

Vermont Justice Reinvestment II Working Group  
**Recommendation Status Update: June 2021**



Act 148 tasked the Justice Reinvestment II Working Group with studying and providing recommendations in several policy areas. Between September 2020 and January 2021, the working group focused specifically on examining probation earned credit and earned discharge, as well as understanding how people in the criminal justice system with mental health and substance use issues are identified and served. In January 2021, the working group submitted a report to the legislature that proposed the following five policy options for legislative and administrative action.

Recommendation	Status
<p>Adopt modifications to Vermont’s <b>midpoint review process</b> to make it more presumptive and encourage its use, using a model of earned discharge policies from other states, such as Montana.</p>	<p><a href="#">Act 24</a> was enacted on May 12, 2021. Act 24:</p> <ul style="list-style-type: none"> <li>• Requires victim notification at sentencing and when a motion for discharge is filed</li> <li>• Requires the Department of Corrections (DOC) to file a motion for discharge at the midpoint of a person’s probation term if the person has not had a violation in the past six months, is not serving a specified crime, and has completed the “set and knowable” services required at the outset of probation</li> <li>• Requires the court to grant the motion for discharge unless there is a finding by a preponderance of the evidence that there is a risk to the victim or community <u>or</u> there is a finding by clear and convincing evidence that the person on probation is not substantially in compliance with conditions that are related to rehabilitation or the safety of the victim or community</li> <li>• Allows the court to reduce conditions if a discharge motion is not granted</li> <li>• Establishes that a person should not be determined ineligible for discharge due to unpaid restitution, fees, or surcharges</li> <li>• Requires the DOC to report on implementation and additional recommendations for modifications to the Joint Legislative Justice Oversight Committee by August 2022 and August 2023</li> <li>• Requires the Vermont Sentencing Commission to consider limiting the duration of probation to two years or less and report to the Joint Legislative Justice Oversight Committee by October 2021</li> </ul>

<p>Require DOC to develop a <b>brief report that will be provided to judges before sentencing to inform condition setting</b> for all felony probation cases. This report should include risk and need assessment results, mental health and substance use disorder screening results, and criminal history.</p>	<p><a href="#">Act 14</a> was enacted on April 29, 2021. Sec. 2 of Act 14:</p> <ul style="list-style-type: none"> <li>• Creates a two-site pilot program for DOC to provide a report prior to sentencing for all felony probation cases</li> <li>• Directs DOC, the Court Administrator, the Department of State’s Attorneys and Sheriffs, the Office of the Attorney General, and the Office of the Defender General to jointly select the location of the two pilot sites</li> <li>• Requires the report to include risk and needs assessment results, mental health and substance use disorder screening results, and criminal history</li> <li>• Directs DOC to report on the results of the pilot to the Joint Legislative Justice Oversight Committee by December 2022 and make a recommendation as to whether the pilot should be expanded statewide</li> </ul>
<p>Recommend that the <b>Agency of Human Services (AHS) convene representatives from each relevant department in the agency</b> to develop and implement changes to policy and procedure that address barriers to information sharing and care coordination for supporting people in the criminal justice system with mental health and substance use needs.</p>	<p>In May, AHS leadership convened an internal working group to develop an interdisciplinary care coordination model to support people with complex needs, including mental health and substance use, as they transition to and are supervised in the community. The working group will:</p> <ul style="list-style-type: none"> <li>• Meet weekly to develop a program model, tools, and processes informed by the Vermont Chronic Care Initiative framework</li> <li>• Update the Justice Reinvestment II Working Group in fall 2021</li> <li>• Receive technical support from Policy Research Associates funded by CSG Justice Center Justice Reinvestment resources through the Bureau of Justice Assistance</li> </ul>
<p>Recommend that DOC explore <b>hiring licensed clinicians to be placed in local supervision offices</b> to administer mental health and substance use screenings and assessments, as well as liaise with community-based treatment providers.</p>	<p>DOC is currently working with the University of Vermont to develop a program model for placing licensed clinicians within supervision offices. They are planning to pilot the program in Burlington.</p>
<p>Recommend that DOC use a <b>validated mental health screening tool</b> for people sentenced directly to misdemeanor probation.</p>	<p>DOC is currently developing a supervision model focused on criminogenic intervention strategies in which clinicians will support supervision staff in working with people that have complex needs. The model will be piloted in Burlington.</p>