantial staff dislocation
- Finding 240 eligible inmates to go Out-of-State will be extremely difficult
- Locates all women at Windsor, distant from Chittenden County
- Temporary housing will require a permanent solution
- Windsor facility has specific deficits (segregation, kitchen) that need correction
- Finding 240 eligible inmates to go Out-of-State will be extremely difficult
- Creates challenges for equitable allocation of Correctional Industries
- Reliance on Work Camp bedspace and sufficient non-violent population
- Requires substantial capital funding.

## **OPTION 3: Close Northwest and Limit Demand**

- **Close Northwest and Limit Demand**

The third option would close Northwest State Correctional Facility (NWSCF in St. Albans) and implement legislation to reduce the demand on bedspace. This is similar to limiting the use of expensive emergency rooms for routine care. The legislation would restrict the use of State incarceration to Felons. Listed, violent offenders would have the priority for housing, and resources would be allocated to Counties for the incarceration of their non-violent felons. This could take the form of legislative prohibition or financial disincentives. Misdemeanants would become the province of local government.

Non-violent felons would be placed in the community under intensive supervision and electronic monitoring (Global Positioning and Alcohol Sensing Technology).

Communities would be allocated base General Fund dollars to provide for misdemeanor accountability and restitution, via community justice centers.

- Statute to restrict Incarceration in State facilities
  - Listed Offenders – no restriction
  - Non-Listed Felons – County allocation
  - Misdemeanants – not allowed in State Facilities
- Close Northwest State
  - Move 240 men to CCA as program is phased in
- Probation/Parole to manage felony non-violent population in community
  - Electronic Monitoring
  - Enhanced Supervision
  - Community Residential treatment

## **Option 3 Advantages**

- Produces savings from Northwest Closing in the first year and thereafter, closing a capital-needy facility

- Limited long-term CCA costs
- Probation/Parole staff have experience with electronics
- Creates savings that could be formally shared with localities
- Reengages communities in cost control in a large and growing area

### **Option 3 Disadvantages**

- Communities will need to resume a portion of their former role in maintaining public order.
- Creates staff dislocation
- Probation Parole procedures for supervision on expanded use of electronics will have ramp-up time
- No backup bedspace for significant increase in violation by released felons.



## Strategy Two: REDUCE SERVICES

An additional strategy for reducing the costs of Corrections is to reduce the intensity and frequency of staff involvement. Below are a series of options for reduction in Corrections costs.

### A. Reduce Field Supervision Expense

#### Field Office Caseload

May 31, 2007

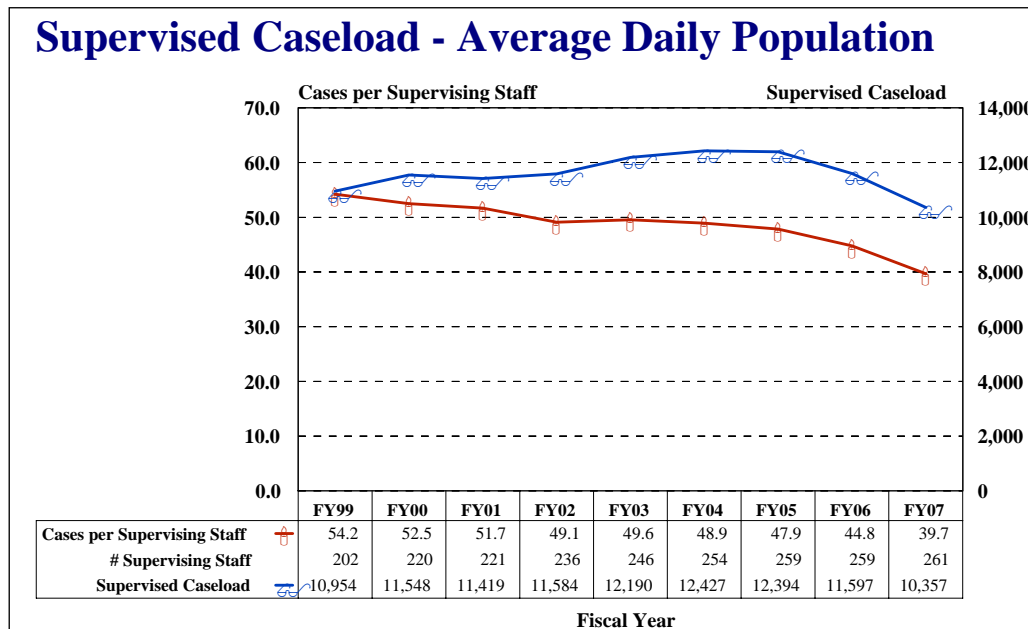
	INTENSIVE RISK MANAGEMENT CASES				RESPONSE SUPERVISION CASES				OTHER		Ratio Total Cases
	High Risk cases	Admin Cases	POs	Ratio	Resp. Superv. Cases	Admin Cases	POs	Ratio	Work Crew Cases	Crew Chiefs	
Barre	490	20	13	36.2	504	73	4	91.0	67	1	58.5
Bennington	339	25	11	28.5	446	88	4	83.0	26	1	52.3
Brattleboro	432	49	11	34.8	477	216	3	70.7	49	1	64.9
Burlington'	1040	210	29	28.6	1439	263	10	108.6	90	2	63.6
Newport	141	47	3	31.3	358	11	2	138.0	71	1	99.8
Rutland	474	37	13	33.6	568	89	4	116.3	14	1	61.3
St. Albans	366	53	9	34.8	542	138	3	127.3	22	1	75.7
St. Johnsbury	228	43	5	37.0	459	53	2	157.5	91		98.1
White River	322	15	7	43.9	581	116	3	131.7	70	1	90.3
Totals	3832	499	101	33.0	5374	1047	35	109.3	500	9	67.7
	<i>Hybrid Sites</i>										
Chelsea	316	56	3	86.7					0		86.7
Middlebury	334	56	3	91.7					3		91.7
Lamoille	334	32	2	140.5					21		140.5
	984	144	8	105.0							
Totals	4816	787	105	38.4	5374	1163	38	109.3	524	9	71.3

Caseloads in Corrections Field Services have been reduced substantially in recent years, due to legislative action creating term probation and initiating a misdemeanor case review process. The field caseloads are currently divided into two categories of service:

- *Risk Management*, which provides intensive supervision of offenders on reentry furlough from correctional facilities, offenders on intermediate sanctions, and offenders on parole or probation who pose risk of re-offense. The caseloads for these staff average 38 cases.
- *Response Supervision*, which provides monitoring of offender compliance with conditions, and response when violations are reported. The caseloads for these staff average 109 cases.

### Option 1: Return Response Supervision Caseloads to 2005 Levels

The average caseload for response supervision staff in 2005 was 194 cases per staffer. With the implementation of term probation and the caseload review initiated by the Legislature, caseloads in this service have been reduced to 109. These cases are supervised by 38 staff at present. If the caseload were returned to 2005 levels, this would result in a caseload demand for 27 staff positions. Thus, theoretical savings of 11 positions, or about \$636,000, could be achieved.



The savings would be reduced somewhat based on the distribution of caseloads in smaller offices, which have small staff numbers, who would not achieve efficient Full Time Equivalent (FTE) savings.

### Option 2: Eliminate Misdemeanor Probation Supervision

Most (72%) of the offenders on Response Supervision are misdemeanants, and the vast majority (81%) are moderate or low risk of re-offense.

Discontinuing supervision of these offenders, and allowing the criminal record and probation status to determine any subsequent consequence for violation, upon prosecution, would allow the reduction of approximately 38 probation officers and support staff. The savings from this action would be approximately \$2.2 million. The resulting impact would make the relative caseload for State field staff even lower, but with more serious cases. A hypothetical caseload reduction is as follows:

	Field Caseload 1990-2007							
	Fiscal Year							
	1990	1995	2000	2004	2005	2006	2007	(2008)
Supervised Population	6,138	7,113	11,548	12,427	12,394	11,597	10,387	6,580
Direct Service Staff	63	144	184	212	216	215	215	177
Ratio (Caseload)	97.4	49.4	62.8	58.6	57.4	53.9	48.3	37.2

The accountability for misdemeanants on probation could be handled by the criminal justice system in response to any new offense violation by imposing the probated sentence, at which time the offenders would likely “graduate” to intensive supervision.

It is likely, however, that communities in Vermont would resist the shifting of responsibility and cost to local police forces for providing accountability to these offenders without the resources to accomplish this, even though that is the norm across the nation.

**B. Close Field Offices, Consolidate Staff**

Another option to modestly reduce costs would be to consolidate some local DOC offices.

Probation field offices are sited to serve courts and AHS district offices. However, several offices are extremely small and could be consolidated into nearby offices, with staff and caseloads relocated. The possible offices for such a closure would be Chelsea, Morrisville, and Middlebury. The staff would relocate to Hartford, Barre, and Rutland, respectively. While travel costs would increase and require the expansion of fleet vehicles, there would be some (small) savings. Operating budgets of these offices are as follows:

Potential Savings from Office Closings					
savings					
Office	Total Operating Budget	Building Rental	Utilities	Added travel (fleet)	Net Savings
Chelsea	\$ 34,000	\$ 14,900	\$ 4,000	\$ 9,000	\$ 9,900
Middlebury	\$ 57,600	\$ 40,100		\$ 9,000	\$ 31,100
Morrisville	\$ 60,500	\$ 41,300		\$ 9,000	\$ 32,300
<b>Total</b>					<b>\$ 73,300</b>

**C. Curtail Detention**

All correctional facilities in Vermont house detainees, with the exception of the Work Camp. The numbers of detainees held in Vermont correctional facilities has declined in recent years, largely due to increased efficiency in court process, particularly Chittenden and Bennington District Courts. Nevertheless, housing accused persons with convicted offenders is problematic, as cited in the Marks/McLaughlin 2004 “Report on Seven Untimely Deaths in VT DOC.”

Detainees are particularly vulnerable to predation and mental health issues, particularly in the first 72 hours of incarceration. Until 1974, most detainees in Vermont were held in county lockups and jails, which provided court appearance surety and housed

offenders serving (very) short jail sentences. Vermont is one of only a handful of states that have integrated jails and prisons, housing offenders from pre-arraignment through sentence and violation in the same facilities.

In most other states, the communities shoulder a large portion of the detention cost. They consequently have a considerable interest in cost containment strategies.

For example, other states have initiated programs of bail supervision in communities to offset costs of incarceration. In Vermont this supervision of offenders could be targeted to certain groups of detainees, perhaps by offense criteria, or based on risk of flight.

Supervision of released persons might be accomplished by local police, corrections field personnel, or court staff.

### DETAINEE POPULATION BY FACILITY AND COURT

6/30/2007

COURT	MALE HOUSING FACILITY							FEMALE HOUSING		
	Chittenden	St Albans	St. Johnsbury	Newport	Work Camp	Marble Valley	Springfield	Dale	Windsor	Total
Addison						3			1	4
Bennington						15	13		1	29
Rutland	1			2		23	28	3	6	63
<b>SOUTHWEST</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>41</b>	<b>41</b>	<b>3</b>	<b>8</b>	<b>96</b>
Chittenden	45	5		9			2	3		64
Franklin	1	14								15
Grand Isle										0
<b>NORTHWEST</b>	<b>46</b>	<b>19</b>	<b>0</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>0</b>	<b>79</b>
Caledonia		1	14	3			1			19
Essex			2	1			1		1	5
Lamoille		1	8	3			1			13
Orleans			1	9			1			11
Washington	1		13	1			2	1	1	19
<b>NORTHEAST</b>	<b>1</b>	<b>2</b>	<b>38</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>67</b>
Orange			1				8			9
Windham	1					1	26		2	30
Windsor						1	22	1	1	25
<b>SOUTHEAST</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>56</b>	<b>1</b>	<b>3</b>	<b>64</b>
Other	5	17	1	8	0	1	6	2	1	41
<b>Total</b>	<b>54</b>	<b>38</b>	<b>40</b>	<b>36</b>	<b>0</b>	<b>44</b>	<b>111</b>	<b>10</b>	<b>14</b>	<b>347</b>

Court of most serious charge.  
Includes detained persons only

An alternative restructuring of correctional facilities, dedicating facilities to house all regional detainees might achieve some efficiencies of facility staffing, but would incur additional costs for transport and additional inefficiencies for defense attorneys and family members. The facilities in St. Johnsbury, Rutland, and S. Burlington have a sufficient combined capacity that, if dedicated to housing detainees only, would have

surplus room. However, as discussed in the individual facility sections, women would have to be housed in one of those facilities.

### Detainees

June 30, 2007

#### GENDER

Offense Type	Female	Male	Total
Felony Serious	1	121	122
Felony Person	2	33	35
Felony Property	7	44	51
Felony Drug	5	27	32
Felony Motor Veh		12	12
Felony Other	2	35	37
Misdemeanor Person	5	14	19
Misdemeanor Property	1	6	7
Misdemeanor Drug		3	3
Misdemeanor Motor Vehicle	2	10	12
Misdemeanor Other		10	10
(unknown)	1	6	7
<b>Total</b>	26	321	347

Detainee housing could be reduced by prohibiting initial lodging of certain classes of offense (e.g., misdemeanors), or shifting the responsibility for supervision to courts or county sheriffs in the entirety. This would reduce the flexibility of the current system, which allows offenders of varying need, risk of flight, and seriousness of charge to be housed in appropriate levels of restriction and support.

If all detainees were removed from State Corrections, some 350 beds would be freed up to return prisoners currently housed Out of State, providing some \$7 million in savings. This would be offset by increased costs to courts or counties.

If pre-trial detention were restricted to only violent felons, some 190 beds would be freed up, resulting in some \$4 million in savings. However, this would be offset by the increased need to supervise accused misdemeanor and non-violent felony offenders on

### Persons Lodged in Pretrial Detention -- 2005

County	Detainees Lodged	Percent of Known VT	Average Daily Population	Percent of Known VT
Addison	81	2.6%	5	1.7%
Bennington	209	6.7%	19	6.6%
Caledonia	136	4.4%	12	4.2%
Chittenden	956	30.8%	90	31.3%
Essex	20	0.6%	1	0.3%
Franklin	229	7.4%	11	3.8%
Grand Isle	40	1.3%	1	0.3%
Lamoille	99	3.2%	12	4.2%
Orange	79	2.5%	8	2.8%
Orleans	108	3.5%	11	3.8%
Rutland	339	10.9%	40	13.9%
Washington	224	7.2%	20	6.9%
Windham	268	8.6%	30	10.4%
Windsor	311	10.0%	28	9.7%
<b>Total VT</b>	3099	100%	288	100.0%
Other States	486			
Unknown	590			
<b>Total</b>	4175		355	

release prior to trial. There would also be a risk of flight by non-Vermonters arrested on non-violent charges (e.g., drug dealing).

If the total detention population were reduced substantially, it could be centralized in a single correctional facility. Building a single facility or re-tasking several existing facilities and devoting them to housing detainees would have several operational advantages for Corrections; it would also create several major problems for other Criminal Justice System parties, most notably the increased transportation necessary.

While at any one time there are about 200 beds used for non-violent felony or misdemeanor detention, these beds are used for some 4,300 different individual detainees. The distribution of these accused offenders is concentrated in four counties – Chittenden, Rutland, Windham and Windsor comprise more than 60% of the detainees – but each court contributes some detainees.

In calendar year 2005, some 3,100 Vermont residents were lodged as pre-trial detainees, as well as about 500 who were not residents of the State, and some 600 more whose address is unknown. About 1,000 of these persons were Chittenden County residents, or 30% of the total known. These numbers are all slightly larger for FY2006 and FY2007. The length of stay for all detainees is, on average, about 10 days.

- **Potential Solutions**

1. A single (new) facility in Central Vermont, near I-89, would provide access to most courts.
2. Several facilities could be devoted to detainees (Chittenden could house the Northwest region's detainees, St. Johnsbury could accommodate the entire eastern Connecticut Valley, and Rutland could accommodate Addison, Bennington, and Rutland counties).

- **Benefits**

1. Consolidation of detainees would allow efficiencies of staffing.
2. Differential provision of services would enhance efficiency (no required treatment).
3. Separation of detainees from sentenced inmates permits safer housing, and reduces predatory behaviors, as well as the influence from long-term prison culture.

- **Disadvantages**

1. Most courts would have significant travel distance from consolidated centers.
2. No reentry could occur at these facilities.
3. No housing of short-term violators of furlough or probation could occur in these facilities.
4. Detainees whose behavior and risk warranted high security housing would no longer be housed in St. Albans, Newport, or Springfield.

5. Transportation costs for sheriffs would likely offset most of any savings in efficiencies of housing.
6. There would be significant cost of a new facility (500 beds, estimated capital cost of \$50 million, estimated annual operating cost of \$15 million).
7. Major realignment would be required for arrest and lodging practices of several counties.

#### **D. Stop Housing Incapacitated Persons**

The State of Vermont provides another service for local communities which is uncommon in the rest of the nation – the lodging of incapacitated persons, or public inebriates. In virtually all other states, dealing with intoxicated citizens is a local obligation.

<b>Number of Incapacitated Person Admissions -- FY 2007</b>										
	CCWC	CRCF	DALE	MVRCF	NERCF	NSCF	NWSCF	SESCF	SSCF	TOTAL
July-06	0	86	5	62	20	9	6	0	7	195
August-06	0	76	10	44	20	9	8	0	4	171
September-06	0	122	7	45	31	8	9	0	10	232
October-06	0	85	6	38	10	9	3	0	7	158
November-06	0	84	8	34	21	9	2	0	7	165
December-06	0	47	5	42	16	4	0	0	3	117
January-07	0	61	2	29	23	5	4	0	4	128
February-07	0	48	2	37	31	3	1	0	1	123
March-07	0	83	3	30	19	9	4	0	7	155
April-07	0	113	1	42	19	6	3	0	6	190
May-07	0	109	4	30	27	8	8	0	7	193
June-07	0	102	2	40	28	22	5	0	2	201
12 months	0	1016	55	473	265	101	53	0	65	2028

In the FY 2007, there were over two thousand admissions of incapacitated persons. Over 70% of these were from two counties – Rutland and Chittenden.

The typical incapacitated person is lodged only once. In data available from one facility, Marble Valley in Rutland, some 75% of the persons lodged were held only once in a fifteen-year period. The diversion of first-time lodgings to detoxification facilities or transport to their homes would reduce the liability of the State for housing these medically vulnerable residents in prisons designed to house criminals.

While the numbers lodged do not represent a large number of beds, they tend to cluster on weekends and at times can be extremely disruptive. The costs are real, for each one must be screened medically, be assessed for suicide risk, and watched closely for any medical issues associated with detoxification, and cleaned up after they get sick. Nevertheless, it is difficult to identify the specific cost beyond the liability for an adverse event.

The alternative placement for these persons is a health care facility or a detoxification center specifically equipped to treat this population. The Alcohol and Drug Abuse Program (ADAP) of the Department of Health contracted with the Rutland Serenity

House in 2007, to develop a detoxification program and to screen incapacitated persons (per statute) prior to making the decision to transport them to jail. As a result, very recently the numbers of lodgings have significantly reduced at the Marble Valley facility. This is a promising approach to provide services for intoxicated and incapacitated individuals.

The provision of an additional five beds dedicated to secure detoxification of incapacitated persons in Rutland City, and 10 beds in Burlington, should significantly offset the utilization of these two correctional facilities for lodging.

### **E. Reduce Management and Administrative Costs**

Along with the reductions in operating staffing described in the preceding sections, it is important that we consider savings in management and administrative areas of the department, both locally and centrally. The functions of the central administration are largely focused on the department as a whole:

- The Commissioner - Strategic management of the Department
- Deputy Commissioner - Operational management of the Department
- Legal Division - Provision of legal services representing the department in litigation and legislative development
- Planning Director - Information and data analysis for policy and operational decision-making; legislative and intergovernmental information
- Policy Development – Responsible for revising the hundreds of Department policies and procedures
- Facilities Management – Overall Management of Security and Operations for nine Correctional Facilities
- Field Management – Management of 13 Probation and Parole offices
- Community Justice – Administration of community justice grants and programs, and working with communities on reentry of high profile offenders
- Program Services – Management of treatment programs in field and facilities, administration of contracts
- Finance – Management of Department budget, expenditures, space, and administrative resources, and oversight and audit of 13 P&P offices and 9 Correctional Facilities
- Information Technology – Support and maintenance of the nearly 25-year old DOC computer system and software
- Victims Services – Assistance to victims of crime with corrections issues
- Inmate Legal Services – Court-ordered administration of constitutional access to courts for inmates
- Quality Assurance – Administration of quality assurance of health care and compliance with Corrections policy
- Medical Services – Management of Health and Mental Health services by contract providers



- Training – Design and delivery of Corrections Academy and training for all line, supervisory, and management field and facility staff

The functions above are performed by relatively small units, generally with 1-5 employees, yet could be curtailed or reprioritized. If we ask our field and facility staff to maintain (or increase) their workload with fewer staff, we should expect a comparable contribution from both the central office and local administrative staff.

The challenge with this process, as with all options within this report, will be to maintain essential services at minimal negative consequences. This is an opportune time to review current staffing levels and find efficiencies.

As an example: the department just finished the transition of the inmate fund accounting process from a facility operation to a central function. This transition used lockbox technology, and did not reduce the level of service. This eliminated a manual process requiring numerous people handling daily inmate deposits to a single central staff position. This change eliminated thousands of hours of facility staff time, providing both security staff and administrative staff additional time to focus on their primary job duties, including prison security, sentence computation, and offender case planning.

There are other functions that could be centralized with a net reduction in human resources. The collection of court fees and supervision fees are currently conducted by our field offices. Applying the lockbox process to this function would reduce the human resources need. The same applies to financial payment processing; currently this is staffed at each of the district offices and facilities. We should explore the centralization of at least part of this function. This would result in a net reduction of administrative staff Department-wide.

The Department currently provides training at the Corrections Academy in Rutland, the Central Office in Waterbury, and at other sites across the state. This training is provided by staff located at Rutland and Waterbury, as well as staff trainers from our facilities and field sites. It may be more efficient to deliver these services from our Corrections Academy (physically) and to distribute the training content via video conferencing. This could reduce the number of trainers needed, as well as the costs associated with traveling to training locations.

The above are just a few examples of areas the department is exploring to reduce the costs. We are ready to work with the legislature to explore further areas to enhance efficiency in the central office, and management of facilities, district offices, and out-of-state placements.

NOTE: As part of a separate cost containment project, we have begun this process and the initial vacant positions targeted for elimination are virtually all in the DOC Central Office. We have specifically exempted uniformed facility staff from this review due to the 24x7 nature of these positions.

## **F. Curtail or Eliminate Treatment Programs**

The Department of Corrections provides treatment for incarcerated offenders combating those factors that affect the risk of re-offending. These programs target violence, sexual abuse, domestic violence, and substance abuse.

