

## Summary of Policy Options and Considerations for January 11, 2021 Justice Reinvestment II Working Group Meeting

### Policy Options for Deliberation by the Working Group

#### 1) Mental Health and Substance Use Disorder

Option 1: (Administrative) Recommend that AHS convene representatives from each relevant department in the agency 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.

- Relevant departments include Department of Mental Health, Vermont Department of Health/Alcohol and Drug Programs, Department of Corrections, Department of Children and Families, in addition to the Parole Board.
- This AHS group should collaboratively modify agency policy and procedure to
  - Adjust provider contracts to structure information sharing practices;
  - Standardize AHS health information sharing between DOC and community providers, including the sharing of assessment results;
  - Adopt a collaborative coordinated case planning model; and
  - Identify opportunities for mental health/substance use and criminal justice cross-training.

Option 2: (Administrative) Recommend that DOC use a validated mental health screening tool for people sentenced to probation for misdemeanor offenses.

Option 3: (Legislative) Recommend that the legislature require DOC to develop a brief report that will be provided to judges before sentencing to inform condition setting for all people being sentenced to probation for felony offenses. This report should include risk and need assessment results, mental health and substance use screening results, and criminal history.

Option 4: (Strategic) Recommend that DOC explore hiring licensed clinicians to be placed in local supervision offices to administer mental health and substance use screenings and assessments, as well as liaise with community-based treatment providers.

#### 2) Probation Earned Credit/Midpoint Review (Choose one of two options)

Option 1: Recommend that the legislature adopt a probation earned credit policy.

- Apply probation earned credit to the underlying minimum sentence.
- Apply probation earned credit to the underlying minimum sentence until there are only 15 or 30 days remaining to ensure a minimum term of incarceration available for revocation, if needed.

Option 2: Recommend that the legislature adopt modifications to Vermont’s midpoint review process to make it more presumptive and encourage its use, using a model of earned discharge policies from other states, including Montana.

- Ways to strengthen this process:
  - Modify statutory language to require DOC to recommend someone for discharge at their midpoint by changing wording from DOC “may file a motion” to DOC “shall file a motion” ([28 V.S.A. § 252](#)).
  - As in Montana, require judges to grant a request for discharge unless they determine it is not in the best interest of the person on probation or would present an unreasonable risk to the victim of the offense.
  - Set up additional opportunities for people who were not approved for discharge at the midpoint of their sentence to again be recommended for discharge later in their sentence if they are compliant with the conditions for supervision.

## If Budget Allows, Other Considerations for Vermont

### 1) Reinvestment funding

Ways to support Justice Reinvestment policies through reinvestments and appropriations:

- FY2021 reinvestment, as designated in enacted state budget
    - Invest out-of-state bed savings in domestic violence intervention programming.
  - New FY2022 up-front funding and reinvestment
    - \$200,000 to maintain investments in domestic violence intervention programming
      - Continue support for the Vermont Council on Domestic Violence statewide intervention programming.
      - Reduce reliance on fee-for-service funding.
    - \$400,000 to target gaps in community mental health services for people on supervision
      - Expand community-based services for the non-Serious Mental Illness (SMI) population and people with substance use or co-occurring disorders.
    - \$300,000 to strengthen transitional housing options and efficacy
      - Provide training to increase provider adherence to best practices.
      - Create a funding pool to decrease risk for participating landlords.
      - Explore assessment tools to identify housing needs for the corrections population.
- Sufficient funding to help increase data-driven decision-making by improving DOC’s data system
- Improve DOC’s ability to regularly collect, analyze, and share data.
- Support the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel’s (RDAP) recommendation to create a three-person body charged with the definition, collection, and analysis of data pertaining to racial disparities across the juvenile and adult justice systems.

## 2) Sustainability

Ways to support the ongoing implementation of Justice Reinvestment efforts:

- Provide in-state staff with support for ongoing Justice Reinvestment II Working Group meetings in 2021 and beyond to support oversight of Justice Reinvestment implementation and the group's continued ability to discuss and analyze criminal justice data. CSG Justice Center staff are funded to work in Vermont through the end of 2021, and support will taper by the end of the year.
- Establish a regular meeting schedule for the working group to monitor Justice Reinvestment implementation through 2022 and beyond.
- Consider reevaluating the duties of the working group in Act 148 to ensure that they further the goals of Justice Reinvestment II implementation and appropriately align with the working group's ongoing staffing capacity.
  - Outstanding duties in Act 148 for working group consideration in 2021:
    - Study the efficacy of using probation as a presumptive sentencing structure for certain types of offenses for which connections to community-based programming lead to better outcomes.
    - Evaluate the policy of parole eligibility for older incarcerated adults who are not serving a sentence of life without parole and who have served a portion of their sentence but not the minimum term.
    - Report to the House and Senate Committees on Judiciary and the House Committee on Corrections and Institutions with its findings and any recommendations for legislative action on or before January 15, 2022.