

JAMES DUFF LYALL
EXECUTIVE DIRECTOR

JULIE KALISH
PRESIDENT



January 17, 2018

Dear Members of the House Judiciary Committee,

We the undersigned organizations write to draw your attention to the historic opportunity for Vermont to be a nationwide leader on criminal justice reform **this year**.

Vermont sends far too many people to prison at tremendous social and financial cost,¹ and incarcerates Black men at a higher rate than any other state.² Too often, people living with addiction and mental illness are imprisoned in lieu of treatment. At a time when states are finally finding solutions to these longstanding problems, Vermont should not be left behind.

As detailed below, the legislature already has numerous pending bills that, if acted on, could reduce the costly overuse of incarceration in Vermont, end our reliance on out-of-state prisons, and reduce recidivism and the collateral consequences of involvement with the criminal justice system.

Perhaps nothing would have a larger impact on reducing the number of people we incarcerate than bail reform. In Vermont, around 400 people are incarcerated pretrial every day;³ many of them are there simply because they cannot afford to pay bail. We urge the legislature to take action this session to ensure that no one is incarcerated simply because they are poor.

Additionally, the following bills have already been introduced:

Reducing Prison Population

- H. 150: establishes procedure for compassionate release of inmates with serious medical conditions (Rep. Mollie Burke)⁴
- H. 469: prohibits incarcerating an inmate after their minimum release date simply because they lack appropriate housing (Rep. Selene Colburn)⁵

¹ In 2015, the Vermont Department of Corrections spent \$57,615 per prisoner and \$116.7 million in total. See Vera Institute, *The Price of Prisons* (May 2017), <http://bit.ly/2D4YFkh>. With over 250 inmates housed in Pennsylvania, at \$72 per day per inmate, Vermont spends over \$6.5 million on out-of-state inmates. See Jasper Craven, "Special Report: A visit to Block J, Vermont inmates' new home," VTDIGGER (June 11, 2017), <http://bit.ly/2sK0y3f>.

² Ashley Nellis, The Sentencing Project, *The Color of Justice: Racial and Ethnic Disparity in State Prisons* (2016), <http://bit.ly/1ZOy1R4>.

³ Vermont Dep't of Corrections, *FY 2016 Budget Presentation* 11, <http://bit.ly/2Dryzap>.

⁴ Vermont has the second highest average share of prisoners over 55 years of age and spends the second largest amount on prison health care. See Pew Charitable Trusts and the MacArthur Foundation, *State Prison Health Care Spending: An Examination* (2014), <http://bit.ly/1N8xje6>.

⁵ On average, over 150 people are held past their minimum release date each month for lack of housing. Vermont Dep't of Corrections, *Act 85 Sec 335.1: Plan to provide secure transitional housing for inmates reentering the community* 3 (Nov. 1, 2017), <http://bit.ly/2DpGQvK>.

- H. 123: creates a process, including hearings, for responding to alleged furlough violations (Rep. Janssen Willhoit)

Preventing Incarceration

- H. 213: expands access to drug and DUI treatment courts statewide (Rep. Maxine Grad)
- H. 423: increases monetary thresholds for crimes to be treated as felonies
- H. 108/S. 107: limits criminal and civil liability for those associated with safer drug consumption programs and sites (Rep. Selene Colburn; Sen. Chris Pearson)
- H. 275: ensures emergency access to medication-assisted treatment (MAT) (Rep. Bill Lippert)

Advancing Racial Justice and Reducing Collateral Consequences

- S. 173, S. 234: expand the availability of record expungement and sealing for certain crimes and offenders (Sen. Dick Sears)
- S. 281: establishes the Systemic Racism Mitigation Oversight and Equity Review Board (Sen. Debbie Ingram)

Improving Conditions

- H. 245: limits the time inmates with serious functional impairments can spend in segregation and allocates funds for an additional residential treatment unit within the Department of Corrections (Rep. Tommy Walz)
- H. 370: limits solitary confinement for inmates with serious functional impairments to 24 hours in a 7-day period (Rep. Mollie Burke)
- H. 381: limits the use of physical restraints on juvenile offenders (Rep. Barbara Rachelson)
- H. 468/S. 166: expands MAT in incarceration settings (Rep. Selene Colburn; Sen. Tim Ashe)

We urge you to prioritize these bills and look forward to discussing them with you this session. Finally, we urge you to consider the forthcoming recommendations of Vermont's Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, and to act on them as appropriate to finally address the pronounced racial disparities in Vermont's prison and criminal justice systems.

Thank you for supporting criminal justice reform and please do not hesitate to contact us if we can be helpful to you in any way.

Sincerely,

ACLU-Vermont
 Ccaleovt
 Disability Rights Vermont
 Justice for All
 Rights & Democracy-VT
 The Root Social Justice Center
 Rutland NAACP
 Vermonters for Criminal Justice Reform