Programs in facilities for these activities include the Vermont Treatment Program for Sexual Abusers (VTPSA), the INDAP (In-house Domestic Abuse Program), and the Cognitive Self Change program. There is a substance abuse treatment at the Work Camp, and some limited treatment in other facilities, but most programs are located in the community. The consensus of correctional research is that best outcomes in terms of recidivism reduction are achieved in the community and at lower costs.

Expenditures on treatment (excluding education) for inmates in corrections total \$2,379,711.66, of which 71% are expended by community providers for offenders placed in the community. The elimination of all treatment programs in facilities would recoup about \$0.5 million in savings.

### **Correctional Treatment Expenditures, FY 2007**

<b>SUBSTANCE ABUSE PROGRAMS</b>		<b>\$ 1,473,360</b>
(ISAP)	Field	\$ 1,158,802
	Facility	\$ 314,558
<b>DOMESTIC ABUSE PROGRAM</b>		<b>\$ 312,241</b>
(IDAP)	Field	\$ 301,455
	Facility	\$ 10,786
<b>SEX OFFENDER TREATMENT</b>		<b>\$ 335,270</b>
(VTPSA)	Field	\$ 92,016
	Facility	\$ 159,834
	VCPTSA	\$ 58,811
	Unallocated	\$ 24,609
<b>COGNITIVE SELF CHANGE</b>		<b>\$ 258,840</b>
(CSC)	Field	\$ 132,501
	Facility	\$ 48,965
	Unallocated	\$ 77,374
<b>COMMUNITY HIGH SCHOOL</b>		<b>\$ 4,147,556</b>
(CHSVT)	Field	\$ 1,244,267
	Facility	\$ 2,903,289
<b>TOTAL</b>		<b>\$ 6,527,268</b>

It perhaps need not be stated that the result of this saving would be short-lived, as Vermont Corrections programs (particularly Cognitive Self-Change and VTPSA) have a demonstrated and significant effect on re-offense and re-incarceration.

The Community High School of Vermont (CHSVT) provides a credentialed high school diploma to inmates of Vermont correctional facilities and those serving sentences in the community who have not completed high school. This is in response to legislation

requiring offenders who are younger than age 23 and have not completed high school to attend school while serving their sentence.

FY 2007 expenditures for CHSVT in the field offices were \$1,244,267.

Educational expenditures for CHSVT in facilities were \$2,903,289.

Savings could be achieved by closing the facility program, which would require legislative authority and statutory repeal. However, this step may also be necessary in order to find sufficient eligible inmates to house out-of-state. Youthful offenders in the CHSVT program are currently shielded from placement out-of-state.

### **G. Reduce Custody, Release Offenders in Minimum Custody**

There are approximately 1,000 inmates in prison who are classified as requiring minimum custody only. Strategies to release these offenders include:

- **Statutory Reduction of Sentence**

**90-Day Reduction of Minimum Release Date (9/30/2007)**

Minimum Release Date		# Inmates Until MinRel		Savings next 12 months		Cumulatively Released	Savings	
Now	Reduced			Rate	Bed-days		Bed-days	ADP*
October-07	July-07	218	3182	all immediately	3182	-		
November-07	August-07	144	6727	all immediately	6727	-		
December-07	September-07	120	9166	all immediately	9166	482	19075	207.3
January-08	October-07	118	12887	90days/person	10620	600	31962	259.9
February-08	November-07	111	15491	90days/person	9990	711	47453	312.2
March-08	December-07	102	17059	90days/person	9180	813	64512	352.5
April-08	January-08	71	14107	90days/person	6390	884	78619	369.1
May-08	February-08	54	12376	90days/person	4860	938	90995	372.9
June-08	March-08	50	12876	90days/person	4500	988	103871	379.1
July-08	April-08	61	17782	90days/person	5490	1049	121653	398.9
August-08	May-08	56	17990	90days/person	5040	1105	139643	415.6
September-08	June-08	55	19246	90days/person	4950	1160	158889	434.1
October-08	July-08	27	10253	90days/person	2430	1187	169142	426.1
November-08	August-08	30	12416	90days/person	2700	1217	181558	425.2
December-08	September-08	27	11961	90days/person	2430	1244	193519	424.0

\*ADP= Average Daily Population is an annual bed equivalent.

To provide fiscal relief, the Legislature could implement a strategy (employed by other states in the past), involving a broad (or targeted) statutory reduction in the minimum sentences for inmates. For example, a one-time statutory reduction of 90 days for all sentenced inmates would reduce the population (immediately) by 200 beds, and within a year reduce it by 424 beds (average daily population). These savings would be achieved by reducing the sentences of more than 1,200 different inmates over the course of the first year.

This strategy would have immediate impact. Cost savings would be approximately \$6 million in the first full year, depending on implementation. Continuation of impact presumes that sentencing practices continue as before the reduction, and that the

reduction would continue to effect new admissions. The effect reaches an arithmetic peak after the first year.

Of course, it is likely that prosecutors and judges would not be pleased with this outcome, and might offset sentences by the amount of the reduction, in anticipation of further reductions. Consequently, this strategy might backfire.

- **Authorization for Discretionary Release Prior to Completion of Sentence**

For felons serving a year or more, a mechanism for population reduction could be a review of behavior while incarcerated by an external agent (court or prosecutor or Parole Board) and a determination of sufficiency of sanction. The result could be either a conditional release or a termination of sentence. This would be akin to “parole prior to minimum” and would affect offenders who pose low risk of reoffending and have completed treatment. Cost savings from this concept are difficult to predict. Statutory change would be necessary.

- **Sentencing Option: GPS Monitoring as a Condition of Release**

DOC could create a sentencing option of GPS monitoring as a condition of release, either as a pre-approved furlough sanction, or as a condition of probation. This option could be targeted at non-violent felony and misdemeanor offenders. Other states have required GPS monitoring as a condition of placement of any sex offender on community supervision.

A sentencing option that would replace supervision might have some cost benefit, but would most likely be more effective if it were an additional condition of supervision as described below.

A substantial complication with GPS monitoring is the cost of 24-hour, 7-day monitoring of the system, and the availability of response to electronic alarms for violations.

## **H. Provide Incentives for Positive Behavior in the Community**

A significant source of the growth in population in prison is failure to abide by the rules of release on supervision in the community, as discussed earlier. It has been noted that the longer an offender is under supervision, the more failure is likely. Probation is a static program that can only result in failure or termination. The statutory ability to earn credit for positive performance (compliance with conditions of release, participation in treatment, payment of restitution, completion of high school) may provide the motivation to improve behavior.

While this, like term probation, does not have an immediate effect on bedspace, the reduction of the number of offenders under supervision, as well as the positive reinforcement of recognition of success, can have a long-term result. Research on

strength-based programming shows positive results and can have a long-term positive effect on offender recidivism.

Given our low crime rate, Vermont is above the national average in utilization of community supervision, including probation, parole, and intermediate sanctions. Some 82% of the people under DOC control are in the community.

### **I. Reduce Facility Per Capita Costs**

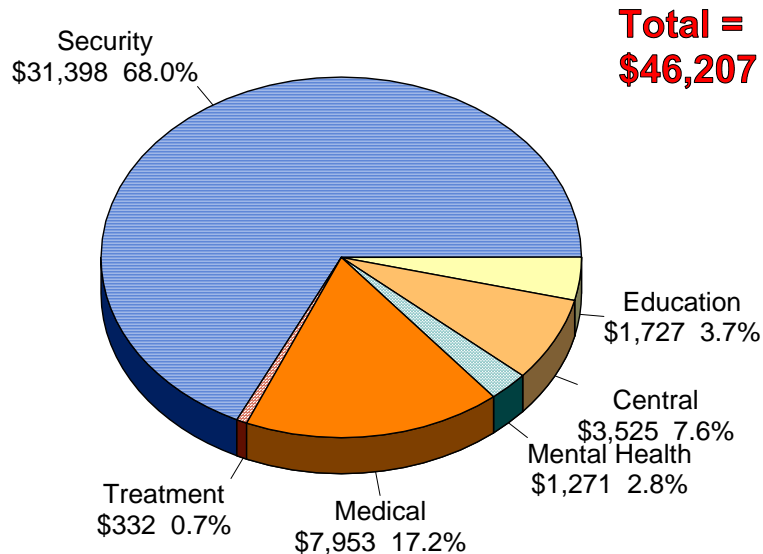
Department of Corrections								
Expenditures by Location								
FY2007								
Facility	Spent	ADP	% of Pop	Per Capita facility Only	Other Costs	Per Capita Other Costs	Total Cost	Per Capita
<b>CASH</b>								
CCWC	\$ 2,568,075	98	5.8%	26,204.85	\$ 1,451,253	\$ 14,809	\$ 4,019,328	\$ 41,014
CRCF	\$ 5,994,732	181	10.8%	33,120.07	\$ 2,680,375	\$ 14,809	\$ 8,675,107	\$ 47,929
DSCF	\$ 3,166,668	60	3.6%	52,777.80	\$ 888,522	\$ 14,809	\$ 4,055,190	\$ 67,587
MVRCF	\$ 5,023,037	143	8.5%	35,126.13	\$ 2,117,644	\$ 14,809	\$ 7,140,681	\$ 49,935
NERCF	\$ 4,826,826	141	8.4%	34,232.81	\$ 2,088,027	\$ 14,809	\$ 6,914,853	\$ 49,042
NSCF	\$ 9,172,335	362	21.5%	25,337.94	\$ 5,360,750	\$ 14,809	\$ 14,533,085	\$ 40,147
NWSCF	\$ 8,394,126	245	14.6%	34,261.74	\$ 3,628,132	\$ 14,809	\$ 12,022,258	\$ 49,070
SESCF	\$ 3,589,278	105	6.2%	34,183.60	\$ 1,554,914	\$ 14,809	\$ 5,144,192	\$ 48,992
SSCF	\$ 10,045,385	346	20.6%	29,032.90	\$ 5,123,811	\$ 14,809	\$ 15,169,196	\$ 43,842
Total Facilities	\$ 52,780,462	1681	100.0%	31,398.25	\$ 24,893,427	\$ 14,809	\$ 77,673,889	\$ 46,207
						Percapita Other Costs		
Plus: Medical	\$ 13,369,509					\$ 7,953		
MH	\$ 2,136,113					\$ 1,271		
Central	\$ 5,925,620					\$ 3,525		
Education	\$ 2,903,289					\$ 1,727		
VCPTSA	\$ 558,896					\$ 332		
						\$ -		
Total Other	\$ 24,893,427					\$ 14,809		
Total	\$ 77,673,889					\$ 46,207		

(Per capita costs are slightly different from earlier figures due to cash accounting, in order to break out "other costs".)

Very limited savings could be achieved in correctional facilities in incremental fashion, by reducing staffing, eliminating treatment, and reducing other major costs like health care and mental health.

In fact, if one separates the operational costs of the correctional facilities from the costs of medical care, mental health care, correctional treatment, and education, the per capita costs for basic incarceration alone are about \$31,400. Just these costs are larger than most other states spend. Their facilities, however, are not as small and inefficient as Vermont prisons.

**Per capita Costs  
Vermont Correctional Facilities  
FY2007**



Additional treatment/education/medical care expenses add \$14,800 to the per capita cost of the Vermont correctional facilities. These costs are, like the base costs of operating the nine facilities, more expensive than would be the case were Vermont's facilities fewer in number and larger in capacity. Allocating these costs (at present) on a per capita basis understates the actual costs at smaller facilities and overstates the costs at larger facilities.

**Out of State Bed Cost**

OOS Unit Personal services	\$ 1,095,386
OOS Unit Operating	\$ 431,437
Contract Beds (CCA only inc Med)	\$ 10,204,420
Total OOS Unit	\$ 11,706,402
Central Cost	\$ 455,817
Total OOS	\$ 12,162,219
Population (FY2007)	\$ 519
Per Capita	\$ 23,433

The services in the CCA facilities are similar to, but somewhat reduced from, those provided in Vermont. However, CCA does provide basic medical services, including nursing, physician, dental care, as well as basic education. The Vermont per capita costs also include fee-for-space, which is not strictly comparable to CCA's capital costs. The Kentucky facility is particularly low cost as it is an older facility that has been amortized.

## Current Criteria for Out of State Placement Include:

- Sentenced with more than 60 days to serve to minimum release date;
- May be dual status Sentenced/Detained (S/D) if not a current issue requiring court hearings;
- Must be 23 years old or over, or may be under 23 if they have already earned their high school diploma;
- Must be cleared by health services (medical/mental health).

To determine the availability of additional inmates for placement in contracted bedspace, we examined the population in prison on August 20, 2007. First we excluded the persons who do not fit the criteria.

Population for OOS Expansion			
In Prison 8/20/2007	Include	Exclude	Reason
	<b>2152</b>		
Male}	1990	-162	{Female
Sentenced}	1679	-311	{Pre-Trial Detainee
In Vermont}	1096	-583	{At CCA already
60+ days to min or max}	887	-209	{60 days or less to min or max
HS Diploma or 23 or over}	800	-87	{Under 23, no HS diploma
No mental health hold}	750	-50	{SMI category diagnosis or GAF <50
Not at Work Camp	666	-84	{At Work Camp
more than 90-day reentry}	<b>586</b>	-80	{within 90-day reentry window





Then we looked at the remaining population (586 of the original 2152) as of two months later, on October 24, 2007, and established their status as of that date, and whether they could actually have been included as potential OOS candidates. The next chart describes this analysis.

Of the 586, there were 181 who were in the process of reentry by October, and would be excluded because it is more appropriate to release them than to transport them to and from Kentucky. There were 109 others who have a current detainer (as well as their sentence) and need to be available for court. These do not include the handful of S/Ds who are out of state -- these are hand-picked because their trial is a long way off.

There were 75 who by October were either already Out-of-State or on their way. One could argue that these offenders constituted eligible offenders to go Out-of-State (e.g., they were by definition the most eligible, and eventually went). However, to the extent that the out-of-state program was at a steady state, they merely offset a comparable number of offenders who were returning to Vermont and didn't generate any incremental relief.

Finally, there were 175 who were in a program -- Sex offender treatment, CSC, newly at the Work Camp, or in a key VCI worker position (cooks, critical workers).

by October 24, 2007 status of 586								
Reason	240		206		140		586	
	Pre-Minimum Release		Back Past Min (violation)		Held Past Min		Totals All Statuses	
Released	227	-13	153	-53	114	-26	494	-92
Re-entry Process	217	-10	144	-9	112	-2	473	-21
Residence Approval	217		132	-12	95	-17	444	-29
Residence Interview	217		132		87	-8	436	-8
work search	217		128	-4	82	-5	427	-9
transitional Housing	217		117	-11	82		416	-11
Max soon	217		112	-5	76	-6	405	-11
Sentenced/Detainer	190	-27	57	-55	64	-12	311	-94
Serving sanction	190		55	-2	64		309	-2
CourtPBd appearance	184	-6	49	-6	63	-1	296	-13
OOS at CCA	159	-25	47	-2	62	-1	268	-28
In process of OOS	148	-11	43	-4	58	-4	249	-19
Wait Med/MH Clear	124	-24	42	-1	55	-3	221	-28
VCI key worker	101	-23	42		54	-1	197	-24
Cog Self Change Prg	59	-42	31	-11	51	-3	141	-56
VTPSA	22	-37	27	-4	27	-24	76	-65
At Work Camp	11	-11	25	-2	27		63	-13
		-229		-181		-113		-523
<b>'Eligible for OOS, Not Out'</b>	<b>11</b>		<b>25</b>		<b>27</b>		<b>63</b>	

In Release Process       On the way out   
 Court or Sanction       In Program 

The bottom line is that of all of the offenders in the population, only 63 were found that "were eligible, but not out" and thus could be considered for the expansion population.

To put another 250 inmates in CCA, DOC policy will have to change, requiring unattractive choices. Eliminating the CHSVT exclusion would make 87 youth available for placement. Eliminating VTPSA would make 65 sex offenders available. Eliminating Cognitive Self Change would make 56 violent offenders available. Finally, eliminating the exclusion for valuable VCI employees (cooks, lead workers) would make another 24 inmates available. These, combined with the 63 from the table above, sum to 295 as the total pool of available inmates.

It would be counterproductive to remove the offenders who are making progress in treatment, since they will likely serve longer, be more likely to reoffend, and add to the problem, not relieve it. The alternative would be reducing the time to serve criteria, which would mean turnover of CCA beds at a rate equivalent to the Vermont facilities, which would be highly expensive in terms of transportation, and likely also unsustainable.

In summary, the most tolerable scenario would be to allow shorter sentenced inmates to go to CCA, (30 days or more), allow CHSVT students to be housed at CCA, and place some offenders in treatment there. Certainly reducing the overall level of incarceration demand or increasing the supply of beds (e.g., work camp) in the existing Vermont system would reduce the magnitude of selection criteria changes.



## **Strategy Three: PARTNER WITH OTHERS**

### **A. Place Greater Reliance on AHS Capacities**

#### **1. Build Treatment Capacity for Non-Violent Offenders with Substance Abuse and Mental Illness**

Concern about population growth in Vermont prisons, the mushrooming Corrections budget, and the need for the treatment of inmates with co-occurring disorders (substance abuse and mental health problems) prompted an Agency of Human Services (AHS) intra-agency group consisting of representatives from AHS Field Services, Corrections, Health, and the AHS Secretary's Office, to work on solutions.

A key recommendation of the Governor's Commission on Corrections Overcrowding was to remove non-dangerous offenders from correctional institutions. The Department of Corrections responded that the legislature "create alternatives to short-term mandatory incarcerative sentences . . . for classes of offense that are not violent." The Agency of Human Services Field Directors agree with this conclusion and believe that mandatory treatment for substance abuse, leading to recovery, is a better approach than punishment.

The Department of Corrections has focused its available treatment resources in the community. This is supported by research (*Appendix C – What Works and What Doesn't Work*) indicating that substance abuse treatment in the community is both more effective and less costly than treatment in prison. DOC contracts with Phoenix House to provide a treatment program designed for repeat DUI offenders with alcohol abuse already exist within the community. An increasing number of offenders are opiate-dependent and there is limited treatment available to address their specific needs. Many offenders do not or cannot access the intervention they need. Expensive institutional space is taken up with non-violent men and women whose offenses are related to substance abuse. These offenders are too often released without effective intervention. Moreover, untreated mental health conditions frequently accompany the substance abuse problems. Confinement of such offenders can lead not to rehabilitation, but to anger, despair, and new offenses upon release.

Engaging offenders' families and natural community support systems improves the likelihood of recovery. Continuity of services also improves outcomes. Nevertheless, this is hard to achieve when the offender is sent to prison away from home.

A continuum of treatment approaches, ranging from intensive outpatient to secure treatment, could be provided in communities for non-violent offenders with either mental health or substance abuse disorders, or co-occurring disorders.

AHS Field Directors are in a unique position to engage community leaders, rally advocates, and stand as local partners with DOC in support of community treatment for offenders.

## 2. Shift Youth to Family Services (DCF)

Significant progress has been made in reducing the numbers of youth in prison and under Corrections' supervision in the community. There are currently (FY2007) a total of 122 16/17-year olds under DOC supervision or in custody. Only six of these youth are housed in prison.

16-17 Year Olds in CORRECTIONS				
June of Year	in prison	intensive supervision	response supervision	Total
2000	13	28	241	282
2001	17	16	180	213
2002	10	17	186	213
2003	7	18	140	165
2004	7	21	123	151
2005	4	17	112	133
2006	5	14	120	139
2007	6	19	97	122

18-21 Year Olds in CORRECTIONS				
June of Year	in prison	intensive supervision	response supervision	Total
2000	236	347	1490	2073
2001	264	353	1414	2031
2002	250	360	1457	2067
2003	272	375	1427	2074
2004	236	360	1360	1956
2005	243	349	1201	1793
2006	221	308	1044	1573
2007	221	264	970	1455

The decline among older youth has also been significant. The number of 18 to 21-year olds in corrections is down nearly 30% since 2000, from 2,073 in 2000 to 1,455 in 2007, while the number of 16/17-year olds under field supervision has declined nearly 60%.

It is important to note that given the very small numbers, transferring responsibility for 16 & 17-year olds to the Department for Children and Families (DCF), would not result in significant prison bedspace savings. Additionally, the youth who are under community supervision often have committed crimes which are on the low end of seriousness (by adult corrections standards) and would more likely receive increased oversight by DCF staff. While this may have non-monetary value, it would result in higher costs for supervision.

## 3. Examine Title IV-E Funding for Youth

There are a small number of youthful offenders who are under the supervision of the Commissioner of Corrections, generally on probation, who could, if given a blended sentence or otherwise remanded to DCF, be eligible for services under Federal Title IV-E funding, for services for at-risk-youth with disabilities. These services could provide significant treatment intervention for youth at risk.

This is a possible area for further examination.

## 4. Create Intensive Community-based Services for Inmates with Children

It is estimated that half of all prisoners re-offend and are re-incarcerated. The Agency of Human Services could conduct a pilot to determine if strategic investments can successfully stop the flow of prisoners from re-entering prison. This approach could also avoid the initial imprisonment of offenders by providing comprehensive wrap-around case management and direct supports to specified high risk families.

Potential Program: AHS would assign a case manager to women and men offenders with children to provide intensive service coordination. Each case manager would have a direct service dollar budget to ensure successful family re-unification. The case manager would ensure that necessary treatment, employment, insurance, and other supports are provided, while providing cash assistance for housing and transportation expenses until the offender establishes employment and sustains a family budget.

AHS Field Directors would serve as the single point of accountability and work with the Department of Corrections to oversee the program and ensure that services for offenders are integrated and delivered in a timely fashion.

The estimated cost for the program would be \$5,000 per offender. Case managers would have a caseload of 15 families and would serve 30 individuals a year. \$150,000 would cover one case manager annually at a cost of \$50,000 including benefits and operating costs, and \$100,000 for direct service dollars to assist offenders to create and implement family development plans.

This program could be piloted in several regions (Chittenden, Rutland, Springfield, and Barre) for approximately \$600,000.

Four case managers with a total caseload of 120 families, targeted at low-moderate risk non-violent offenders with reentry and family stability issues, might reduce the return rate of 50+%. If successful, the beds saved could be substantial. Assuming a current return of 60 of these offenders for 90 days on violations, cutting the return rate by half, to 30, would save 30 bed-years, or about \$150,000 at CCA rates. To increase savings, the eligible offenders would need to have higher risk, and longer sentences.

Such services might also be coverable under Global Commitment, particularly for offenders with co-occurring disorders.

As with some other promising suggestions, this proposal certainly does not ensure the cost savings requested by the legislative charge.

Separately, there are volunteer-based mentoring programs and a faith-based summer camp currently operating to support the children of offenders.

## **5. Expand Treatment in Community Mental Health Centers**

A significant obstacle for Community Mental Health providers to engage with inmates in prison is the inability under current Federal statute for reimbursement for any time spent working with the offender prior to release. There has been significant effort among AHS departments to reinstate benefits immediately upon release, such as the provision of an AHS Identification Card and signing offenders up for Social Security, health care, or other entitled benefits upon re-entry. However, for such processes as mental health and substance abuse treatment, the discharge planning should involve both the facility

provider and the community provider in consultation and case planning well in advance of release.

A solution might be to provide State funding for case co-management with Community Mental Health Centers (CMHCs) to establish treatment plans as part of the Corrections' case planning process (ORP: Offender Responsibility Planning) as the offender nears release.

This occasionally happens now for those individuals that have a history with a CMHC or who are found eligible for services (Community Residential Treatment). However, CMHCs cannot bill for services while someone is still an inmate...or for those individuals who do not meet the particular requirements for CRT or Developmental Disability services; e.g., those with an IQ score of less than 75.

To estimate costs, for 100 offenders receiving 10 hours of case co-management each over the reentry period (six months), this is a thousand hours, at \$50 per hour (\$50,000). This is likely to have positive effects on reintegration, and while it is difficult to estimate the bedspace savings, these higher risk offenders with solid discharge plans are much more likely to succeed in the community and avoid re-offense.

## **6. Expand Substance Abuse Treatment in Community**

A similar process could be established with Substance Abuse Treatment for reentering offenders, for comparable costs.

## **7. Expand Drug and Mental Health Courts (Pre-sentence)**

Vermont District courts are currently piloting programs in mandatory participation in treatment supervised by the judge, who reviews compliance by offenders with conditions of treatment and abstinence behavior. The consequences for positive behavior are rewarded and sanctions for relapses are individually targeted. While it is still early to evaluate the success of the Vermont programs, data from national models and studies of other states are highly positive, in terms of reduced recidivism outcomes, avoidance of incarceration, and overall cost/benefit.

Chief Justice Paul Reiber has established a working group composed of criminal justice leaders and mental health and substance abuse treatment providers under a grant from the US Justice Department. The work group is examining treatment courts and other means for intervening prior to criminal processing to more effectively divert persons with co-occurring mental disorders and addiction from the criminal justice system.

This work group is expected to reach a consensus on recommending focused, specific actions toward attainable, tangible improvements (as opposed to more sweeping changes on multiple topics).

## 8. Increase Transitional Housing

There is a significant (approximately 150 inmates) population who are held past minimum release primarily for the lack of housing. Money, jobs, and skills are all impediments to their reentry, but the primary obstacle is a place to live. Often offenders who are released are returned to a facility due to violation of release conditions for failure to make rent payments. One suggestion is that each prison would have a Transitional Unit, supervised by DOC, and augmented with services from other community providers. An offender would enter the transition unit up to six months prior to release to engage in intensive case management that would prepare him/her for release - Offender Responsibility Planning.

More transitional housing across the state would require increased General Fund operating and local capital funding. Such a partnership between the State/community might potentially leverage other state housing funds (VHCB, VHFA), which requires a state commitment to maintain the dwelling as "affordable housing" for at least a ten year term. Additionally, DOC operating funds would be needed to support transitional housing programs and to leverage other state housing funds (in the AHS: Department for Children & Families; Economic Services, Office of Economic Opportunity, Department of Aging and Independent Living, Department of Mental Health, and Department of Health).

Such transitional housing could be located in the hub of the identified communities and have 24/7 staffing. The model for such housing has been identified in the *Transitional Housing Study Committee Proposal for Offenders Returning to Rural Areas in Vermont* in February 2006, in its report to the House Institutions Committee as outlined below.

This model involves finding homes/communities with access to coordinated services with a minimal need for transportation. Unless there is sufficient and reliable public transportation that meets residents' needs, each Transitional House would need to arrange a minimal level of transportation.

Initial costs for a Transitional House start-up could be substantial. The cost for a small program in a four bedroom home (to accommodate 4-8 residents) in an acceptable area of a community can be in the range of \$125 per square foot with approximately 2500 square feet needed to accommodate the 4-8 residents and staff. Acquisition of real estate is estimated at \$225,000, depending upon the community. Renovation may be required, adding \$100,000 or more to the cost.

Total annual operating costs of about \$200,000 might be reduced by \$20,000 by charging room and board to residents.

The capacity of this housing would be up to eight offenders, resulting in a per capita annual cost ranging from about \$22,500. With only four offender residents, the cost doubles to \$45,000.

The more efficient cost is comparable to the expense of housing offenders in contract facilities. It has the added fiscal advantage of keeping Vermont tax dollars at work in Vermont, and in providing reentering offenders who are more difficult to manage with opportunities for successful reintegration.

## **9. Provide Housing Support and Assistance**

The DOC has also had success in establishing partnerships with State and local agencies for assistance with back rent, budgeting, utility payments, food, childcare responsibilities, and mentoring as a means to reduce prison returns for violations. DOC will continue to collaborate with other units of State Government (Departments for Children & Families, Health, and Mental Health, and the Office of Economic Opportunity) for better outcomes since we often share clientele. Additionally, DOC has a large number of inmates who are "hard to house". Funding local communities through the AHS to provide Housing Support Case Managers to ensure housing placement and retention would be highly beneficial. These case managers would ensure rent payments, crisis intervention, and service referrals at the early onset to minimize prison returns.

DOC funds three housing search and retention specialists in two areas (two in Burlington and one serving the Northeast Kingdom) who work to help obtain and maintain affordable transitional housing. The specialists work with DOC staff, other State departments, and non-profit agencies to determine service needs and make appropriate referrals.

The Legislature could fund larger communities to establish more (2-4) housing retention positions across the state (average position costs \$50K-\$60K annually).

## **10. Build Treatment Capacity to Reduce Recidivism**

Many of the reentering offenders suffer from untreated substance abuse problems that make them vulnerable to committing new offenses. The cost of the revolving prison door is unsustainable; the harm done to the crime victims and to the offender's family is substantial yet difficult to quantify.

The reconviction rates of offenders who complete the Intensive Substance Abuse Program (ISAP) compared to those who do not complete the program reveals the positive impact of treatment. Within one year of an ISAP program, 21% of those who did not complete the program were convicted of new crimes, compared to only 10 % of those who completed ISAP. Within two years, 34% of non-completers faced new convictions, compared to 22% of completers. (Source: Vt. DOC, 12/1/06, FY 1999 to 2002.)

Given the evidence from this and national studies (*Appendix C – What Works and What Doesn't Work*), community-based treatment for offenders is clearly a sound investment. This national research estimates that for every dollar spent on substance abuse

treatment for offenders, there is a \$7 return. Moreover, it is well established that coercive treatment for substance abuse is as effective as voluntary treatment.

Non-violent offenders with substance abuse problems could be furloughed to highly structured regional treatment centers with access to community mental health and substance abuse resources as an alternative to incarceration. The Tapestry Program for women serves as a model for a program for men. As part of Governor Douglas's DETER program, the Tapestry Program was recently expanded to serve additional women.

The annual cost of providing residential beds, supervision, and support at Tapestry is approximately \$30,000 per woman.

A residential treatment center would have a required work component for non-violent offenders with substance abuse problems. Offenders on furlough to the program are generally eligible for VHAP (or other 3<sup>rd</sup> party as determined by need) assistance with treatment costs, using community providers.

A staff-secure residential treatment center for 20 offenders would likely result in at least a 10% reduction in recidivism, compared to incarceration, thus providing additional cost savings. Although the cost of out-of-state incarceration is lower than the cost of an in-state residential treatment center, out-of-state costs amount to a drain on the Vermont economy. According to the Governor's Commission on Prison Overcrowding, 8/19/04, "These (out-of-state) expenditures offer no economic benefit to the people of the State of Vermont." The report cites the "multiplier effect" of spending the same dollars in Vermont.

Community-based substance abuse treatment-oriented residential treatment centers could relieve the pressure on prisons, reduce recidivism, and result in enduring benefit to offenders and their families.

## **B. Partner with Communities**

### **1. Community-Based Restorative Reentry**

This promising restorative reentry program is currently concluding a pilot stage using funds from a federal Bureau of Justice Assistance reentry grant. These funds are ending, jeopardizing continuation of the programs. The US Congress is considering the 2<sup>nd</sup> Chance Act (which passed the House in early November and is currently under consideration in the Senate), which may help fund the program. However, current federal funds will run out before any new funding is available. Legislative action to invest in continuation could be considered.

The program targets re-entering inmates who have both a demonstrable need and a willingness to engage with citizen-driven support and accountability structures to complement formal DOC supervision.

The risk level of the offender appropriate for these services is largely predicated on the degree of estrangement from the community and the public's concern regarding the offender's return. For example, a sex offender designated as low risk to reoffend would still be very appropriate for involvement with a locally developed accountability and support team, (modeled after the highly successful Canadian Circle of Support and Accountability – COSA), given the likely fractured relationships and community concern surrounding reintegration.

Offense types suitable for this structured reentry accountability and support program include all inmates. Offenders commit to a one-year program to allow for the development of meaningful, mutually trusting relationships between the offender and citizen volunteers.

The effectiveness of this program is derived from the strength of the relationships developed and the informal authority leveraged from these connections. As such, there is no formal completion criterion beyond either 1) a mutual recognition that the accountability and support team has fully served its purpose during the year following reentry, or 2) either party opting to terminate the process for reasons that would be known to all participants. The most likely evaluation process would be review by the Parole Board.

The incentive for offenders to participate in an accountability and support team lies in the understanding that they will more likely succeed with the additional support and attention that can be offered by the community in partnership with state services. Accountability and support teams serve as ambassadors to the community of planned release and bring with them connections that may be of immediate value to a reentering offender, such as job leads and landlord relationships.

Accountability and support teams are explicit, purposeful relationships that are designed to support the reentry process, during which setbacks are expected. While behavioral expectations clearly exist, an accountability and support team does not apply specific and/or quantitative benchmarks that may constitute failure. This process is an experiential modeling process for pro-social relationships. The team will continue to support an offender if s/he returns to prison.

Currently, there are ten federally-funded community-based reentry programs at community justice centers serving returning offenders. A possible allocation of up to \$100,000 (general funds) per site for a total annual expenditure of about \$1 million would provide a full-time reentry coordinator and basic offender housing and employment support for each locality. There are 23 offenders currently being supervised and re-integrated by community reentry teams.



The offset for this funding is a reduced return rate of moderate or higher risk offenders. These offenders are generally serving longer sentences, and establishing the community accountability teams, in conjunction with other community interventions outlined elsewhere, (e.g., residential treatment centers) can reduce recidivism and return, resulting in large bed-year savings from multi-year sentences.

The Department releases about 1,100 sentenced inmates per year who have served more than six months in prison, with more than half returning to prison within three years for a new crime. Focusing attention on 100 higher risk, more serious offenders with careful matching of supervision, community resources, and offender responsiveness could significantly reduce recidivism and cost. These savings are long term, as the targeted offenders are serving long sentences past their minimum releases, and successful release could avoid multiple years of incarceration for each offender.

## **2. Restructuring Community Justice**

A significant restructuring of Vermont's justice system would entail a return to the traditional criminal justice resource allocation, with felonies and violent misdemeanors remaining a State responsibility, and non-violent misdemeanors becoming a Community responsibility. This would distinguish the fundamental role of the State as preserving public safety, while the community role would be to preserve public order. A significant mission of both public safety and public order is accountability; i.e., what happens when offenders continue to violate the norms.

Community Justice Centers, funded by Corrections, currently provide an array of justice services to the communities in which they exist. There are currently 12 Justice Centers, in Brattleboro, Burlington, Essex, Barre, Hartford, Montpelier, Newport, Rutland, Springfield, St. Albans, St. Johnsbury, and Winooski. There are restorative programs in Bellows Falls, Hardwick-Greensboro, and Hinesburg. Randolph has recently hired a director so they should be operational soon. Presently State funds support these efforts at the level of about \$750,000.

These Community Justice Centers provide a range of criminal justice services, beginning with establishing a credible source of community value setting around behaviors that are not acceptable. The mechanisms for establishing the values begin with Pre-Charge diversion, which uses the power of the police officer to file a charge as the leverage to engage violators in constructive behaviors, in return for which the charges are not filed.

This process continues through Juvenile and Adult Diversion programs, which provide the State's Attorney with a further mechanism to not bring forward charges against persons whom community boards determine to have satisfied requirements for restoration.

Community Justice Centers also manage the Adult Reparative Probation program, where panels of citizens define mechanisms for offenders to regain the trust of the community.

Several Community Justice Centers are engaging with offenders reentering after periods of incarceration, developing the standards for behavior and action that will be expected of the offender in return for his/her acceptance back into the community. Justice Centers are engaging directly in providing community wraparound supervision and support to hold serious, violent offenders accountable to the community after release.

Finally, several Community Justice Centers are engaged with providing self-protection from offenders who reach the maximum term of sentence under State authority, and developing (both with and without offender participation) mechanisms for enhancing safety.

Community Justice Centers provide Vermont communities both the resources and the incentives to take on responsibility for responding to behaviors that reduce the quality of life in their own community and in doing so, provide a disincentive to use more costly State resources.

## **Strategy Four: DO THINGS DIFFERENTLY TO INCREASE EFFICIENCY**

### **A. Use Electronic Monitoring**

#### **1. As an alternative to Probation Supervision for Low-Risk Offenders**

To enable continued resources for the highest risk offenders in the community, a viable strategy is to use technology to augment the supervision of the lowest risk offenders.

There are currently many (5300) offenders placed on probation or parole on large, low supervision (also known as “Response Supervision”) caseloads. They are currently supervised by some 38 Probation Officers plus support staff.

Current technology is available to provide random automated voice recognition telephone contact with these offenders. Offenders under this form of monitoring would be required to have a telephone and respond to automated questions on a regular basis. While decreasing face-to-face contacts with staff, such technology would increase the overall frequency of contacts. It is possible for offenders to be charged the cost of calls and be billed by the electronic provider. In such a system, there would be little cost to the state.

Automated telephone systems provide notices of offender non-compliance to DOC staff. Staff monitor such reports, then ensure that appropriate action is taken.

The likely target population would be the current 2,400 low or moderate risk, non-violent misdemeanor offenders under field supervision. They are supervised at about a 100:1 caseload level. Many of these could be placed on telephone supervision at up to a 600:1 ratio, freeing up approximately the equivalent of 14 probation officer positions. Savings would be about \$750,000. Some of these staff could be reassigned to enhance supervision of higher risk offenders re-entering from correctional facilities, allowing further inmate releases. Projected staff savings are more predictable in larger offices because of larger economies of scale.

Similar systems with high automated case loads are currently used in several states, with reported success. While these states have larger caseloads than Vermont to begin with, the technology results in greater oversight. Such a shift may require legislation to require payment as a condition of eventual discharge.

#### **2. As an Enhancement to Supervision**

Electronic monitoring strategies can also be used to enhance the effectiveness and efficiency of supervision in higher risk offender populations. It can support house arrest, tracking offender movement and attendance at required activities (e.g., work,

treatment). If applied to appropriate, targeted offender groups that are higher risk, savings can be attained while protecting public safety.

For example, target groups could include:

- **Incarcerated Felony DUI Offenders**

Incarcerated felony DUI offenders could be placed on equipment that provides constant trans-dermal alcohol monitoring. The equipment costs \$1500 per unit to purchase, with a \$6 per day service cost. If rented, the cost per day for equipment and service is approximately \$10 per day, or \$3650 annually. This equipment would enhance the capacity of field staff to monitor and control the offender who would otherwise be incarcerated.

There are approximately 200 admissions annually to incarceration for Motor Vehicle Felonies. They have an average minimum sentence of 1.3 years to serve. Motor Vehicle felons comprise about 150 beds at any one time.

Statutory change to allow the use of electronic monitoring for earlier release on trans-dermal alcohol monitoring furlough could achieve added bedspace savings.

Were all incarcerated felony DUI offenders placed on such furlough three months earlier than current law allows, the average savings would be some 50 bed-years, or about \$1.1 million.

The cost of electronics to monitor 50 inmates on an average daily basis would be \$180,000. In addition, the equivalent of two field supervision staff (Community Correctional Officers) would be required to provide failure follow-up and daily monitoring. This would add about \$100,000 to costs, with approximate savings of \$750,000 for the entire population.

The savings would be significantly reduced if offender non-compliance rates are high or if some offense categories were excluded from the option. A non-compliance rate of 50% would reduce the bed-years savings by up to half (less time out prior to failure), reducing savings to as little as \$300,000.

If such a proposal were of interest, we would need to further analyze the technical, operational, and fiscal practicalities and the feasible response time frame to violations.

- **Violent Felons Already in the Community**

There are about 600 offenders on probation who have been convicted of violent felony crimes. The great majority (75%) of these offenders is under risk management supervision, and many are on probation after having completed a term of incarceration on a “split” sentence (a sentence in which the court suspends part of the term, but imposes part to serve).

There are also about 400 violent felons on parole, re-entry, or intermediate sanctions. These offenders are placed in treatment programs and are under intensive supervision. Enhancing supervision with electronic monitoring for those who pose higher risk of re-offense would not only provide additional effectiveness in supervision, but would allow DOC to sanction offenders who commit technical violations of their release conditions. The electronic monitoring could be added as a condition, rather than bringing a full violation. This option would not be used for offenders who violate a condition of release related to their offending behavior, but only for violating rules that do not increase risk.

- **Pre-trial Detainees**

There are about 3200 different individuals involved in detention for some period of time during each year for non-violent felony charges. Many of these offenders are detained for very short periods, but the net average daily population of these defendants is about 200. Nearly three-quarters of these detainees do not become sentenced inmates. With legislative authorization, they could all be placed on GPS home confinement monitoring.

This strategy might well place more detainees on electronic supervision for longer periods than are currently in detention (a.k.a. *widening of the net*). If the very large number of offenders who are not currently detained were placed under such surveillance, the costs would escalate dramatically.

The program could be initiated on a pilot basis in, for example, Bennington, Chittenden, and Rutland counties. This would reduce detention by about 15-25 beds, though as many as 50 different people would be monitored at a given time. The large volume of detainees would require additional staff. Equipment turnover is labor intensive. A statewide program could require at least one staff (at \$50,000 per position) in each region to retrieve and transfer the equipment. Supervision, monitoring, response, affidavit writing, and court time may require further staff.

Piloting the program may have constitutional issues in the provision of one part of the State with a liberty opportunity not available to all.

Costs for GPS Cellular are about \$9 per day or \$165,000 per year for 50 units. There would be additional costs due to damage, loss, and need for spares, at about \$50,000. There are some technical limitations to GPS due to the Vermont terrain, so detainees in areas without cell phone coverage would not be placed on the system. This same restriction applies to any of these electronic monitoring options requiring constant connectivity.

Total costs for the three districts would be about \$350,000. With an average population of about 25 detainees, maximum savings might be \$150,000 over the cost of housing an equivalent number out-of-state. It is highly likely that many of these offenders would fail to abide by release conditions, and potential savings would be reduced.

Most importantly, a mechanism would be required to ensure that the period of time a defendant was monitored electronically did not expand the time of detention. The restriction of liberty may count against any sentence imposed, as does detention time now, and this would require legislation.

- **Sex Offenders**

Incarcerated low risk sex offenders who are compliant with treatment and are currently held beyond minimum release (for a variety of reasons) could be placed on intensive supervision with GPS monitoring.

Placement of incarcerated low risk sex offenders in the community would cost approximately \$8 per day for electronics, \$50,000 per year for additional Community Correctional Officers (CCOs) with caseloads of 15. These staff would provide specialized supervision and activity tracking of the offenders.

The sex offenders would be transferred to specialized caseloads with Probation Officers who are specialists in working with sex offenders. The Department has identified such specialists, and their caseloads would be shifted to other staff.

The supervision and electronics costs for each 15 offenders would be approximately \$95,000.

Intensive treatment in the community costs about \$3,000 per capita annually, or about \$45,000 for 15 inmates. Total cost of this program would be about \$140,000, less any offender payment.

The offset would be about \$330,000 in incarceration costs for 15 such offenders. While this is a small number of offenders, the savings are continuing, since many will be under supervision for many years.

- **Property/Drug Felons**

Similarly, felons serving time for property or drug crimes could be released on “electronic furlough” prior to the 90-day reintegration furlough. These offenders would have continuous electronic monitoring and intensive supervision. In lieu of serving their minimum sentence, or a portion thereof, they would be required to participate in a community service work crew, in addition to paid employment or education programming. This would require legislation.

There are some 500 annual admissions of such offenders, with an average sentence of 1.2 years. There are currently about 500 property felons and 200 drug felons in prison. If the “electronic furlough” option were available for the last 50% of the minimum sentence, and were used by half of the eligible offenders, approximately 125 bed-years could be saved.

Offenders would receive credit toward their sentence for participation.

If annually 250 offenders were placed on this sanction for six months each, the cost would be about \$365,000 for the equipment. Additional correctional staffing would be necessary for equipment monitoring and reaction to failure/relapse, and to provide necessary supervision, at caseload ratios of about 25:1. This would add about 10 CCO staff to field offices, at about \$500,000 in cost, less any offender payment.

The offset would be some 125 bed-years in incarceration, or about \$2.5 million. The savings would be roughly \$1.6 million.

### **3. As a Sanction**

- As a graduated sanction

About 850 graduated sanctions (return to prison) were given last year for violations of rules. These sanctions averaged about 15 days per return, and contributed about 35 bed-years to the population.

Electronics used for this population would be Passive GPS. This form of electronic monitoring provides a daily summary of compliance with conditions. In contrast, active monitoring provides constant location and movement tracking, but is subject to geographic coverage limitations. The passive system is significantly less costly than the active system.

Placement of offenders on Passive GPS tracking and day reporting as a sanction might reduce further non-compliance, and would replace bed-days of violation. A reduction could be made of perhaps 10 bed-years from employment of 50 units of electronic supervision.

- Rules violations on furlough (Notice of Suspension)

In addition to graduated sanctions, there are approximately 1200 suspensions from furlough and re-incarcerations annually for violating release conditions. These are longer returns to prison and usually result from more serious or repeat violations. About half of them are for substance abuse, and most of the rest are for continued rules violations. Only about 10% are for new criminal behavior.

The average period of time returned to prison for such violations is 87 days.

Electronic monitoring could be applied as a sanction for all offenders who violate conditions of release short of new criminal behavior. This practice would involve any offender violating a rule or abusing substances that did not involve behaviors that are directly related to the criminality of the offender.

One could expect a reduction of perhaps 25% of the returns, or about 300 returns for 90 days (about 75 bed-years). To achieve this would require half or more of the potential returns to be so monitored, about 600 offenders, presuming a 50% failure rate. This would lead to an average daily population of about 300.

If these 300 were placed on electronic supervision for 90 days, the equipment required would be approximately 90 days x \$8 x 300 persons, or about \$216,000. In addition, three staff positions to provide equipment turnover, training, and monitoring would be necessary at a cost of about \$150,000. Net savings might be in the neighborhood of \$1.2 million. Legislation would be necessary to allow placement of any offender on electronic monitoring in lieu of violation.

Current legislation limits the use of electronic monitoring to non-violent, misdemeanor, and low risk offenders. This limits eligibility to slightly less than 1/3 of the violations. To achieve any significant savings, the target group should include all offenders on parole and furlough, either pre-approved or post-incarceration. The practice could be extended to provide an alternative sentence for probation violations.

## **B. Reduce Custody & Accelerate Release**

There are several potential strategies for reducing the custody level of offenders housed in Vermont facilities. Absent outright release, these all involve the development of capacity that does not currently exist, and thus are longer term in fruition.

### **1. Work Camps**

Additional work camps should be constructed to serve as incarceration for inmates currently housed in more expensive secure beds. The work camp concept is a viable alternative for most non-violent offenders. These offenders start serving their sentence in prison, but could earn their way to work camp by appropriate behavior for a specified period.

Work camps could be constructed for different populations, to focus on issues of alcohol abuse, work habits, drug abuse, and the like. The program for each could be a therapeutic community, with communal responsibility for behavior. The work camp model could be used for cooperative offenders with violent offenses, who would engage in work inside the secure perimeter. The incentive for participation for the inmates would be the work camp credit-off-sentence, allowing day-for-day credit, effectively reducing the residual stay by 50%. As such, these camps would be extremely competitive with the cost of Out-of State beds, as they provide two beds for the time of one.

There are currently 154 inmates in prison who fit the criteria for housing in a work camp as discussed earlier. Simply placing these inmates at a work camp (if the bedspace



were available) would reduce that number by half<sup>8</sup>. With expansion of criteria for inclusion in work camp programming, the numbers and the savings could be enhanced. The population for work camps could be expanded to include some misdemeanor crimes currently excluded by DOC policy.

<b>Population for Work Camp</b>				
	<b>Include</b>	<b>Exclude</b>	<b>Reason</b>	
<b>In Prison 11/13/2007</b>	<b>2162</b>			
Male}	1998	-164	{Female	
Sentenced}	1671	-327	{Pre-Trial Detainee	
No Detainer}	1496	-175	{Detainer or court action	
Non Violent Most serious Offense}	653	-843	{Violent Offense	
Not at Work Camp}	555	-98	{At Work Camp	
Pre Minimum Release}	376	-179	{Past Minimum Release	
	<b>376</b>		<b>71</b>	
	<b>Pre-Minimum Release</b>		<b>Held Past Min Needs Residence</b>	
<b>Reason</b>	<b>Exclude</b>		<b>Exclude</b>	
<b>Failed At Camp</b>	-39	337		71
<b>DR</b>	-60	277	-5	66
<b>Custody Level</b>	-4	273		66
<b>OOS Refusal</b>	-2	271		66
<b>Prior Offense</b>	-1	270		66
<b>Max within 30 days</b>	-10	260		66
<b>Other Offenses DOC Classified as Violent**</b>	-150	110	-44	22
<b>Court /OOS detainer</b>	-6	104		22
<b>On Camp Waiting List</b>	28	104		22
<b>"Eligible for Work Camp, Not there" = 154</b>				
Camp Possible				
** includes Disorderly Conduct; Resisting arrest; Prohibited Acts; Arson 3rd degree Asslt on Law Enf; Domestic Abuse; Leaving Scene of Fatal Accident, Burglary Occupied				

The Council on State Governments (CSG) has conducted an analysis of DOC data, to see if there was a population for a drug/alcohol high need, non-violent work camp program.

The CSG did their analysis a completely different way from the DOC analysis, looking at indicators for high drug need and non-violent offenses. The CSG conclusion is similar to the above table, finding a total of 136 inmates currently not at the camp and who could be, based on their criteria

<sup>8</sup> In estimating the cost reductions from the 50% reduction in sentences for time served at the Work Camp, we must acknowledge the benefit that traditional inmates get from the 90-day Reintegration Furlough.

## 2. Secure Treatment Residential Facility

This would be a program for women, involving expansion of current residential services for inmates placed on treatment furlough at the Brattleboro Retreat facility.

**Context:** The DOC currently has a contract with a long-term vendor, Phoenix House, to provide services to women in Brattleboro. In addition, we also contract with the same vendor to provide transitional housing services for women in Brattleboro. The common theme in these services is the provision of substance abuse and recovery services.

**Opportunity:** The vendor delivers certain of these services in a leased facility, the former Linden Lodge of the Brattleboro Retreat, and has the ability, with renovations (costs estimated at \$500,000), to access substantially more space in this facility. There may be advantages of economies of scale in staffing and infrastructure. The town of Brattleboro has indicated openness to discussing such a treatment program. Combining the two DOC programs (Tapestry I & II) with a residential treatment center run by the vendor in a single, functional location could be ideal for all parties.

**Program Concept:** The program would be a minimum-security residential treatment center with a modified therapeutic community for female offenders diagnosed with substance abuse disorders. The program would house 25 additional offenders in the first year, expanding to a mature program capacity of 50 additional offenders.

The program would be a staff-secure facility for mid-level recidivism risk female inmates convicted of non-violent felonies. The facility would be a hybrid public/private model, with work crew supervision and Phoenix providing supervision and treatment.

With sufficient beds available in a treatment facility and some added beds at Southeast State, the current Dale Facility could be closed, with resulting savings.

## 3. Minimum Security Substance Abuse Work Camp

There are three relatively inexpensive options for expanding bedspace to achieve expanded capacity for minimum-security inmates. As noted earlier, the first is relatively immediate – to expand the Caledonia Community Work Camp by 20 beds. This can be done with modest renovation, essentially adding five more fixed double-bunks to each wing. There are currently 50 inmates on the waiting list for the work camp.

The second option would be a larger expansion of the Caledonia Community Work Camp, with the addition of another residential unit of 50-60 beds. This unit could be a designated treatment facility for substance abusing non-violent offenders. Town officials have been positive about the current mutually beneficial relationship with Corrections.

A third option is to re-designate the Southeast State Correctional Facility at Windsor as an on-grounds work camp for male offenders. This would be a work camp facility for

inmates who had earned minimum custody, and have substance addictions. The program would involve intensive substance abuse treatment in a therapeutic community setting, with on-grounds work for the inmates, to include traditional Correctional Industries.

A fourth option would be to place a work camp on the grounds of the Northwest Facility if it remains open, thus gaining certain economies of scale.

The per capita cost of the Caledonia Community Work Camp in FY2007 was \$41, 014. This places it in the cost range of the Northern State and Southern State prisons, both of which are much larger and have economies of scale.

More importantly, one day at the work camp counts as two days off the sentence, and effectively a work camp bed provides two bed-years for the cost of one, so the effective per capita cost is \$20,255.

#### 4. Violation Centers

An additional use for work camps would be to designate one or more new work camps as violation facilities. The target population would be offenders returned to prison for violating conditions of release. Offenders would be returned to demonstrate an additional period of appropriate behavior, while acquiring skills and learning habits of mind that may reduce their violating behavior. Other states have minimum security facilities used for housing violators.

<b>Offense Type vs Status &amp; Minimum Release Date</b>							
<b>FY2007 - Average Daily Prison Population</b>							
<b>Seriousness</b>	<b>Total</b>	<b>Detained</b>	<b>PreMin</b>	<b>StayPast</b>	<b>BackPast</b>	<b>NAV</b>	<b>% PreMin</b>
Serious Fel.	794	125	433	116	107	14	55%
Person Fel.	228	38	110	47	31	2	48%
Property Fel.	509	64	271	51	113	11	53%
Drug Felony	177	48	100	9	17	4	57%
Motor Veh. Fel.	152	16	97	7	29	3	64%
Other Felony	75	34	19	6	15	1	25%
<b>Total Felony</b>	<b>1936</b>	<b>324</b>	<b>1030</b>	<b>236</b>	<b>310</b>	<b>34</b>	<b>53%</b>
Person Misd.	123	25	56	18	19	4	46%
Property Misd.	41	9	18	6	6	2	44%
Drug Misd.	18	4	11	1	2	1	62%
Motor Veh. Misd.	39	7	20	4	5	3	52%
Other Misd.	24	9	8	3	2	1	35%
<b>Total Misdem.</b>	<b>245</b>	<b>54</b>	<b>114</b>	<b>32</b>	<b>34</b>	<b>11</b>	<b>46%</b>
Unknown	22	7	5	2	7	6	23%
<b>Total</b>	<b>2203</b>	<b>385</b>	<b>1149</b>	<b>270</b>	<b>352</b>	<b>51</b>	<b>52%</b>

There are 352 inmates in prison on a given day that are back in prison after having been released to conditional reentry. Of these, 233, or two-thirds, are non-violent offenders returned primarily for drug abuse and rules violations. Currently, the only means of holding them accountable is a return to prison.

The program for these beds would focus on labor, involving road crews doing brush cutting, maintenance at state parks and fishing access areas, highway roadside cleaning, and the like, combined with drug and alcohol treatment at night.

At reduced stay for work camp credit, the camps would accelerate release of offenders who performed according to rule, and reduce the period of release supervision vulnerability to violation. Currently, only three of the target population of about 240 inmates (those serving on a return to incarceration for rules violation or drug use) is actually at the work camp.

As noted previously, double credit for time served effectively cuts this cost in half, to \$20,255 per capita.

### **C. Create an Alternative Housing Continuum**

One of the necessary components of successful reentry from a period of time in prison is finding housing – a place to live. For many offenders, particularly those who have been incarcerated for a year or more, this can present an insurmountable obstacle to success. Although the Department of Corrections provides some transition assistance, and provides transitional housing with a capacity of about 75 beds, many offenders cannot succeed in traditional housing.

The continuum of housing is as follows:

#### **1. Privately Operated Apartments**

On occasion in the past, the DOC provided support for the first month, last month, and security deposit (about \$1500 – a one-time cost) for released offenders. However, the absence of community and family supports and the intensity of supervision for these offenders very often results in their failure. Not incidentally, it also results in the loss of the rental and security deposits. A recent study has demonstrated that this practice of subsidized housing results in much higher return rates than other forms of transitional housing, and this practice has been de-emphasized.

#### **2. Staffed Supported Living**

The next level of structured housing provides live-in staff, external case management, offsite work, training, education, and on-site therapeutic community. This level of staffing is generally 1-2 staff on shift during the day, providing support and assistance to the group of offenders in maintaining the rules, providing structure for meals, and ensuring attendance at activities.

Residents subsidize costs by paying a weekly rent. Annual costs per resident range from \$10,000-\$25,000 depending on the size of the housing program and intensity of

service provided. Smaller scale transitional housing operations, like Vermont's small prisons, have both positive and negative attributes. They are clearly more costly than larger facilities.

### **3. Supervised Supported Living**

A more intensive level of housing requires over-night staffing (24x7). This is a more structured housing model, with case management, work, training, and education on-or-off site; on-site therapeutic community; on-site food preparation (by the offenders), and outpatient treatment for issues of mental health or substance abuse.

Portions of the services may be offset by third party payers (private donations, leveraging Federal or State resources, fundraising). Residents subsidize costs by paying a weekly rent. Annual costs per resident range from \$20,000-\$33,000 depending on the size of the housing program and intensity of services provided. Compared to out-of-state placement, this option is more costly, but would likely enhance reentry success.

Many structured/supported housing programs do not accept sex offenders for which DOC currently has a high level of demand for housing. Some communities in the state prohibit even the exploration of housing programs for sex offenders. Our offenders are from Vermont communities and eventually return to our communities. Successfully returning Vermonters convicted of sex offenses in a structured manner that minimizes reoffenses is an important public safety consideration.

### **4. Wraparound Community Reentry Services**

This approach creates a structured program involving family, friends, treatment providers, and supervision tailored to the individual. The approaches require intensive case management and coordination of resources for housing, treatment, education and training, rehabilitation services, and supervision.

These structured programs can be developed for reentering inmates who have

- Severe Mental Illness,
- Developmental Disabilities,
- Traumatic Brain Injury,
- Other Disabilities.

The costs for such programs can vary widely, depending on the levels and degree of services required. The programs cost from \$50,000-\$150,000 per year or, in some individual cases, far more. Significant portions of these costs may be offset by third party payers.

## **D. Reduce Duration of DOC Involvement with Offenders**

### **1. Eliminate (reduce) Program Requirements in Prison**

On average in FY2007, there were some 270 inmates in prison who were past their minimum release date, and who had never been released, primarily due to behavior in custody and program performance. These offenders are high risk, and two thirds of them (181) are serving on violent offenses. Elimination of program requirements for release would make approximately 100 of them eligible for Parole. How many would actually be released is difficult to estimate. This is not a particularly viable option and has not been analyzed further.

### **2. Term Furlough (specified length of time on Conditional Reentry), then Reduction in Supervision Level.**

This proposal would limit the time on Conditional Reentry to 90 days. Successful completion of 90 days on this status would generally (without an override) result in a DOC recommendation to the Parole Board to parole the offender to the lower intensity of parole supervision. There are some 1,000 offenders currently in Conditional Reentry. The longer offenders are under this intensive restriction, the more they are at risk of a violation of the rules of the release status. In particular, some 600 of the offenders on Conditional Reentry status are non-violent criminals. The great majority of these are not high risk to re-offend. Enhanced community treatment resources could further reduce risk.

Failure to abide by the release conditions, of course, would extend the period of supervision, or result in return to prison.

Estimating the impact of this change is difficult. It is likely that offenders who earned parole earlier through this process would not be likely to reoffend, and the reduction in the intensity of supervision might reduce the vulnerability to technical violation.

Some 60% of the reentry releases are ended within 90 days, with about half resulting from violations and return to prison. However, some 279 (30%) of the 937 persons currently on furlough have succeeded on reentry for more than 6 months, and a reduction of term would affect them.

### **3. Presumptive Parole for Non-violent Offenders**

This option would involve the offender being placed for three months on Conditional Reentry Furlough, then placement on parole unless the Parole Board refused to grant parole.

The relationship between the time on furlough and the decision to recommend parole is subjective. For offenders who have been incarcerated for non-violent offenses, a more

objective or presumptive system might have the effect of reducing the period of time on furlough, and likely reduce the “vulnerability” of some offenders to rules violations.

Another way to accomplish this would be to actually have the offenders appear before the Parole Board first, upon reaching minimum release, with a recommendation for three months of "transition conditions" at the beginning of their supervision. The reduction in supervision level could take place after three months of this higher level supervision.

This would certainly provide a systematic way of ensuring that Conditional Reentry is only used for those offenders who are truly not ready for parole supervision.

#### **4. Work Release – 60-90 days prior to Reintegration Furlough**

A practice from past legislation that has been suggested by DOC staff is the reinstatement of Work Release for inmates prior to reaching their minimum. Under this status, offenders who have demonstrated appropriate behavior while serving a portion of their sentence could be released from prison during work hours to employment in the community. The offenders would sleep at the facility, pay room and board, and participate in mandatory savings from any wages, to accumulate sufficient funds for permanent reentry. The supervision of these offenders would be on Furlough status.

While this practice would not immediately reduce bedspace, the practical effect is that inmates who are nearing the existing Reintegration Furlough (90 days prior to minimum release date) could begin establishing work and living connections to be ready for full release on schedule. The acceleration of the process might have the effect of expanding the impact of the already successful Reintegration Furlough process, which has reduced incarceration by about 60 beds.

The average stay on Reintegration Furlough since the inception of the program in January 2006 has been 53.7 days for the 591 offenders who have been on it. Prior preparation for this status, for offenders whose behavior warrants, could increase the bedspace impact by increasing duration of the furlough.

The primary arguments against this concept are that, on one hand, it violates a desire for Truth in Sentencing, and on the other hand, if the offenders are safe enough to be released during the day, they should not be housed in a bed designed for secure incarceration.

### **E. Limit Violation Returns for Non-violent Offenders**

<b>Furlough Violations - FY 2007</b>			
<b>All Returns</b>			
	<b># Returns</b>	<b>% of Returns</b>	<b>Beds Used</b>
New Crime	228	11%	89
Technical	1869	89%	244
totals	2097	100%	334
<b>Technical Violations</b>			
<b>Underlying Crime</b>	<b>Violent</b>		
Grad Sanction	242	12%	45
Revocation	256	12%	121
totals	498	24%	165
<b>Underlying Crime</b>	<b>Non-Violent</b>		
Grad Sanction	704	34%	16
Revocation	667	32%	62
totals	1371	65%	78

In Fiscal Year 2007, as discussed earlier in the section concerning electronic monitoring, there were some 2000 persons returned to prison from furlough, either Pre-Approved Furlough or Conditional Reentry. Of these, the majority (65%) were sanctions against offenders convicted of non-violent offenses, for violations of the rules of release. More than half of these violations were for the use of alcohol or illegal drugs.

While this is a large number of violations, the use of the graduated sanction process limits the bedspace utilization. Elimination of this level of accountability would produce only modest (78 beds at most) bedspace savings, although it is a tangible savings.

There are alternatives to re-incarceration for these offenders (non-violent, rules violations):

- a. Since a large proportion of these returns are for relapses of substance abuse, placement in mandatory intensive treatment/education programs could be a cost-effective offset to the incarceration costs. Rather than a 15-day jail sanction, these offenders could be required to attend three weeks of one-hour treatment/education sessions, involving daily interventions by certified alcohol/drug counselors. These sessions could involve cost-effective group approaches.
- b. The creation of Community Reentry Accountability Panels under the aegis of Community Justice Centers could provide a decision-making support system of volunteer citizens to determine whether the best interest of the community and the offender would be served by re-incarceration, or a more restorative activity.

For offenders who are being held accountable for rules violations, it is likely to be more effective that there be an external body to determine the damage to public safety from such a violation, rather than the DOC officer whose authority has been challenged by the violation.



- c. An additional option for violation of the rules could be placement in a residential treatment program in partnership with the AHS.
- d. Another option is also described in earlier sections – the use of electronic monitoring. This could be more effective in reducing bedspace if it were applied to all offenders, whether or not convicted of a violent crime, so long as the technical violation of rules was not related to the underlying offense. Such violations would include, for example:
  - (1.) Offender who is on furlough after serving two years in prison for aggravated assault, no substances involved, is found at home having consumed alcohol. This is in violation of conditions, and the offender is placed on a radio transmitter that constantly monitors skin alcohol levels.
  - (2.) Offender who is placed on pre-approved furlough with a requirement that he participate in the community-based intensive domestic abuse program is out of bounds, but such behavior is not connected to victim or victim profile contact. The offender is then placed on GPS to enable monitoring of movement. Currently this active GPS system, as discussed earlier, is limited to locations in Vermont with good cell phone reception. Also, policy maker must set expectations regarding the response time to late night violations, a costly challenge in a rural state.
  - (3.) A domestic assault offender on re-entry, with a driver's license, is seen driving out of a fishing access by DOC work crew staff, despite the fact that he doesn't have DOC permission to drive, is then placed on GPS in order to monitor future movement.

## **F. Reduce Demand (Mostly out of DOC control)**

- **Community Accountability**

The following concept is worth further discussion.

Under new legislation, communities could be asked to pay for placement of misdemeanants, directing revenue to local Community Justice Centers.

Along with (and connected to) limited fiscal resources, Vermont has finite prison space. This space is expensive to build and operate, and is aging and (due to the “Not In My Back Yard” sentiment) not likely to increase materially anytime soon. To reduce the disproportional utilization of correctional resources by a few counties, the State could create a financial incentive/disincentive for communities based on their relative (to population, serious crime) use of finite prison space. Unlike the vast majority of other States, communities in Vermont do not directly share the cost of incarceration. While a few of these communities at least share the burden of housing state correctional

facilities, most do not. This is particularly true for communities with large proportions of offenders who commit misdemeanor crimes.

Given the design for our correctional services system, there is no incentive to local justice systems to restrain their use of costly public resources. Clearly State laws are a major factor in utilization of State resources. In addition, other variables such as local prosecution policy, sentencing patterns, and community support for offender reintegration are important. Acceptance of transitional housing and relative utilization of prison alternatives such as diversion and reparative probation can also improve success and reduce costs.

The State of California has employed such a managed care approach to Juvenile Justice. Offenders convicted of serious offenses are the State's responsibility, and communities have no cost. Low level misdemeanants, however, incur the full cost of incarceration by the community. With mid-range offenders, the costs are shared.

One could imagine a system where the availability of finite resources (secure beds or higher levels of supervision) is managed by a set of needs-based guidelines based on the degree of harm done, the risk of criminality, and the responsiveness of the offender to the community.

Under this plan, communities that use below average resources would receive preferential consideration in the distribution of State resources. Communities that used a disproportionate share of correctional resources would do less well in the allocation of other State resources to reflect the burden they place on other Vermont communities. In total, local communities would be held harmless, but individual communities would again have an incentive to manage taxpayer resources directed to Corrections.

The current system is demand-driven and without limits. If there were a realistic, fixed capacity, access to those beds/services and the length of stay would require high levels of selectivity.

Case planning involving all stakeholders is critical to making this fixed resource system work. Services could be allocated based on reported crime rate/severity/by county. Up to the level of allocation, a county can use beds/services as it deems appropriate.

For utilization at a higher level than average, additional cost would be levied on the incarcerating authority. These costs could be disincentives for overutilization (for example, if a misdemeanant were lodged in a secure bed). The sending jurisdiction might have to pay an additional fee for service. Rebates could provide incentives for community diversion strategies.

Prior to engaging in a fixed resource system we would need to enhance local capacities in many forms to deal with lower level crime and engage communities as partners in field supervision, as well as reentry. The funding for this community capacity development would be reasonable given the substantial savings attainable with reduced bedspace costs.

A serious review of sentencing is now underway by the Vermont Sentencing Commission established by the Legislature. That review could consider the advisability of having the state correctional system deal only with felony crime. All lower level crime would be the responsibility of local entities.

Felony offenders need to be further sorted by relative risk and a hierarchy created that fits the bedspace available. Fixing the resources may be the only way out of our current dilemma, and the process of education that would accompany such a consideration would be invaluable.

- **Incapacitated persons**

As discussed earlier, a non-criminal population for whom services could be discontinued is the large number of incapacitated persons lodged for 24 hours by local law enforcement. In addition to the strategies outlined above, the DOC could simply decline to accept such persons when facilities are at capacity. This would require legislative authorization, as correctional facilities are currently mandated to accept such non-criminal citizens even if the facility is overcrowded beyond capacity.

An alternative to refusing to accept them is to send an invoice of the cost of such incarceration to the sending communities. This is not likely to be well received, but the disproportionate use of these capacities by Chittenden and Rutland counties is currently being subsidized by the other communities in Vermont.

- **Detention**

Similarly, the Department could cease providing pre-arraignment and pre-trial detention services to sheriffs/local police without court order. As with incapacitated persons, pre-arraignment detention is a high-volume, short stay practice. The costly, resource-intensive admission process requires medical and mental health screening, suicide assessment, and criminal justice processing. The vast majority of detainees are released at arraignment, having posted bond. Statutorily limiting the use of detention to felons could substantially reduce the volume. Bedspace savings might amount to 20-40 beds statewide, but the result for law enforcement would be significant, in not having a place for safekeeping.

- **Expand Term Probation to All Felonies**

Term probation was expanded by the Legislature in 2006 to include all non-listed felonies in addition to the misdemeanor offenses covered in the 2004 legislation. In both offense categories a finite term is presumptive, unless the court determines otherwise. This has helped reduce the numbers of persons under probation supervision to the lowest level in more than 10 years.

Further expansion of the presumption of the sentencing process to define terms of supervision for all probationers might continue this decline, such that probationers who

fulfill their obligations and conditions of release are terminated from supervision in the absence of bad behavior. Those who are found to have successfully complied with their release would be summarily discharged, unless the probation officer recommends continuation to the judge.

- **Reduce mandatory sentences for Failure to Return from Furlough**

Currently the penalty for failure to return by offenders in the community is the same as for those who escape from a custodial facility. Members of the Judiciary have suggested this is overly harsh and may be counterproductive. The concept would differentiate penalties for escape from prison versus walk-away from furlough. The current statute considers all escapes equally, with a sentence of up to 10 years, mandatorily consecutive to the underlying sentence. These judges suggest that an additional, consecutive three – six months added to the minimum sentence is sufficient deterrence in most cases. That would be three months for short escape periods on short underlying sentences; longer sentences for escape when the time out of place is longer or the underlying sentence more serious. This might have the effect of shortening time served for some offenders. Allowing the Judiciary the discretion to have failure to return from furlough sentences served concurrently with other charges might have the effect of lowering the number of offenders whose sentences are extended by consecutive sentences for straying from furlough.

- **Sentencing Guidelines vs. Sentencing Options**

It has been an ongoing debate in Vermont and elsewhere as to whether to restrain the growth of prison population best by either:

- a. **Limiting** the Judiciary's discretion – presumptive guidelines, mandatory guidelines, advisory guidelines; or
- b. **Increasing** the options available to the Judiciary, other than incarceration, by providing alternative sanctions, treatment programs, and community supervision strategies.

For the past 20 years, Vermont has chosen the latter course, which has served us well. The development of intermediate sanctions as additional options for the court has been singularly successful in diverting more than 40% of prison intakes to less intrusive, less, costly, and more effective sanctions. However, the demand for incarceration has continued to increase.

A decade ago, the Department developed a set of sentencing options (community-based intermediate sanctions) and a manual which provided guidance for the Judiciary on the capability, offender eligibility, and treatment intent for the programs. The Department is currently updating the sentencing options manual. Expansion and addition of options other than incarceration are included.

The Legislature is exploring, with this study, the further development of alternative sanctions.

The Vermont Sentencing Commission is also studying the issue. Additionally, Chief Justice Reiber has constituted a task force to examine options to divert mentally ill or substance abusing offenders to more effective treatment interventions. As such, this report will not examine these options and potential impact in detail.

## **Strategy Five: CONSTRUCT MORE EFFICIENT FACILITIES**

Another opportunity for achieving savings is to improve the efficiency of incarceration with additional capital improvements. As discussed early in this document, the small correctional facilities in Vermont are relatively inefficient. The facilities were built incrementally over many decades. Most other states have abandoned the small, “neighborhood” jail under pressure from the volume of incarceration, in favor of large, more economical facilities.

The examination of the individual facilities engaged in earlier sections of this document reveals shortcomings and needs for change in individual facilities. This is in keeping with the legislative charge, and the need to achieve prompt savings.

However, it is important to note that, other than reducing actual incarceration levels, the largest operating savings can be generated by fundamental restructuring of the incarceration physical plant. Large, central, multi-purpose correctional facilities are more efficient in operating costs, and able to sort offenders more effectively in terms of security and treatment demands, and are fundamentally more efficient in staff-inmate ratios.

The establishment of a large facility or facilities in Vermont is an enormous multi-year funding and construction problem that does not reap “savings” until the new facility is opened, and any old facilities are closed.

Nevertheless, it is important to put the proposals on the table.

### **A. Expand Capacity, Close Less Efficient Units**

There are several ways to respond to the current bedspace shortfall, and to the anticipated growth in demand. The Department currently contracts with Corrections Corporation of America (CCA) for approximately 550 beds. As discussed earlier, within five years, at current rates of growth, up to an additional 400 beds will be needed. This amounts to roughly 1,000 beds beyond the current in-state bed capacity.

#### **Option 1: Build a Large Prison**

Vermont could build a single large facility, of 1,000 beds or more, costing approximately \$100 million in bonded indebtedness for construction costs, and about \$35 million in annual operating costs. Serious consideration of this option would require more precise financial estimates.

The facilities that could be closed, as described earlier, include, for example, Chittenden, Dale, Windsor, and St. Albans. The combined capacity of these facilities is some 614 beds. A single facility, with separate sections for male detention, male sentenced housing, and female detention, and sentenced housing, would be far more

cost effective than the current facilities. The additional bedspace could result in closure of more facilities in Vermont, or return many inmates from CCA.

The combined operating cost of these four facilities (FY2007) was \$29,596,000. The combined average per capita costs of the same facilities was \$48,201 per offender. The large facility would replace these costs with an estimated \$35,000 per offender, or about \$8.1 million in operating savings.

Securing capital funding and a site location are enormous impediments. In addition, achieving any operating savings in the near term would be difficult, as old facilities would not close until a new one was open. Such a high cost endeavor would clearly warrant more extensive analysis if serious discussion develops.

### **Option 2: Partner with Private Prison Contractor**

Vermont could collaborate with a private prison contractor to build and operate a large facility in Vermont (e.g., 1,500 beds) that would give Vermont the right to half the beds at a deeply discounted rate for 20 years. The vendor could offer surplus beds to other Northeast states. This could provide Vermont with long-term capacity, rapidly. The savings generated would be available more immediately. However, the costs of constructing a new facility would be amortized in any new fee for the per diem bed costs, which are likely to be higher than the current contract with CCA.

Some years ago, it was suggested that the Vermont State Racetrack in Pownal would provide ample space and an excellent site for the location of a large prison facility.

Also several years ago, a concept was proposed by a consortium of private citizens in Vermont, to build a 500 bed detention facility in Chittenden County. No recent discussions have occurred on this concept.

### **Option 3: Expand Existing Facilities**

- Expand SSCF (Springfield) (150 beds)
- Expand CCWC (Work Camp I)
- If not closed, renovate NWSCF (St. Albans) and add a work camp

As discussed in the individual facility descriptions, the grounds of the facilities at St. Albans, Springfield, and the St. Johnsbury Work Camp are suitable for expansion. The bedspace additions are significantly cheaper to construct than whole new facilities, and in fact further reduce operating costs. While still far smaller than the 1,000-bed, 2,000-bed or larger facilities in other states, expanding Vermont facilities would increase their relative cost efficiency.

## **B. Reduce Facility Centralized Costs**

The current contract for medical services with Prison Health Services cost \$13,369,509 in Fiscal Year 2007. This amounts to 17% of the overall cost of Vermont facilities' costs<sup>9</sup>. The contribution on a per capita basis is \$7,953 per inmate housed. This contract provides round-the-clock health care coverage, as well as physician and dental services.

The estimated per capita expenditure in the Contract Facilities operated by CCA is \$2000. The difference may somewhat be a matter of screening out all costly offenders from the out-of-state population, thus concentrating costs in Vermont. The greater impact is economies of scale (e.g., Vermont has eight or nine nurses on duty at off hours, where a single large facility might have only one or two).

It is possible that modest cost savings could be achieved with similar screening and consolidation of physically ill inmates in one or more facilities, creating a geriatric/medical care capacity, relocating inmates to this facility, and concentrating care resources. This could be a private contracted function.

## **C. Establish a Prison Siting Authority**

The State of Vermont has had significant difficulty in finding communities willing to host new prison construction. The past several facility construction projects have involved massive efforts at recruitment and enrollment of community leaders and citizens in the site selection process.

The Legislature could establish a Prison Siting Authority to select sites for expansion, new construction, or correctional facilities for closing. Similar to the Federal Base Closure Commission, this would result in a thoughtful proposal that could be voted up or down by the Legislature.

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<sup>9</sup> As a note, while not strictly comparable, the state employee medical costs represent 11.6% of State Government personnel costs in FY2007.



# ADDITIONAL IDEAS AND APPLICATIONS

## 1. “Zero Sum Legislation”

While the Legislature has checks in its process that require accountability and transparency, in terms of the likely fiscal impact of new laws, there is little consideration of the fiscal impact of stiffer criminal penalties (save for the Governor's Civil Confinement proposal). Responsibility and complicity for this dynamic is shared by us all: elected/appointed officials, the media and, indeed, the public.

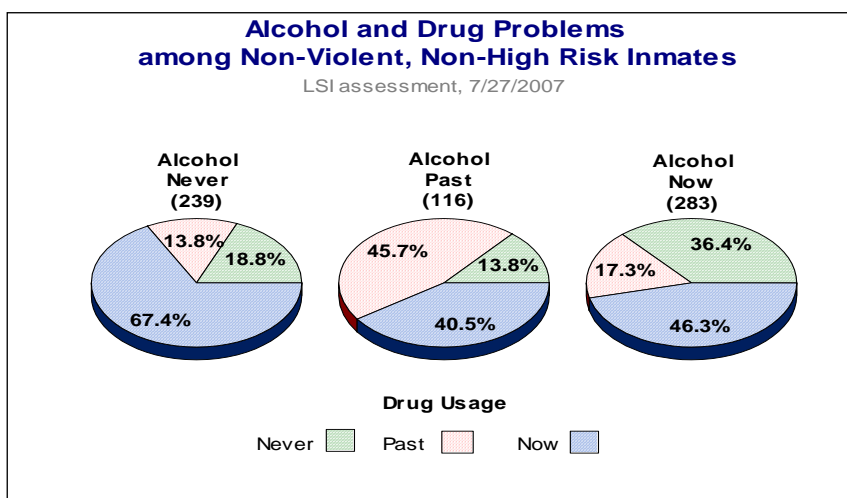
Given the cost/space limits on Corrections, the Legislature could commit to having all prospective legislation be net-neutral in terms of bed-years. So if we want to further punish and incapacitate highly violent offenders, we would need to lessen the sentence or change the punishment for other offenders to free up sufficient beds in the future to accommodate the new sanctions.

Taken a step further, the Legislature could commit to making the past decade's *prison footprint* net-neutral, by again seeking to recalibrate sanctions in line with the long term low Vermont crime rate.

## 2. Rethink Contracting with Private Providers

The Department currently contracts for secure incarceration with the Corrections Corporation of America (CCA). These costs were some \$11 million in FY2007 for an average of 517 beds. The primary population that is sent out-of-state includes offenders who do not participate in treatment, who are relatively healthy both mentally and physically, and who are serving relatively long sentences for violent crimes (although as the utilization has grown, the length of sentence has dropped).

An alternative would be to contract to house a different population – the substance abusing, non-violent offenders who comprise a significant part of the incarcerated population. These offenders serve relatively short sentences, generally less than a year, and have significant dependencies. Many have failed in community treatment, and while they are incarcerated for crimes, many of these crimes are the direct result of addiction, and the need to raise money to buy drugs.



The Department of Corrections provides limited substance abuse treatment in correctional facilities, at Dale and Windsor facilities for women, and Caledonia Community Work Camp for men.

To reduce our reliance on and expense with CCA, we could consider a Request for Proposals (RFP) for the provision of secure residential substance abuse treatment services. As practical, in many other states this approach would place non-violent felony and misdemeanor offenders with addiction issues in privately-operated, secure treatment facilities. These facilities would provide treatment in therapeutic community settings, with (1) staff-secure facilities, where sufficient staffing provide 24x7 controls over offender movement and behavior, or (2) physically-secure housing, with locked doors. Offenders in these programs would be able to maintain employment in the community, participate in community-based treatment and education, and maintain community and family ties. Conceivably, offenders might even keep their children with them. Release of these offenders on treatment furlough may make many of the services provided for treatment reimbursable under Global Commitment.

While the Department of Corrections does not currently conduct a specific alcohol/drug treatment assessment of offenders, the LSI-R (Level of Service Inventory-Revised) risk assessment does include alcohol/drug “problem” self-assessment. The following chart articulates the degree of alcohol and drug involvement from that assessment.

More than half the men, and two thirds of the women show a current drug problem, and nearly half the men, and a quarter of the women show a current alcohol abuse problem.

<b>NonViolent, Non-High Risk Inmates on 07-27-2007</b>										
<b>Presence of Alcohol and Drug problems indicated in LSI-R Assessment</b>										
<b>Both Genders</b>		<b>Alcohol Problem</b>				<b>Alcohol Problem</b>				
	<b># Inmates</b>	<b>Alcohol</b>				<b>% of Total</b>	<b>Alcohol</b>			
	<b>Drug</b>	<b>Never</b>	<b>Past</b>	<b>Now</b>	<b>Total</b>	<b>Drug</b>	<b>Never</b>	<b>Past</b>	<b>Now</b>	<b>Total</b>
<b>Drug Problem</b>	<b>Never</b>	45	16	103	164	<b>Never</b>	7%	3%	16%	26%
	<b>Past</b>	33	53	49	135	<b>Past</b>	5%	8%	8%	21%
	<b>Now</b>	161	47	131	339	<b>Now</b>	25%	7%	21%	53%
	<b>Total</b>	239	116	283	638	<b>Total</b>	37%	18%	44%	100%
<b>Males only</b>		<b>Alcohol Problem</b>				<b>Alcohol Problem</b>				
	<b># Inmates</b>	<b>Alcohol</b>				<b>% of Total</b>	<b>Alcohol</b>			
	<b>Drug</b>	<b>Never</b>	<b>Past</b>	<b>Now</b>	<b>Total</b>	<b>Drug</b>	<b>Never</b>	<b>Past</b>	<b>Now</b>	<b>Total</b>
<b>Drug Problem</b>	<b>Never</b>	42	15	100	157	<b>Never</b>	7%	3%	17%	27%
	<b>Past</b>	33	46	46	125	<b>Past</b>	6%	8%	8%	21%
	<b>Now</b>	137	42	125	304	<b>Now</b>	23%	7%	21%	52%
	<b>Total</b>	212	103	271	586	<b>Total</b>	36%	18%	46%	100%
<b>Females only</b>		<b>Alcohol Problem</b>				<b>Alcohol Problem</b>				
	<b># Inmates</b>	<b>Alcohol</b>				<b>% of Total</b>	<b>Alcohol</b>			
	<b>Drug</b>	<b>Never</b>	<b>Past</b>	<b>Now</b>	<b>Total</b>	<b>Drug</b>	<b>Never</b>	<b>Past</b>	<b>Now</b>	<b>Total</b>
<b>Drug Problem</b>	<b>Never</b>	3	1	3	7	<b>Never</b>	6%	2%	6%	13%
	<b>Past</b>		7	3	10	<b>Past</b>	0%	13%	6%	19%
	<b>Now</b>	24	5	6	35	<b>Now</b>	46%	10%	12%	67%
	<b>Total</b>	27	13	12	52	<b>Total</b>	52%	25%	23%	100%

A more accurate assessment of the need for treatment is clearly desirable, and is being conducted in Vermont by the Council on State Government's Criminal Justice Group.

If a large portion of these offenders could be cared for by a private provider of substance abuse treatment services, at competitive costs, then out-of state housing could be reduced. This approach will not yield direct savings, but effective use of State dollars for treatment is likely more cost-effective in the long run than simply housing inmates in Kentucky.

This is worthy of further investigation.

### **3. Alternative Sentencing**

- **Day Fines**

This is a sentencing option with extensive experience in Britain, Germany, Finland, Norway, and Sweden. Offenders are sentenced to a number of days fine, based on their daily income. Fines are then proportional to the offender's ability to pay, and "cost" the same amount of labor.

Thus, offenders convicted of DUI would be fined 30 days pay. For an offender making \$15,000 (minimum wage), the fine would be \$1,250. For an offender making \$120,000, the fine would be \$10,000. The deterrent effect would be equalized, especially for offenses that violate serious social norms, like drinking and driving.

The nations that have employed this strategy have seen significant reductions in offending, as well as significant reductions in incarceration and its costs to the taxpayer. In many instances, the current structure of Vermont's approach to these offenses punishes the taxpayer more than the offender. This strategy turns the tables.

Repeat offenders without means would face mandatory incarceration, or multiple months of day fines.

- **Electronic Monitoring as an Alternative to Incarceration**

Offenders would be sentenced to a number of days of electronic monitoring, using GPS or other appropriate technologies (including remote alco-sensing). The target population for this response would be substance-abusing offenders convicted of non-violent offenses and would offset any jail time in the sentence. For this option to yield savings, it would need to be used as an alternative program for incarcerated offenders, not as an additional program for those already in the community.

- **Work Crew**

The Community Work Service program (an intermediate sanction on pre-approved furlough) is an effective option for the Judiciary to sentence non-violent offenders. Expanding the use of this sanction would produce savings. In Fiscal Year 2007, there were 940 persons admitted to prison as sentenced inmates with less than 30 days to serve. This is in addition to the 2320 offenders who were sentenced to Community

<b>Community Service Work</b>		
	Number of Offenders	Number of Days
Female	441	5374
Male	1879	25313
Total	2320	30687

Work Service. Replacing the bed-days of sentences less than 30 days with work crew days would produce savings.

**FY2007**

In FY2007, those 2,320 offenders placed on community service served a total of 30,687 days on a work crew (averages to 13.2 days per person). Those work crew days were managed by 16 Correctional Work Crew Foremen, at a cost of \$956,202. This computes to \$31 per day vs. \$58 per day at CCA or \$110/day in Vermont facilities.

Were an additional 490 inmates (half of those who served less than 30 days in jail) sentenced to the same average 13.2 days of work crew as the current population, there would be an additional 6,250 days of work crew required. This is a 20% increase to the workload of the program, requiring four or five additional Correctional Work Crew Foremen positions, at a cost of about \$200,000 or less if analysis determines surplus capacity among existing staff. This would offset the incarceration costs for the sentence days of about \$350,000 at CCA rates.

Ensuring that sentences of less than a certain number of days are served on work crew and not added as consecutive to, or concurrent with, confinement sentences might require statutory enforcement.

- **Home Confinement**

As another substitute to incarceration, courts could be empowered to sentence certain classes of offender to home confinement. Home confinement would comprise terms of curfew, requirements for work, education, and treatment, and community service or reparation. Offenders could be sentenced to this status, actively supervised at intensive levels, with electronic monitoring to ensure compliance.

#### **4. Selectively Reduce Penalties for Non-violent Felonies and All Misdemeanors**

Both of these measures have been suggested by various parties. There are currently 445 property offense felons serving sentences in Vermont. There are 136 motor vehicle felons serving sentences. There are currently 177 inmates in prison for a drug felony as the most serious charge. The felony drug population is the fastest growing segment of incarceration, and is projected to continue to be so.

Misdemeanants have been a relatively stable portion of the population in prison for many years. There was an average of 245 misdemeanants in the prison population during FY2007. Of these, however, 123, or half, were lodged for violent misdemeanors, nearly all of which were domestic violence offenses. There are currently 18 inmates serving sentences for a drug misdemeanor as the most serious charge. There are 75 other non-violent misdemeanants serving sentences today. There are about 750 different persons lodged for misdemeanor offenses each year, of some 7,000 persons<sup>10</sup> convicted per year of misdemeanor or motor vehicle offenses annually.

#### **5. Day Centers**

A model that combines several of the concepts discussed above is the establishment of Community Corrections Day Treatment and Day Reporting Centers in several communities in Vermont. The model, in operation in many other states, would require physical space and staffing that would potentially exceed current Probation & Parole staffing capacity.

The proposal is to provide an alternative to incarceration for (currently incarcerated) non-violent felons. The offender characteristics include drug/alcohol dependence, poor work habits, and chronic offending. The average sentence for these offenders is about 1.2 years.

These offenders would begin in prison with four - six months' participation in the Habits of Mind program. Upon successful completion of the program, offenders would serve the remainder of their sentence at the Day Treatment Center, providing community service, receiving substance abuse treatment off site, and education at CHSVT. Graduation from this program would result in placement at the Day Reporting Center and offsite residence. Success at the center would result in increasing freedoms and privileges.

Housing at the Day Center would be provided in a residential treatment center reentry process "Half Way Program." Offenders would work offsite on supervised crews, continuing to real employment or community service work. Offenders would be electronically supervised.

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<sup>10</sup> There are about 10,000 misdemeanor convictions annually, with about 1.5 charges per case.

The Day Center program is comprised of an array of intensive services that have a graduated decrease in intensity, frequency, and supervision. The model would target:

- offenders released from prison after serving just a portion of their minimum sentence, who require intervention and supervision;
- offenders under supervision who are at risk for incarceration due to continued criminal behavior, substance use/abuse, and related behaviors;
- other offenders whose criminal risk warrants a higher level of supervision.

Offenders coming from prison would enter the residential portion of the program and transition to the work release and reentry programs. Daily reporting, electronic monitoring, and intensive supervision would follow.

Offenders already on community supervision who were charged with violations of their release conditions could be sanctioned to the Day Reporting Center, avoiding their incarceration.

A comprehensive psycho-social and risk assessment would lead to services including education through CHSVT, vocational education and Habits of Mind; employment planning; self-help support groups; recreation; and community service activities.

Interventions would include cognitive restructuring for reduction in violence; substance abuse education and relapse prevention; domestic violence prevention programming; trauma responsive programming (e.g., "Seeking Safety").

The therapeutic community environment encourages participation in the program and in individual success. Offenders receive concrete and social rewards for participation as well as work camp credit. This would mean a 14-month sentence (the average for these offenders) would result in four – six months in jail, and two - four months at the Day Center Work program, followed by one – two months of Day Reporting.

A Day Center in Chittenden County, with 24 beds and a supervision/ treatment capacity of 50 offenders, would provide round-the-clock staffing (two posts). Staffing costs are estimated at \$336,000. Supervision, drug testing, and electronic monitoring would be provided by DOC. Case management and coordination of services might require 10 hrs/week/offender x \$30/hr x 24 residents x 52 weeks = \$374,400.

Cost per capita for residential treatment = \$29,600, not accounting for supervision of non-residential offenders. About half the population would be in residence, with the other half in day reporting. With a full population, the program costs would be about half that. In addition, most offenders would be there for six months or less, allowing cycling of many more offenders through the program.

Capital cost options include state support for build/lease construction, or renovation of existing structures.

Portions of the treatment services may be offset by third party payers (Medicaid), and offenders would make a contribution based on earnings.

Offenders who are resident at the facility could also provide day labor on community service crews.

## **6. Community Residential Treatment for Youthful Offenders**

DOC could establish, through contract with private providers, community-based residential treatment capacities of ten or more beds. This could provide youth in crisis with housing and support services to include job, education, and life skills from the Community High School of Vermont. Support services from Community Mental Health, Alcohol and Drug Programs, and Vocational Rehabilitation could also be provided.

Costs for such a facility would involve round-the-clock staffing, outpatient treatment for substance abuse and emotional disorders, and housing costs. These base costs would be similar to residential treatment centers, above. However, a significant distinction between youthful and adult offender facilities is the training and function of staff. Youthful offenders present special challenges, require more extensive activities and education/training opportunities, and supervision that is more direct. It is likely that any design for such a facility would require costs in excess of \$30,000 per capita. As discussed earlier, some of these costs might be eligible for Title IV-E or Global Commitment funds.

## **7. Revenue Enhancement**

Creating or increasing offender payments for services, to include room and board payments from inmates or from offenders in residential treatment, can enhance revenue. On average, every man, woman, and child in Vermont pays \$200/year in taxes to fund the corrections system. Asking offenders (or their families) to contribute a modest amount is certainly reasonable. Admittedly these concepts have limited financial potential:

- For prison: payment of room and board fees from offender accounts and assets. Most inmates have limited resources, but some have assets and income that could be accessed to provide some revenues. In the 2007 legislative session, the Senate concurred with the Administration's proposal to require a \$5 inmate medical visit co-pay.
- While in prison, the costs of medical care could be defrayed, personal responsibility enhanced, and unnecessary usage reduced) by a modest inmate co-pay per visit.
- Inmates who are employees of Vermont Offender Work Programs while incarcerated currently have the opportunity to contribute part of their wages into a personal account for paying housing and other costs on reentry. These funds

are matched dollar for dollar by the Department. Several inmates have taken advantage of this program. As with medical co-pay, this approach (while an expense) encourages personal responsibility and gives inmates practice with normal social behavior.

- Inmates placed on Conditional Re-entry after incarceration could be required to pay for costs of prior prison housing and board on an installment basis after release. While all offenders in the community are assessed supervision fees, additional costs might be recouped if inmates who were placed on electronic monitoring were assessed a fee.
- Inmates in halfway houses and other residential facilities often are asked to pay a portion of the room and board costs. Methods include wage garnishment.

## **8. Approach Federal Marshal Regarding Detention Beds**

The US Marshal and the US Attorney provide criminal law enforcement and public protection for Vermonters by enforcing Federal laws. The Federal Government prosecutes criminals who often would otherwise be a burden to the State criminal justice system.

The US Marshal was recently interested in expanding utilization of bedspace in Vermont to alleviate transportation to and from Federal Courts in Burlington and Rutland. He has expressed this interest to the Commissioner of Corrections and Joint Corrections Oversight Committee. While this concept has not been formally discussed, it may be of interest to the Marshal to buy/lease the Northwest State Correctional Facility from Vermont. This would allow the facility to close, offer the potential for continued employment for staff of the facility, and create savings for Vermont by transferring the inmates to Corrections Corporation of America or another vendor. This would provide not only the net savings from CCA, but also the additional revenue from the Federal Government.

As noted earlier, any decision to send substantial additional inmates out-of-state will be problematic due to eligibility constraints.

These revenues could be substantial, and would allow some of the restructuring and facility investment development alternatives described herein.

## **9. Staff Suggestions on Saving Money**

Staff across the Department have made suggestions for further savings: Many of these suggestions were made by several staff, and have been incorporated into concepts presented earlier. Others include the following:



a. *“Allow inmates to smoke.”*

A significant source of contraband, disciplinary reports, violations, and workload derives from the banning of smoking in facilities. One employee suggested that costs could be reduced if inmates were allowed to smoke and possess tobacco.

b. *“Provide drug treatment in jail.”*

Many staff have long called for more drug treatment opportunities to be provided in prison. While the DOC provides substance abuse treatment in the field in keeping with best practice and the research, the funds available limit treatment in the facilities. Treatment is both more effective and less expensive in the community. Providing such treatment in prison would require more funding, and provide less benefit, but nonetheless likely reduce recidivism.

c. *“Make prison harsher.”*

This suggestion was not made in jest, but in the belief that the degree of care, services, and entitlements inmates receive contribute to some staying longer, and depriving them of these would have an effect of pushing them out sooner, or deter them from coming back. For many inmates, the down-side of being incarcerated is less than it would be for the average Vermonter.

d. *“Keep them in jail longer, so they escape less in the field.”*

This suggestion is intuitive, since many of the returns from release are for violating conditions of release, not new crimes; keeping offenders in prison to their maximum sentence would reduce the period of risk of violation.

However many offenders escape and are charged with the offense of escape, most of those who are released are successful. The beds freed by releases far outnumber the beds occupied by offenders who are convicted of escape or violations. Predicting the offenders who will escape is not within the realm of current science.

e. *“Take a hard look at all the staffing positions in Central Office.”*

Commonplace in any organization, the Central Office has grown over the years, but in lower proportion to the increase in population, in the number of line staff, and compared to the complexity of operating a modern corrections department. These include administration of significant contracted functions of health and mental health services, the establishment of victims’ services, and the increased need to structure policy in response to litigation. The implementation of some of the proposals defined above would result in a reduction in the need for management and administration of those functions. The result would be a reduction in central staffing. Central office will not be shielded from any DOC staffing reductions. Five of the first

seven vacant DOC positions eliminated in the current State-wide effort were from the Central Office.

f. *“Lower maximum sentences for non-violent crimes.”*

This suggestion is addressed in several items above, but is valid on its face. The increase in the length of sentences for misdemeanor and motor vehicle offenses is one of the drivers for population growth.

g. *“Reduce paper use.”*

The Department is in a continual effort to communicate electronically and to increase the use of duplexing when paper copies are required. The DOC Information System is nearly a quarter of a century old, and has extensive limitations and problems. Solutions would require a multi-million dollar investment.

h. *“Incarcerate only listed offenses. Period.”*

This is a significant step, which would require major statutory reform of the criminal code.

i. *“Establish pre-release/post-release centers in each area of significant population ... using the system of contracting out these facilities.*

- *All Violation of Probation/Parole and Furlough unless a listed offense, go to pre-release center.*
- *Court may use centers to detain/sentence non-listed offenses.*
- *Centers paid for by the offender; either through work crew, volunteer work, or room and board for outside work.”*

As discussed above, this is strongly related to the proposals for increased treatment centers, day treatment, and residential substance abuse treatment.

j. *“Take a hard look at returning to Correctional Officer/Counselor role in facilities. Could be a higher pay grade. May eliminate Casework Supervisors and Living Unit Supervisors.”*

Thirty years ago, Correctional Officer's first level of promotion was to Correctional Counselor. The next step was Shift Supervisor. Next up was Assistant Superintendent and Superintendent. The career ladder was limited.

Since that time, Correctional Counselors were converted to Caseworkers, and a Correctional Officer II position was established to create a career ladder for employees.

As Correctional facilities have become larger and more complex, responsibility for living units has been given to Living Unit Supervisors (LUS). In fact, the size of each of the living units at Newport and Springfield is larger than the old Cherry Street facility in St. Johnsbury.

k. *“Develop a community support system to help guide our newly released charges.”*

*“The program I envision would be along the lines of an AA session. It would help to reduce the stress of being tossed out of the nest, so to speak. I understand P&P units are busy checking residences and many other time consuming duties that make support checks untenable.*

*If we were to offer a release adjustment support program, it could help keep some of our offenders from lapsing into what they knew, and re offending. Positive reinforcement will only help a limited number of our population, but we must start somewhere to break the cycle.”*

l. *“Increase inmate payroll funds and use the increase to match inmate savings for reentry.”*

*Inmates who saved part of their earnings in a reentry fund would have the amounts matched by the DOC. The matched money would not just be given to the inmate but there would be a requirement that the money is used for housing or housing related expenses (heat, phone, electricity). There may also need to be a change in the law to allow Corrections to garnish a portion of the inmate account. As of today, daily pop counts show 179 inmates past their minimum who are lacking housing. If you commit \$150,000 to this project, you only need to be successful with 6 inmates to break even.”*

m. *“The DOC would sponsor its own halfway houses.*

*“Halfway houses are used with varying degrees of success across the country as a way to transition inmates from prison to the community. Vermont has had difficulty in getting community agencies or organization to sponsor halfway houses or something similar. There also seems to be a low level of tolerance in the community itself for halfway houses. The reality is that the inmates in Vermont’s jails are Vermont citizens and we all have a responsibility to see them succeed in the community.”*

*“The idea is this:*

*“The Department of Corrections sponsors its own halfway houses. Given the difficulty of placing these in the community the department can place them on the grounds (outside the fence) of their existing facilities. This would require some construction cost or the purchases of semi-secure buildings (modular units). There would also be some cost associated with staffing these (possibility that the CJC’s*

could be located in these structures as well and they may defer some of the cost of staffing and program services). These units would have a full range of services from substance abuse to CSC to VTPSA. The units could house inmates who can't find housing. The food for the units would come from the facilities. Having DOC sponsored halfway houses eliminates the need for transitions units like the one at CRCF and free up these beds for other inmates. It would also be a big help with the contraband issues that are always difficult with inmates who are going out into the community during the day and come back to the facility at night."

n. "Sears Plan Ideas"

- 1) *ID and IW sentences. Eliminate this type of sentence as a jail option. Use persuasion by finding these cases on a local level at jails and in local offices. There is an average of 138 individuals serving ID and IW time in jail in each of the past 3 years.*
- 2) *Non-violent misdemeanor probation. Eliminate probation supervision of these cases. They should either go through local community justice centers as a direct referral from the police or be placed on a true administrative unsupervised probation. There are approximately 736 people on probation for misdemeanor property offenses, but the cut could be made more broadly. The latter option might require legislation to specify the option and the limitations.*
- 3) *No Incaps in jail.*
- 4) *Eliminate PAF as an option for ISAP and use the supervised community sentence option, T 28 chap 6. This would need more research and thought to avoid unintended consequences, but it makes sense anyway to have these offenders on a status other than furlough. The goal would be to reduce returns and to not have offenders on furlough status. State attorneys and judges would have to be sold on this.*
- 5) *Work Crew. Increase use of the crews and increase cost recovery to pay all operational costs and a percentage of CSTL salaries.*
- 6) *Supervision Fees. Move the revised rule through as fast as possible and push collection, with a goal of \$500,000 in the first full year after implementation.*
- 7) *Violation of probation. Measure disposition alternatives as described in the rule. Jail should be used only as a last resort for non-new conviction violations. IT needs to finish its work on this so we can measure results of violations.*
- 8) *Past min. Release inmates who are eligible for release at their minimum with a lack of a residence as the only reason the offender is remaining in jail, unless there is a safety issue.*

9) *Graduated sanctions. Eliminate jail as an option and allow placement on work crew for up to 15 days instead.*

*o. Cost Savings Suggestions*

*"1. In thinking about possible cost savings to the department I realized that other than the Discovery Program, which has a capacity of 50 offenders, there are no other programs to my knowledge for repeat substance abuse offenders. The amount of "dead time" they serve in the facility as a result of a relapse or collateral behavior must be costly. We could focus on programs that could benefit this type of offender focusing on the behavior that led to the relapse such as the CSC program. We could research the 2 programs, find similarities and create a 3rd program for these offenders. Perhaps a role play scenario program where the offender can see both sides of the "coin". They would see the collateral consequences of their actions. This would then give them better options other than that they choose, to use.*

*The cost savings would be a long term benefit were as the offender would learn the new behavior and apply it when the situation presents itself. This would then mean less reliance on substances, more production for the community and state in the way of taxes on wages and less costs to the department as the offender would not be incarcerated.*

*2. I know, initially, you didn't think this approach to the Detox issue would go far but in this kind of budget exercise, it might be viewed somewhat differently.*

*The Department expends considerable dollars in operational and medical services funds to deal with detox lodgings.*

*Many legislators and agency staff feel that this is really a public health issue, not a prison issue.*

*I also realize that it is hard to undo something that has been in place for 30 years and has evolved to its present state.*

*Many lodging authorities use the detox process to avoid the paperwork of a criminal lodging.*

*A process needs to be put in place to encourage municipalities to develop detox alternatives.*

*I still believe that charging municipalities a \$200/night fee for detox lodgings starts that process. The last time it was calculated-this would bring in about 2million dollars. "*

*p. Staff Morale*

*"One of the major problems within the Department that directly results in loss of funds and morale is one that can be easily fixed with the proper motivation. Sick time costs*

*the state millions in payroll and overtime, not to mention the morale as officers are ordered over on a daily basis. This benefit has several issues attached to it that feed off one another, and quite simply could be fixed, yet has sat ignored for all of my 13 years in this Department.*

*When a staff member calls in sick they are paid for 8 hours, this in turn orders over a second employee at time and a half. Consequently a sick employee cost the State 20 hours of pay for one sick employee. The reason there is so much usage of sick time is that this is the only benefit which is not only capped, but not reimbursable. Now I know some people are legitimately sick and that cannot be fixed, but I can tell you from years of experience that the majority of people that use this time use it because they cannot do nothing else with it. If you save it and don't have the chance to use it, at the end of your career you lose it. To most people this makes no sense. Why would you save it for other than emergency back up, but most people have insurances that cover a great loss of sick time or don't get sick enough to use it. Check the balances of some of these people. The smart ones save a few hundred hours as an emergency plan and then burn the rest, the others who save it come up with some long term ailment close to retirement to avoid giving it back to the State. It is so obvious it wonders why no one has dealt with this so far.*

*The plan is simple and could easily be implemented with your authority. Option one is to allow employees the chance to refund their time at a percentage of the time earned. For instance if you have 2000 hours of sick time when you retire you can refund it for 50%. It would be a fare trade for the benefit. Option number two is to allow employees to trade in their time as credit for early retirement, 2 years of sick time means you can retire 2 years early, or even 50% towards retirement. The third option is to let people cash in the time at retirement, again at a fair rate say 50%. Without giving people these options they will continue to use it or lose it. I can tell you this plan has been discussed here at MVRCF and has legs. People are not greedy and will take something rather than losing it. I know if I had one of the options to cash it in at retirement, or for early retirement credit I would be saving like mad. The reality is with no other option other than to lose it or use it, it's going to be used.*

*Now I know your a business man and it doesn't take a genius to figure out that when we pay for sick time we are paying 2 1/2 times the officers rate for the day and offering one of the above option could end up costing the state half to the full amount in the end, this is a good thing.*

*Consider it. You will definitely see balances climbing and therefore lower the Departments budget and increasing morale in the beginning and in the end of ones career.”*

#### *q. Out of State Charges*

*“Some of "our locals" pick up some exceptional Whitehall NY and Glens Falls, NY charges but what we are seeing is Albany/Schenectady, Brooklyn/Manhattan. several hours away for strictly drug trafficking and sales.*

*I have had offenders on supervision as well as term completed...pick up Massachusetts charges and they get them back to VT ASAP. They do not give them "split to serve sentences". They appear to not want to pay for OOS people in their jails or on supervision. Same with New Hampshire, they are quick to straight sentence and send back "non-residents."*

*I am noticing offenders who live from other states being sentenced to our system with long split sentences....they are soon to be released on furlough with long sentences. (2010, 2014, etc.) These men and women are not VT residents.*

*I am seeing that DOC is getting some bad press about how much money we are spending. Well as a taxpayer I too am concerned that we will be housing, VHAP, Food Stamp, transitional housing \$, Reach Up, Child Support, TREATMENT, Mental Health, DOC supervision, local non-profit ...etc.- ing our way to financial ruin based on these long drawn out sentences and "support services" for non-VT residents based on their sentence structures.*

*Why not flat as we can sentences 5yr to 5 yr 1 day? for their first time thru. Not in a local jail where they meet "dates" and "girl/boyfriends" to "hook up" with.*

*I am not in a position to make legislative session, Interstate Compact admin from other states, sentencing judges/SA offices aware of some of their choices, though well intended do not see prudent nor very wise when we are looking down the barrel of a smoking financial gun as a moving target.*

*Why as a community/State are we not reviewing other options for these type of offenders?"*

#### *r. Transportation*

*"I just went through the Project Grant codes for FY 07, looking specifically at Instate transports (06-03). In FY 07 this type of overtime cost the state \$ 75,383. If we could eliminate this and run all transports on straight time we would be able to save this and it would help with the \$ 4,000,000 savings that the legislature is looking for.*

*To do this we would have to change our thought process around facilities and caps. Currently when we reach over 127 inmates there is a mad dash to get inmates moved in order to get the number below 127. We often get the word to transport late in the afternoon when transferring inmates will run into overtime. When I have brought up the idea of waiting until the next day to transport them when we can do it on straight time I am told if we don't do it today we would lose the beds (at least this is what my CWS tells me).*

*As you are aware the major cost in running any Correctional Facility is personnel, not operating. At NERCF we do not incur any additional personnel expenditures until we reach 150 inmates. Holding inmates over night would only incur about \$ 2.00 in extra*

cost (meals) per inmate. Transporting an inmate using OT dollars cost approx \$ 22.58 (average per staff member).

*I had another thought I wanted to share with you regarding potential cost saving measures. Again, this is one I have heard inmates talk about frequently.”*

*s. Residence Approval*

*“Currently, my understanding is that when an inmate is released for parole, he/she must find a residence in the county where their crime was committed. Often, inmates are incarcerated for quite some time after they are eligible for release simply waiting on an approved residence (obviously making their incarceration much more expensive for the state). I'm guessing that at least one of the reasons for going out where they came in is to be able to manage caseloads; however, this is often very restrictive for the inmate and may set them up for failure. For instance, if they have to go back into a county where they happen to be when they committed their crime, they may not even know anyone there to help them find a residence. On the other hand, if their crime was committed in their hometown, returning to that place could be disastrous for them. It could put them back into a situation where they are close to the people who they really shouldn't be around if they want to steer clear of committing their crime again.”*

*t. Cost Savings Suggestions*

*“If I WAS FORCED to cut major money I would do the following:*

- 1 Close some small prisons and build a large split campus prison to house men and women. This would be located in Chittenden County. Build it large enough to absorb the all out of state prisoners.*
- 2 Modify the Dale space into the new mental hospital saving \$100m that it would cost to build a new hospital.*
- 3 Do as some other states and offer probation for felony convictions only. This would eliminate thousands of cases.*
- 4 Examine ways to bill Medicaid for “treatment services” provided by the DOC. Substance abuse counseling, anger management etc.*
- 5 Start enforcing our supervision fee collection. Charge a fee to work crew offenders payable at sentencing.*
- 6 Charge tuition at the Corrections Academy, just like a college. “*



## Appendix A: Legislation History Concerning Crime and Justice

Legislative Session	Subject	Act
1981	Juvenile Justice, Sexual Assault	81
	Open Containers	83
	DLS Mandatory Sentences	103
1982	Revise Burglary and Attempted Murder	223
	Establish juvenile & adult diversion	206
1983	Juvenile Detention Facility, Expand St. Albans facility, connect Windsor sewer	95
1984	DWI Mandatory Sentence	134
	Victims Bill of rights – appearance, Diversion definition, restitution mandatory	229
	Woodstock facility to be closed	228
1985	SE Replacement Planning	73
	Spousal rape	83
1986	Medical care for inmates	139
	Forfeiture - Drug violations	174
	Victim Assistance	182
	Conspiracy, Stolen Property	183
	Improve Chittenden, Design SE	221
	Expand Judiciary	233
1987	White Collar Crime	48
	Aggravated Murder, Murder 1 & 2	60
	Study Lockups, locate SE	90
	Bail reform (capital crimes)	102
1988	Criminal Code Reform	JRH155
	Sheriff & Mun. Police law enforcement power	122
	Prohibit lodging minors with adults	182
	Right to medical treatment	199
	Est. Education in Corrections	207
	Arrest for Misdemeanors	269
	Begin SE, select site	280
1989	Expand St. Albans Facility	52
	Civil license suspension – DUI	68
	Regulated Drug Penalties	100
	Special Ed in Corrections	107
	Decriminalize Traffic Violations	109
1990	Drinking while driving	177
	Victims compensation board	214
	Family Court	221
	Cruelty to Animals Felony	270
	Fund SE Replacement	276
	Alternatives to incarceration	288
	Victim Notification	290
	Supervised Community Sentence	291
	Child Sex Abuse Statute of Limitation	292
	Bail, Kidnapping, Sexual Assault penalties	293
	Violation of Abuse Prevention Order	294
1991	DWI at 0.08% blood alcohol	55
	Fund Work Camp, Newport Facility w/SE \$	93
1992	Defined Child Abuse	141
	Created Center for Crime Victim Services	263
1993	Earned Time off Sentence	54
	Victim Compensation Fund and Center	88
	Define Domestic Abuse, Stalking	95

<b>Legislative Session</b>	<b>Subject</b>	<b>Act</b>
<b>1994</b>	Bail denial for capital crimes Mental Health Treatment for Inmates	143 224
<b>1995</b>	Homicide survivors Manslaughter "Three strikes"	22 27 50
<b>1996</b>	Sex Offender Registration Resisting Arrest Parental Liability Leaving the Scene of an Accident Forensic Examinations Victims Rights Supervisory fee for released offenders Solitary confinement, inmate mental health	124 146 147 151 160 170 178 185
<b>1997</b>	Criminal Refusal DWI- Zero Tolerance for Under 21 drinkers Expand Newport, begin SE	56 57 62
<b>1998</b>	Independent school for DOC Power of Arrest for Correctional Staff Lesser included offenses	84 152 153
<b>1999</b>	"Listed Crimes" expansion Computer crimes Hate crimes	4 35 56
<b>2000</b>	Aggravated operation of motor vehicle DWI, Minors and Alcohol, DLS Sexual Exploitation of Children Minors and alcohol Hazing Internet Crimes Truth in Sentencing Restorative Justice	102 160 256 163 120 124 127 148
<b>2001</b>	Sex Offender Registry Conditional Reentry	49
<b>2002</b>	Arrest without Warrant Terrorism Bail	131 137 124
<b>2003</b>	Possession of alcohol by minors Selling or possessing illegal drugs Attempting to elude	152 54 47
<b>2004</b>	Sex offender registration and community notification	157
<b>2005</b>	Criminal neglect of vulnerable adults	79
<b>2006</b>	Sentencing for 1 <sup>st</sup> & 2 <sup>nd</sup> degree murder Penalties for larceny Retail Theft by counterfeit receipts Sexual Exploitation Dangerous Sexual Offenders Stalking no contact orders	119 156 157 177 192 193
<b>2007</b>	Sex offender Registry Compliance Transportation of Tobacco into Correctional facility	

## **APPENDIX B: 4/19/2007 Letter to House Institutions and Joint Corrections Oversight Committees**

April 19, 2007

Members, Joint Legislative Oversight Committee  
Members, House Institutions Committee  
115 State Street  
State House  
Montpelier, Vermont

Re: Prison Overcrowding and Out-of-State Transfers

Honorable Members:

Almost a year ago, on May 9, 2006, near the end of the session, the House Committee on Institutions and Corrections sent a letter to the Joint Legislative Corrections Oversight Committee asking the committee to consider a set of questions on overcrowding of Vermont's correctional facilities and the reliance on out-of-state facilities to address those conditions.

At its December 17, 2006 meeting, the Joint Oversight Committee took up the letter, and informally requested that the Department (and, by name, I) attempt to answer the questions. Since that meeting, Rep. Jason Lorber, a member of the House Institutions Committee and now a member of the Joint Corrections Oversight Committee, has inquired as to the status of the answers to those questions.

The questions posed in the letter are by the nature of the issue, broad and general, going beyond corrections to criminal justice policy, and do not render to easy answers. I will attempt to articulate some response; however, I will address the questions in a different order than asked.

### **Predicting the Future Requires Understanding the Past**

The best predictor of future behavior is past behavior. While it is not, of course, deterministic, in the absence of anything else, trending the past is a boundary or at least a guide. To project ten years out, presuming no change in fundamental policy (a very optimistic assumption, in light of the significant policy changes to criminal justice policy made by the legislature nearly every year in the past two decades), then, one should base the projection on at least the past ten years, if not longer.

The forecasting of correctional population would seem to be a rational process, a matter of examination of the trends in inputs to the system, the length of stay, and the feedback of system failure and re-admission. All, or nearly all, of those inmates in prison will, soon or later, return to the community. It should render to simple math.

However, nearly half of the inmates who are in jail today will NOT be in jail a year from today. The beds they leave will not remain empty. They will, in addition, be refilled many times

over. For example, each bed in the Chittenden facility is occupied, on average, by 25 different people each year. The average length of stay at that facility is two weeks.

60% of the people who commit crimes in Vermont during a given year have never been in custody or under supervision of Corrections before. The department receives 4,000 of these new offenders annually, with half of these beginning their corrections experience in jail. While many of the offenders who are in jail on any given day are serving long sentences, the vast majority of the traffic, and a large number of bed-years, are occupied by people who spend only a few days or weeks in jail.

That said, an examination of the components of the past growth in the population can be revealing as to the factors contributing to that growth.

**Question 3. What are the three most significant factors likely to cause the projected increases? Reframed: What were the most significant factors which caused the past increases?**

### ***The Components of Growth, 1990-2006***

#### ***a. Sentencing: 58% of the Growth.***

The largest single contributor to growth in population over the past fifteen years is the increasing reliance on incarceration as the response to crime. This is somewhat complex, because the impact of law and criminal justice practice has varied among the classes of crime:

##### **1. Felons**

In general, sentence length for felony offenses has been stable during the fifteen year period. What has changed is the volume of sentences, which is up 72% 1990-2005, and the proportion receiving incarceration, which is up from 64% in 1990 to 71% in 2005. The combination of increasing volume and higher incarceration rate has resulted in nearly doubling the number of bed-years imposed, from 974 to 1,882, a 93% increase.

Within the category of felony offenders, the number of violent felons sentenced to time to serve has increased nearly threefold, while the proportion sentenced to prison has increased from 64% to 85%.

##### **2. Misdemeanors**

For misdemeanor crimes, both volume and incarceration rate have increased. The number of sentences is up 59%, and the proportion incarcerated has increased from 29% to 35%. The combination of increasing volume and incarceration rate has resulted in more than doubling the number of bed years imposed, from 170 to 362, a 113% increase.

### **3. Motor vehicle offenses**

With motor vehicle offenses, the volume, the rate, and the length of sentence have all increased. The volume is up 121%, the incarceration rate has increased from 19% to 30%, and the length of sentence has increased from about one month to nearly three months. As a result, the number of bed years imposed has increase from 71 to 520, a 632% increase.

### **4. Total impact:**

The combined effect of sentencing practice change and volume of flow has increased the incarceration demand on the corrections system from 1,215 bed-years to 2,764 bed-years, an increase since 1990 of 127%.

In terms of bed utilization, some 58% of the growth (53% from males, 5% from females) in population demand from 1990 can be attributed to increases in sentence intakes and length of stay.

#### **b. Pre-Trial Detention: 19% of the Growth**

The next largest contributor to the growth in the correctional population size is detention. The number of detainees on a given day in 1990 was 139. In 2003, the number was 414, a 197% increase. Most of this increase has occurred from 1999 to 2003, while changes to bail statutes were tested and deemed constitutional. The numbers have dropped since then, to less than 400, due primarily to increased judicial processing efficiencies. We do not have numbers on volume of detainees prior to 2001, but the number of persons detained in 2001 was 3,062. By 2006 this had increased to 3,929, a 28% increase of volume in five years.

Increased use of detention accounts for about 18% of the growth (16% from males, 3% from females) in population demand from 1990 to 2006.

#### **c. Returns: 17% of the Growth**

Sorting out the variety of reasons for re-incarceration after release from prison or jail has not been possible prior to 2006, when DOC initiated a new reporting system that characterizes each return by status and reason incarcerated. As a consequence, we do not have data from past years to determine any trends in this statistic. However, we do know that the portion of the population that is back in jail after having been out on release represents only 17% of the overall growth in demand. The increase in returns of men contribute 15% of the growth, while returns of women provide the other 2%.

In the past year (2006) there were 2,286 returns to prison from the various forms of release, on a technical violation. Of these, 39% were for use of alcohol or drugs. An identical portion (39%) were for technical rules violations. Twelve percent of the returns were for new criminal charges. Six percent were for treatment violations.

The returns were of different kinds, for different legal statuses. Some 36% of the returns were for Graduated Sanctions, a short return that averaged about 14 days, and utilized about 28 bed-years during the year. Half (52%) of the returns were suspensions of furlough, with an average

length of stay of nearly 3 months, utilizing 174 bed-years. This level of accountability seems to have had a positive effect on actual criminal charges.

Violations of probation and Parole (including SCS) amounted to only 12% of all the returns, and contributed about 21 bed-years to the overall total bed-years.

Violations committed by men amount to about 209 bed-years, while those contributed by women are about 40 bed-years. About one-quarter of the beds used for women last year were used for violations, while only one-tenth of the beds used for men were for violations.

Violations that were the result of, or accompanied by, new crimes, comprised about 135 bed-years. These numbers do not include violations that were brought after an offender was lodged for a new offense.

**d. Delayed Release: 5% of the Growth**

Of the correctional population growth since 1990, only 5% is attributable to holding inmates past their minimum sentence for failing to participate in treatment or for misbehavior while incarcerated. This component of the population grew more dramatically until 2000, when Truth-in-Sentencing laws shifted the controlling release mechanism more clearly to the minimum sentence. Currently, only about 247 inmates are past their minimum due to being kept by corrections, down from well over 400 in the late 90s.

**e. Women: Total of 10% of the Growth**

While the proportional increase in women being housed in prison is dramatic, increasing over 700% since 1990, the numeric increase is comparatively small, representing only 10% of the overall growth.

**Question 1. What is the projected increase in the incarcerated population during the next ten years?**

If the rate of growth of the incarcerated population over the past ten years continues, by 2017 the Department will house some 3,200 inmates, some 1,000 more than in 2007. The Department currently has 1,716 beds instate.

While the ten-year trend is about 100 beds a year, the trend prior to 1995-7 was considerably less than that, about 45 beds per year. A significant shift in the growth rate has occurred since the mid-1990s. This shift coincides with the requirement for Vermont to out-source housing for inmates.

Vermont's incarceration rate in the 1970s was significantly lower than that of the US. While it has remained at less than half of the national rate, in the past ten years Vermont's rate has risen faster than the nation as a whole, and much faster than the other Northeastern States.

### *What are the limits to growth?*

a. Demography: Vermont's total census population since 1980 has increased 21% (or about 1% a year), while the incarceration rate has increased some 268%, on the order of 10% annually. Clearly, demographics are not the primary driver in growth. Nor, apparently, are they the limiting factor. Similarly, demographics are not a cause for hope, either, since the population size is not expected to decline.

b. Crime: During the same period, reported crime has decreased 54%. Crime, then is not the driver. However, what the system does about the crime that is reported has changed, as discussed earlier, in terms of sentencing and disposition. Property crime has comprised the preponderance of the decrease in overall crime. Violent crime, while of small numbers compared to property crime, has been fairly level in the past twenty years.

c. Capacity: Since 1998, the growth rate has increasingly exceeded the capacity of the correctional system to house it. Despite the increase in capacity of 350 beds in Springfield, the system is still more than 500 beds under capacity, requiring out of state contracted beds. While the construction of additional capacity will likely be filled, the experience of the past ten years demonstrates that the absence of capacity does not restrain growth.

d. Recidivism: Of the 1,744 sentenced people in jail on a recent day, 94.5% were recidivists, defined broadly, that they had been on supervision before, or in jail before, or both. This leaves very little room for alternatives for first-time offenders. Of the pre-trial detainees, only 28.9% were first-time offenders. There may be some gain to be made here, since a large proportion (60%) of crime is committed by first time offenders, but the actual bed-space gain may be small.

e. Offense: Ninety-four percent of the growth in population, and 89 percent of today's population, are felons. Half of those are violent felons. This is attributable to length of sentence and length of stay more than to volume.

f. Gender: Ninety percent of the growth in population has been male. Women inmates, while proportionately a larger part of the total incarcerated population than in 1990 (growing from 3.0% to 7.9% of the population), in raw numbers women comprise 10% of the overall growth.

g. Policy:

Over the past two decades, Vermont has implemented a criminal justice policy that has effectively had two broad and generally understood goals. Each goal has manifested in different outcomes.

### **The first goal is Public Protection from Felony Violence**

It is clear from law, policy documents, and various studies by legislative and executive branch bodies, that there is broad agreement on reserving the scarce commodity of prison bed-space primarily for the incapacitation of offenders who pose risk of serious damage to Vermonters in the public. This has resulted in changes to laws involving violence, drugs, sex offenses, and domestic violence. In Corrections, this has resulted in the development of secure confinement capacity to provide housing and treatment opportunities for offenders who pose a risk of doing harm to others.

For Criminal Justice, in response to increasing penalty provisions established by the legislature, the result is longer sentences and more prevalent use of incarceration.

### **The second goal is Accountability for Repeat Offending**

For most other offenses, (motor vehicle, property, public order, and most misdemeanor offenses) and for most violations of release conditions, (drug use, rules violations, boundary transgressions), the degree of harm is considerably less. The harm done to the public is significantly less than that by violent felons, but the system goal is to call attention to the disapproval not only of the behavior, but of the disdain for the system itself displayed by repeated criminality. For Criminal Justice, operationalizing this goal selects incarceration for relatively short periods. For corrections, the result is the system of accountability for violations, and even shorter periods of incarceration.

### **The third (emerging) goal is Protection from self-harm**

A third aim that is becoming more clear is the increasing reliance on corrections as placement of protection for Vermonters who self harm with drugs, alcohol, or co-occurring disorders of mental health and substance abuse, coupled with offenses against the public order. This is reflected operationally in the lodging of more people as incapacitated persons, increased penalties for drug use, and, particularly, increased violation from community supervision as “protection from self-harm.”

### **Positive signs**

There is some positive indication in the reduction of the numbers of youth in corrections custody or supervision over the past five years. This reduction is dramatic, with a 50% reduction in 16 & 17-year-olds and a 25% reduction in 18 to 21-year-olds under corrections supervision in the past five years. This is a far greater shift that the population census base would predict (in fact, the numbers of youth have increased during the period). This has been attributed to the increasing use of diversion strategies including Reparative Probation, Diversion, and Community Justice Centers, as well as the (modest) decriminalization of (first offense) possession of alcohol as a minor.

An additional positive indication is the reduction in the past two years of the numbers of persons being supervised on probation. As being under supervision increases the likelihood of incarceration for an offense, decreasing the pool of those at risk may provide some reduction in future demand. The number of people on probation is down 22% in the past two years.

**Question 2. What are the projected increases in capital and operating costs during that next ten years?**

The question begs the larger policy decision on whether to build our way out of this dilemma, or purchase beds on contract elsewhere. However, were the State to attempt to build sufficient beds to meet the projection, the costs would be on the order of \$100 million in capital construction (\$100,000 per bed for secure prison bed costs) and an annual operating cost of \$30-35 million. Economies of scale and timing of construction might vary these costs somewhat. For example, a



single 1,000 bed facility would be somewhat cheaper to build and operate, but the financing demands might mean an incremental approach, e.g., a Springfield-sized facility every three years, which might incur higher siting and operating costs. Some economies could be achieved by building an efficient, large facility and closing one or more of the older, smaller facilities.

In the absence of any new construction, achieving a capacity increase of this magnitude would mean an increase to the housing of inmates out-of-state from the current 535 to about 1,500. At FY07 costs, at \$50/day, this is some \$18 million in operating costs above current expenditures.

Ninety percent of the growth in population has been male. However, women inmates are proportionately a larger part of the population than in 1990 (growing from 3.0% to 7.9% of the population), and it would seem prudent to accommodate this trend.

**Question 4: What role does the state's current system of probation play in the projected increases?**

As discussed above, the use of alternatives to incarceration (probation is the largest, with nearly 7,000 cases under supervision) has diverted large numbers of offenders from incarceration sentences. However, the practice (until recent legislation) of indefinite probation has kept these large numbers on probation for lengthy periods, subjecting them to additional penalties for violations. As above, probation violations alone are not a major contribution to the growth, but it is unknown whether violations brought after the offender is lodged and charged with a new offense have any affect on the length of sentence, both from the new offense and from the violation. The violation does have some effect on whether the offender is released on discretionary reentry.

**Question 5: What role does the state's current system of Parole play in the projected increases?**

Parole violations are fairly rare. Most people who make parole have already demonstrated appropriate behavior on furlough. Return rates from parole are lower than those from probation, indicating that Parolees are extremely well-behaved.

**Question 6: What role do the state's sentencing practices play in the projected increases?**

The impact of sentencing practices, as above, is a significant contributor to the growth in the past. Continuation of the practices of the recent past, reflecting an increased incarceration rate for felonies, misdemeanors, and motor vehicle offenses, will very likely result in continued growth.

**Question 7: What are the state's recidivism rates over the previous one-, two-, and three-year periods. When exploring this question, it is important to consider the definition of "recidivism" that is being used.**

Vermont DOC uses a couple of failure indicator rates. The first, recidivism, is reserved for the formal rate, and defined as conviction of a new offense, committed within three years of release from incarceration, or placement in the community under supervision.

The second is a measure of supervision effectiveness, and measures the incidence of new charges filed against an offender in the community. This is a relative measure, because it does not track against a definite time period, but rather the period of a legal status. It is a good relative measure of the outcome of varying supervision strategies and treatment interventions, in the short term.

The third is more operational, and includes return to prison on violation of conditions of release. These returns include violations of probation, furlough, and parole, with re-imposition of the unserved portion of the sentence, as well as graduated sanctions, involving the relatively short return to jail for technical or rules violations.

All three measures are included in Facts and Figures (pages attached). The overall recidivism rate from prison, including all forms of released from sentence, was 54% for the most recent cohort (2002 releases). Women have a slightly lower recidivism rate (51%) than men (54%).

The measures each require the passage of some time prior to measurement, since the offender must be at risk of failure for a period in order to measure both failure and success.

As I indicated at the outset, the questions posed are not trivial, and would certainly render to further inquiry. I would be pleased to attempt to answer any further inquiry.

Sincerely,

John G. Perry  
Director of Planning  
Vermont Dept. of Corrections

cc: Rob Hofmann, Commissioner

Attachments

## Appendix C: What Works and What Doesn't Work

### The Research on Evidence-Based Corrections

John G. Perry, November 7, 2006

The Washington State Institute for Public Policy, created by the Washington Legislature in 1983, has for several years focused on the study of Corrections Best Practice, engaging in a meta-analysis of the literature of program efficacy. This analysis applies rigorous standards to the findings of various published studies, only accepting those that meet the highest scientific standards.

In its most recent publications, the Institute has defined a set of correctional treatment and supervision programs which have been adequately studied, and which have shown results, either positive, negative, or none, on recidivism. These studies have been combined, statistically, into a single "effect size" which is an estimate on the amount of recidivism reduction attributed to the programs in the category.

In October 2006, the Institute published a new compilation of these meta-analyses, including some recent studies that have met the standards.

The compilation is extensive, and worth examination. A summary of some of the highlights of the findings of the study is attached. In general, the applicability to Vermont is

1. The findings are supportive of Vermont's treatment approaches, particularly with regard to sex offenders and violent offenders.
2. The findings are supportive of Vermont's focus on providing substance abuse treatment in the community, rather than prison. Programs in prison can be effective, but are more costly, and provide a lower benefit ratio.
3. The findings point to promise with programs that Vermont is just beginning, such as drug courts
4. The findings are supportive of Vermont's approach to education, vocational training, and industries work in prison. In fact, Vermont DOC's Workforce Development Program is funded under a National grant to determine the efficacy of the interaction effects of using three highly successful approaches combined in a comprehensive program approach.
5. The findings are troubling with regard to programs in Domestic Violence, which are being found wanting across the nation.
6. The findings are important in defining what does not work – Boot camps, Electronic Monitoring as a Jail-time reducer, and Intensive Supervision without treatment. Vermont has avoided boot camps, and learned a hard lesson in the 1980s with regard to simply providing intensive supervision with no supportive treatment or program.
7. Vermont's Reparative Probation program has recently been studied reviewing some 9,000 cases, followed for five years. The outcomes of that study are comparable to studies in the Institute survey.
8. Vermont is actively engaged in replicating the COSA model of intervention in the community with re-entering sex offenders. The research from Canada is very promising, and is based on a large study.

# What Works, and What Doesn't Work

## The Research on Evidence-Based Corrections

Washington State Institute for Public Policy, October 2006

### WHAT WORKS

Program:	Effect size (recidivism)	Number of Studies	Net Benefit Over Costs
<b>DRUGS</b>			
1. Intensive Community Supervision with Treatment	-16.7%	11	\$ 11,563
2. Drug Treatment in Community	-9.3%	6	\$ 10,054
3. Drug Treatment in Prison	-5.7%	20	\$ 7,835
4. Adult Drug Courts	-8.0%	57	\$ 4,767
<b>VIOLENCE</b>			
1. Cognitive-Behavioral Therapy in prison or in community setting	-6.3%	25	\$ 10,299
2. Sex offender Cognitive Behavioral Tx in Prison	-14.9%	5	not estimated
3. Sex offender Cognitive Behavioral Tx in Community	-31.2%	6	not estimated
<b>EDUCATION, WORK</b>			
1. Vocational Education in Prison	-9.0%	4	\$ 13,738
2. General education in Prison	-7.0%	17	\$ 10,669
3. Correctional Industries in Prison	-5.9%	5	\$ 9,439

### WHAT DOESN'T WORK

1. Boot camps	0.0%	22	not estimated
2. Domestic Violence -- education or cognitive-behavioral	0.0%	22	not estimated
3. Electronic monitoring to reduce jail time	0.0%	9	not estimated
4. Intensive Supervision without treatment	0.0%	23	not estimated
5. Jail diversion for mentally ill offenders	0.0%	6	not estimated

### WHAT IS PROMISING

1. Therapeutic Community programs for mentally ill offenders	-20.8%	2	too few evaluations to date
2. COSA (Faith-based supervision of sex offenders)	-22.3%	1	too few evaluations to date
3. Vermont Reparative Probation	-23.0%	1	too few evaluations to date

The table is a selective summary from: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates," published by the Washington State Institute for Public Policy, Olympia Washington, October 2006.

## Appendix D: Vermont Criminal Justice System Data

Top table includes actual numbers, lower converts to rate per thousand residents

County	Census   Police (CY2004)   DOC			Courts (CY2005)				Corrections (FY2006 Unique Persons)					
	Estimate 2004	Crimes	Arrests	Pre-Trial Detention	Felony	Misdemeanor	Diversion	Reparative Probation	Other Probation	Intermediate Sanctions	Prison - Sentenced	Furlough	Parole
Addison	36,865	515	100	81	219	847	315	61	564	30	156	32	33
Bennington	36,956	1,738	502	209	475	1,585	309	103	944	115	365	173	187
Caledonia	30,464	1,167	326	136	211	1,141	320	143	620	237	227	124	72
Chittenden	149,286	8,945	2,129	956	1,915	5,487	1,271	1,181	2,095	435	1,187	609	423
Essex	6,654	117	40	20	38	118	14	7	110	39	32	8	7
Franklin	47,556	2,412	663	229	570	1,690	351	273	872	112	314	181	146
Grand Isle	7,643	274	54	40	47	175	58	52	137	27	47	21	17
Lamoille	24,418	881	247	99	268	811	274	124	372	128	129	62	47
Orange	29,189	959	149	79	115	600	194	100	376	95	110	74	44
Orleans	27,372	887	232	108	198	766	248	65	455	217	189	96	62
Rutland	63,616	2,856	773	339	463	1,662	1,196	246	977	244	446	282	173
Washington	59,068	2,631	370	224	475	2,104	566	343	718	250	380	253	184
Windham	44,284	2,333	805	268	486	2,537	523	107	925	166	379	136	69
Windsor	58,023	2,192	510	311	362	1,850	393	135	870	178	222	47	78
Not Vermont				486				212	1,634	52	323	7	118
Unknown				590				126	768	114	414	59	40
<b>Total State</b>	<b>621,394</b>	<b>28,373</b>	<b>7,034</b>	<b>3,050</b>	<b>5,842</b>	<b>21,373</b>	<b>6,032</b>	<b>2,773</b>	<b>9,481</b>	<b>2,181</b>	<b>4,012</b>	<b>1,895</b>	<b>1,480</b>

County	1000 Residents	Crimes	Arrests	Pre-Trial Detention	Felony	Misdemeanor	Diversion	Reparative Probation	Other Probation	Intermediate Sanctions	Prison - Sentenced	Furlough	Parole
Addison	36.9	14.0	2.7	2.2	5.9	23.0	8.5	1.7	15.3	0.8	4.2	0.9	0.9
Bennington	37.0	47.0	13.6	5.7	12.9	42.9	8.4	2.8	25.5	3.1	9.9	4.7	5.1
Caledonia	30.5	38.3	10.7	4.5	6.9	37.5	10.5	4.7	20.4	7.8	7.5	4.1	2.4
Chittenden	149.3	59.9	14.3	6.4	12.8	36.8	8.5	7.9	14.0	2.9	8.0	4.1	2.8
Essex	6.7	17.6	6.0	3.0	5.7	17.7	2.1	1.1	16.5	5.9	4.8	1.2	1.1
Franklin	47.6	50.7	13.9	4.8	12.0	35.5	7.4	5.7	18.3	2.4	6.6	3.8	3.1
Grand Isle	7.6	35.8	7.1	5.2	6.1	22.9	7.6	6.8	17.9	3.5	6.1	2.7	2.2
Lamoille	24.4	36.1	10.1	4.1	11.0	33.2	11.2	5.1	15.2	5.2	5.3	2.5	1.9
Orange	29.2	32.9	5.1	2.7	3.9	20.6	6.6	3.4	12.9	3.3	3.8	2.5	1.5
Orleans	27.4	32.4	8.5	3.9	7.2	28.0	9.1	2.4	16.6	7.9	6.9	3.5	2.3
Rutland	63.6	44.9	12.2	5.3	7.3	26.1	18.8	3.9	15.4	3.8	7.0	4.4	2.7
Washington	59.1	44.5	6.3	3.8	8.0	35.6	9.6	5.8	12.2	4.2	6.4	4.3	3.1
Windham	44.3	52.7	18.2	6.1	11.0	57.3	11.8	2.4	20.9	3.7	8.6	3.1	1.6
Windsor	58.0	37.8	8.8	5.4	6.2	31.9	6.8	2.3	15.0	3.1	3.8	0.8	1.3
<b>Total State</b>	<b>621.4</b>	<b>45.7</b>	<b>11.3</b>	<b>4.9</b>	<b>9.4</b>	<b>34.4</b>	<b>9.7</b>	<b>4.5</b>	<b>15.3</b>	<b>3.5</b>	<b>6.5</b>	<b>3.0</b>	<b>2.4</b>

Population estimates from US Census Bureau; Court Dispositions from Vermont Supreme Court; Crimes & Arrests from Vermont State Police Crime Report; other data from Vermont Department of Corrections. Unknown & Out-of-State residents are not redistributed into County totals or rates. Vermont "Total State" counts and rates also drop the unknown & out-of-state residents.

The rates per thousand in the second table above convert the raw numbers into equivalent rates. One would expect that all things being equal, all of the rates would be similar. This table is converted earlier in the document to a percentage table for ease of comparison.

# Appendix E: Department of Corrections Offense Type Definitions

## Offense Types

<b>Offense Types -- Department of Corrections</b>	
<b>FELONIES</b>	
<b>Serious</b>	Includes Murder, Manslaughter, Kidnapping, Aggravated Sexual Assault, Armed Robbery, Aggravated Assault, Maiming, Sexual Assaults (all), Arson
<b>Person</b>	Includes larceny from person. Lewd and lascivious behavior with child, unlawful restraint, Robbery, L&L, Violating Abuse prevention order, Stalking, aggravated stalking, burglary of occupied dwelling,
<b>Property</b>	Includes Burglary, Fraud, Retail theft >\$900, False Token, Unlawful trespass Felony, Grand larceny, Embezzlement, Arson, Forgery, Possessing Stolen Property, Unlawful Mischief (felony)
<b>Drug</b>	Includes sale of regulated drug, (many kinds), possession with intent to sell, etc. Delivery of reg drugs. Possession of various amounts of various drugs
<b>Motor Vehicle</b>	includes DWI 3+, C&N fatality/injury, Felony Motor Vehicle theft, DUI Fatality/Injury
<b>Other</b>	Includes escape, perjury, carrying weapon, extortion, credit card fraud, obstruction of justice, false swearing, possession of explosives, gross negligent operation
<b>MISDEMEANORS</b>	
<b>Person</b>	Includes simple assault, domestic assault, violation of abuse prevention order, assault on law enforcement officer, Elder abuse, false personation, cruelty to children, hate crimes, reckless endangerment, resisting arrest,
<b>Property</b>	Includes retail theft < \$900, petit larceny, unlawful trespass, bad check, operating without consent, Theft of Service, Unlawful mischief, False pretenses.
<b>Drug</b>	includes possession of marijuana, cultivation of < , possession of heroin,
<b>Motor Vehicle</b>	includes DWI 1/2, C&N, Reckless Endangerment, Driving with license suspended, Attempting to elude
<b>Other</b>	Includes Disturbing the peace, grossly negligent operation, minor procuring liquor, fugitive from justice - m, furnishing malt beverage to minors, displaying obscene material, prohibited acts, possession of fireworks, taking deer out of season.
All attempts, aidings, and accessories before and after the fact are treated in the same category as the offense unless Vermont Statute designates otherwise.	



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## APPENDIX F: Vermont League of Cities and Towns Memorandum

### MEMORANDUM

**To:** Commissioner Rob Hoffman, Vermont Department of Corrections

**From:** Trevor M. Lashua  
Senior Associate for Advocacy and Information

**Date:** August 20, 2007

**RE:** The “plan” in Act 65/H.537

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By ordering the Department of Corrections in Act 65 of 2007 to devise a “plan” that attempts to slow both the rate of increase of Vermont’s prison population and the costs associated with it, the legislature has taken a much-needed first step in the direction of responsible public policy.

Trying to find ways to save \$4 million is a laudable goal, especially during these times in which resources at every level of government are becoming increasingly scarce. While everyone in government – elected, appointed, or otherwise – would like to say to taxpayers that actions they have taken saved money, situations are rarely as simple as that.

One of the concerns of local officials throughout Vermont is that the “savings” identified by the Department of Corrections for state taxpayers come at the expense of municipalities and their property taxpayers, most of whom the same state taxpayers are purportedly reaping the savings. True and lasting savings on corrections-related spending in Vermont will never happen unless state officials and the legislature abandon the current model, where double-digit cost increases are the norm, and look instead to a more holistic and sensible approach that focuses on prevention (especially with at-risk populations), rehabilitation, effective community supervision, education, and the improved and increased availability of the services

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VLCT Health Trust, Inc.

VLCT Municipal Assistance  
Center

VLCT Property and Casualty  
Intermunicipal Fund, Inc.

VLCT Unemployment  
Insurance Trust, Inc.

and programs needed to successfully reintegrate offenders back into society.

With an exponential increase in the number of people entering Vermont's prisons, despite falling crime rates, and with more than half of all offenders re-offending within three years of their release from incarceration, focusing mainly on those lodged inside facilities is tantamount to rearranging the deck chairs on the Titanic.

For many years, local officials have been asking for the state to invest more of its resources – both financial and human – in community-based efforts. On those few occasions where this has been done, success stories (such as the re-entry programs operated by the community justice centers) are subsequently undone or nearly undone by diminishing or deleted state and federal financial support.

When state and federal support shrivels or disappears, much of the burden falls into the laps of local officials and into the wallets of property taxpayers. The occasional complaint about municipal economic participation in the corrections system by some in state government and in the legislature is that Vermont's cities and towns commit fewer local resources to corrections than communities in other states do. This statement, while failing to take into account the policy, political, and economic realities of municipal government in Vermont, also falsely assumes that local officials are either unaware or unconcerned.

Would municipalities like to do more? Absolutely. And not just on this issue, but on scores of others. Can we do much more? Not at this time. The resources are just not there.

Local tax revenue in Vermont comes from but a single source: the property tax. That revenue is in turn directed towards roads and bridges, schools, police and fire departments, and other essential local services. Annual increases in municipal budgets are not the result of wild and unrestrained spending. Increases are comprised mainly of a triumvirate of items largely outside of the control of local officials: the skyrocketing costs of health care, ever-increasing energy costs (which effects local governments in a number of ways), and unfunded mandates passed along by the state and federal governments.

Another common complaint is that responsibility for those who commit and are convicted of crimes in Vermont flows upstream, from the towns to the state. Overlooked in that statement is the fact the tab for such things flows in the opposite direction, traveling downstream from the state to the towns.

While the philosophical differences stated above may never be resolved, we do know this: roughly, 50% of the offenders are under the DOC's supervision in just 20 municipalities, and that approximately 80% of all of those under the supervision of the DOC right now are in community settings throughout the state. Added to that is the fact that DOC's statistics show that more than half of all offenders released re-offend within three years (an average of 54.3% from 1993 through 2002), with the majority of those offenses coming in the first year of release.



These numbers are augmented by what communities experience, as evidenced by supervision-related incidents that make their way into local media outlets.

A story appearing in the August 3 edition of the *Burlington Free Press* focused on a significant drug bust in Winooski, where at least five of those apprehended were under the supervision of the Department of Corrections in the community for previous convictions on drug-related offenses.

The July 27<sup>th</sup> *Barre-Montpelier Times Argus* included a story about a man released on furlough who assaulted a female neighbor within two days of his release. That same day a story appeared in the *Rutland Herald* about a 37-year-old Rutland man who was out on furlough and had gone missing for “several” days. Furlough is supposed to feature the highest level of supervision in a community setting, yet these stories seem to make regular appearances in publications throughout the state.

These types of incidents also detract from the fine work that is done in some community settings, especially in those communities where local officials and law enforcement have been able to forge cooperative and supportive working arrangements with DOC staff. While the aim of community supervision, like other public safety pursuits, should always be perfection, it is simply something that is not attainable. Effective supervision within the context of an environment that ensures public safety, protects victims, and rehabilitates and successfully reintegrates offenders is attainable.

Rather than concentrating too heavily on the facility-focused suggestions contained within the first section of the plan, the state of Vermont should focus more heavily on the community-based efforts listed, especially the “justice reinvestment” work being done in conjunction with the Council of State Governments. Such efforts have already found success in other states, notably in Connecticut. Rhode Island has also been examining a justice reinvestment strategy as way to deal with increasing corrections costs and inmate population.

There are four main components of the justice reinvestment strategy laid out by the Justice Center of the Council of State Governments. Those four components are:

- 1) Analyzing the prison population and spending in the communities, especially the spending in those communities where a majority of offenders return (Vermont’s “service center” communities);
- 2) Using that analysis to adopt strategies that will produce positive long-term outcomes for offenders and communities;
- 3) Re-investing any “savings” into community-based efforts, such as supervision, substance abuse programs, or job training and counseling;
- 4) Measuring policy impacts and making the adjustments necessary to improve results.

There is no standard template, no one-size-fits-all model, for what states should do to reduce the rate at which prison populations and the associated costs increase. A strategy that focuses on community-based efforts – featuring a strong, long-term

financial commitment from state officials and the legislature – would work for Vermont. A holistic approach, taking into account the various needs of offenders, communities, and victims, can produce the cost-savings desired by policymakers in Montpelier while enhancing public safety in the decades to come.

When broken down, this philosophy only makes the most sense: to slow the rate of spending on corrections in Vermont over the long term, an investment must be made to reduce the number of people being incarcerated, whether it is a first offense, a second offense, or a violation of the conditions of their release. That reduction can be achieved through sustained efforts in communities, not through the construction or expansion of prison facilities or the continued lodging of Vermont offenders in lower cost private prisons located in other states.

Thank you for the opportunity to participate. The membership of the Vermont League of Cities and Towns looks forward to being an active contributor in this discussion when the legislature reconvenes in January and at any opportunity between now and then.

## APPENDIX G: CONCEPTUAL EXAMPLE OF A CORRECTIONAL FACILITY CLOSURE

### Fiscal, Human Resource and Operation Considerations

The information below explores an option to close the Northwest State Correctional Facility in St. Albans. The potential savings in FY 2009 will be dictated based on the closure timeframe. For example, if the Legislature elected to close the facility and to have the DOC do it by January 1, 2009, this would yield a maximum of six months savings for Fiscal Year 2009.

	Annual	6 Month	3 Month
<b>Projected Savings of Closing Facility (in FY 08 dollars)</b>			
Personal Services	(6,700,000)	(3,350,000)	(1,675,000)
Operating Expenses	(1,600,000)	(800,000)	(400,000)
Contracted Services (including health & mental health)	(2,300,000)	(1,150,000)	(575,000)
<b>Community High School of Vermont Savings</b>	(265,214)	(132,607)	(66,304)
<b>Anticipated Maintenance Cost Once Facility is Closed</b>	500,000	250,000	125,000
<b>Cost to House Inmates Out-of-State (CCA Current Facilities)</b>			
Beds @ FY 09 prices (250 offenders @ \$59.74/day)	5,451,275	2,725,638	1,362,819
Additional Medical Costs	166,667	83,333	41,667
<b>NET SAVINGS:</b>	<b>(4,747,273)</b>	<b>(2,373,636)</b>	<b>(1,186,818)</b>

\*Savings listed does not consider payout for accrued annual, personal, or compensatory leave

### Issues Related to Closure of the Facility

#### Moving Offenders Out of State

- Partial savings might be achieved if a gradual move-out plan is used. By moving offenders out incrementally, savings could be achieved by closing the facility unit by unit.
- Finding eligible inmates for placement out of state would require changing current selection criteria, for example:
  - Eliminate the current Community High School of Vermont education requirement for all inmates less than 23 years of age.
  - Send inmates with short terms, even below 60 days, which would increase transportation cost.
  - Inmates sent out of state would not have the current treatment programs available to them, unless there was an arrangement for CCA to provide such treatments which would increase the per diem rate and decrease savings.
  - Collapse Re-Entry planning window, returning offenders to a Vermont facility closer to their release date.
- Our current contractor (CCA) is proposing a NH facility at a significant cost increase, compared to our current arrangement. If CCA were to build locally, our entire out-of-state population would need to be located in NH (with a minimum population of 800-1000 offenders) at a considerable price increase compared to what we pay now. Such a commitment might be financially attractive and might give Vermont more negotiating leverage, but would increase Vermont's reliance on this contractor.

### **Local Impact**

- What would be the economic and other impacts to the towns of Swanton and St. Albans?

### **Current Staff**

- The current staff of the facility would need to be reassigned to other facilities, offered positions elsewhere in State government or be displaced through the Reduction in Force process. There are currently 114 staff positions (plus medical and mental health contractors and adjunct faculty), including:
  - 62 Correctional Officer I's (CO I)
  - 20 Correctional Officer II's (CO II)
  - 6 Correctional Facility Shift Supervisors (CFSS)
  - 2 Security Operations Supervisors (SOS)
  - 9 Correctional Services Specialists (CSS)
  - 2 Corrections Living Unit Supervisors (CLUS)
  - 1 Superintendent
  - 2 Assistant Superintendents
  - 7 Administrative Positions
  - 4 Teachers - CHSVT
- Due to regular turnover in the CO ranks (especially at the nearby Chittenden Regional Correctional Facility), many security staff could fill vacant positions. The state could also authorize the replacement of some Temporary CO positions with permanent classified COs, which might also assist the DOC in reducing further staff turnover.

### **Vermont Offender Work Program:**

- The Vermont Offender Work Program located at the facility which provides printing services for state and local government, would have to be re-located or closed.

### **Future Site Use**

- Given the difficulty of citing a new facility, the site should not be released from correctional purposes and should be considered for the following future uses:
  - Refurbish and use as a female facility
  - Site of the new work camp
  - Co-location of a work camp and a correctional facility
  - Location of a significantly larger state correctional facility

### **Buildings and General Services (BGS) Staff:**

- On-site BGS staff would also be displaced at some point following the facility closure.

### **Federal Detention Beds:**

- Address issue of 20 beds at this facility are reserved for Federal detainees (current revenues are \$1.3 M annually)

### **Other Impacts**

- Auto Shop Program, which rehabs cars for The Good News Garage.
- Garden, which donated 20,000 +/- pounds of food to the local food shelves last year.

## Appendix H: Letter from South Burlington Police Department



### SOUTH BURLINGTON POLICE DEPARTMENT



October 25, 2007

Robert Hofmann, Commissioner  
Vermont Department of Corrections  
103 South Main Street  
Waterbury, VT 05671-1001

Dear Commissioner Hofmann:

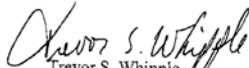
I am in receipt of the letter sent by David Peebles dated October 11, 2007 concerning the possibility of not housing male inmates at the Chittenden County Correctional Center (CCCC). As you are aware, we are the second largest municipal agency in Chittenden County. When this matter first came before the Senate Judiciary Committee I was asked for a response by Senator Condos. My response was strong opposition.

I conducted a rather brief statistical analysis of our arrests for a three year period to determine which ones would require lodging and what the potential impact would be to my department. Based upon number of arrests, the need for two officers to transport to a remote facility, and cruiser use; I calculated the impact to my budget at approximately \$18,000 to \$20,000 for arrested individuals. This was assuming that we would utilize the next closest facility. This does not even begin to consider the cost of transporting incapacitated people who require detention at the correctional center.

If this plan were enacted a significant financial burden would be placed on my taxpayers as I would be forced to spend monies that have not been budgeted. This would also put a drain on my staff as more overtime would be required each time a subject needed to be incarcerated.

I am strongly opposed to this suggestion and worry what the trickle down affect would be to other agencies, in particular the Chittenden County Sheriff. If I can provide any further information please do not hesitate to contact me.

Sincerely yours,

  
Trevor S. Whipple  
Chief of Police

575 DORSET STREET, SUITE 2 • SOUTH BURLINGTON, VERMONT 05403-6295  
Dispatch: 846-4111 • Administration: 846-4165 • Fax: 846-4102

*Trevor S. Whipple, Chief*

**Appendix I: Letter from Chittenden County Sheriff's Office**

Chittenden County Sheriff's Office

State of Vermont  
Kevin M. McLaughlin, Sheriff  
P.O. BOX 1426  
Burlington, VT 05402

**October 17, 2007**

**To: Robert Hoffman  
Commissioner of Corrections  
103 So. Main Street  
Waterbury, Vermont 05671-1001**

**From: Sheriff Kevin McLaughlin** 

**Re: Section 153a Corrections; Correctional Facilities and Services:**

**Commissioner,**

**If the Chittenden Regional Correctional Center were to become a "female" only facility to house incarcerated women with no male population, this would be disastrous as it relates to the transportation of males to and from the Chittenden District Courthouse in Burlington.**

**The Chittenden Regional Correctional Center currently has a "cap" of 197 inmates. All other inmates that would be added to that number have to be incarcerated somewhere else in Vermont. Chittenden County has the largest number of incarcerated defendants of all 14 Counties. The largest population of inmates transported on a daily basis are transported to and from the Chittenden Regional Correctional Center to the Vermont District Court in Burlington.**

**Currently, the Chittenden County Sheriff's Office staff has to travel to**

Northwest Correctional Facility to transport after hours "lodgings" to Burlington when the 197 inmate cap is reached. This in itself poses logistical problems for our Office due to current manpower allocation. In short, when we have 8 lodgings and 4 are in St. Albans, we have to split up teams using more vehicles and deputies to go to two locations to pick them up versus one location to bring them to Burlington District Court. Not including the normal requests for transports out of Chittenden Regional Correctional Center to the Burlington District Court.

Based on statistical information, Chittenden County Sheriff's Office transports approximately 26-28% of all inmates transported in the State of Vermont by Sheriff's Office's. In 2006, the Chittenden County Sheriff's Office transported approximately 3,000 inmate transports to Vermont District Courts in Vermont, the majority of these to the Burlington Courthouse. This does not include juveniles and mental patients.

If the 197 inmates were to be housed in other Correctional Facilities around Vermont, this would put those daily transports in other Sheriff's Office's jurisdiction to move them. This would be impossible for those Sheriff's Office's to do with current staffing levels and equipment to do the job. On any given day if Vermont District Court in Burlington requests 5-10 inmates for court appearances, we handle them along with the daily lodgings. With the male population being housed around Vermont, this would involve 4-5 different Sheriff's Office's to have anywhere's from 8-10 deputies move the same amount of inmates we do now from So. Burlington to the Vermont District Court in Burlington for triple the cost or more! The Vermont Sheriff's state budget would see huge increases to manage this and we are currently seeing a huge budget deficit for FY2008 without this move. Sounds like "cost shifting" to say the least.

If Chittenden Regional Correctional Center does not house male inmates, where do the local persons arrested after court hours go? Does the arresting officer have to travel to Springfield, St. Albans, Rutland or Newport Correctional Facility to lodge this individual? In smaller Departments that may be the only police officer on duty. If that police officer is travelling a few hours or more moving this arrestee, who's patrolling and answering calls for service in that town? If the burden is placed on the Chittenden County Sheriff's Office to move these individuals out of county, we don't have the manpower or equipment to do this. This would involve a 18 hour a day staff available at a moment's notice to move these people all over the state. At certain times moving someone from Burlington to Springfield when said person is arrested at 3am would not be feasible to even move that person if the facility is two hours away, someone would have to bring that inmate to court by morning. If that is the case, where does the arrested person go or stay until court opens that morning?

If this were turned into an all female facility, my staff would be out of county just about every day moving those women to Vermont Courts statewide and depending on any given day, we may not have the resources to move 4 women to 4 different counties.

I have spoken about this proposal to the Chittenden County State's Attorney, T. J. Donovan and he feels the same as I do about this idea of turning Chittenden Regional Correctional Center into an all women's unit. He asked me to include my response to you as his feelings also.

Without going on forever, this is a bad move for the Vermont Sheriff's Office's with current staffing levels and current budget issues. A bad move for the local area police agencies who would have to move inmates all over the state after court hours leaving some jurisdictions with no local law enforcement present. Just a total bad move and huge cost shifting burden on the Vermont Sheriff's and local/state Police Departments.



## Appendix J: Letter from Colchester Police Department



CHARLES A. KIRKER  
Chief of Police

**POLICE DEPARTMENT**  
COLCHESTER, VERMONT  
05446

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COLCHESTER, VERMONT  
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BUSINESS (802) 264-5556  
FAX (802) 264-5561

October 16, 2007

Robert Hofmann, Commissioner  
Department of Corrections  
103 South Main Street  
Waterbury, VT 05671-1001

Re: Response to Letter of October 11, 2007 (Facilities for housing male inmates)

Dear Commissioner Hofmann:

Thank you for inviting input from me regarding the proposal to cease the housing of male inmates in Chittenden County. I fear the implementation of this proposal will have devastating effects on law enforcement in this the busiest county in the state. While I cannot speak for my counterparts in the county the Colchester Police Department and, more importantly, the citizens of our community will see police resources depleted further.

I have not heard of what alternatives we will have for incarceration should the plan be implemented. For the purposes of discussion the next closest facility would be Northwest in Swanton. Quick calculations using YAHOO mapping found a round trip from our office to the Chittenden Regional Correctional Center (CRCC) in South Burlington is a 19 mile round trip with an estimated travel time of 33 minutes. A round trip to Northwest from our office is 60.6 miles with an estimated travel time of 1 hour and 17 minutes **or an 41.6 miles additional 45 minutes.** Incapacitated individuals are screened at ACT 1 in Burlington. If they are unruly or ACT 1 is full, an additional 2 miles and 4 minutes is required to get them to CRCC with the round trip estimated at 37 minutes. In the event we were required to take "incaps" to Northwest that trip would cover 70.7 miles and take an estimated 1 hour and 29 minutes, **an additional 53 miles and 52 minutes.**

In our Fiscal Year which ran July 1, 2006 through June 30, 2007 the Colchester Police Department statistics showed that 84 males were lodged as a result of criminal arrests and 57 males were determined to be incapacitated and housed at the CRCC. **A quick calculation estimates our department alone would have traveled an additional 6,515.4 miles and spent 111 additional hours travel time to Northwest verses CRCC.**

Page 2  
Ltr. Robert Hofmann

With the amount of lodgings and Incaps needing to transport from Chittenden County Police Agencies it seems counterproductive to further deplete our resources by these significant drains. I strongly oppose any effort to remove our access to the Chittenden Correctional Center for male offenders and Incaps. As a point of reference I would like to note that during the same Fiscal Year referred to above we had a total of 29 female criminal lodgings and 32 female incaps taken to CRCC. Female number we not included in any of the above calculations.

Thank you for your invitation to respond to this proposal.

Sincerely:

Charles A. Kirker  
Chief of Police