

HOW TO SOLVE PRISON OVERCROWDING? GOVERNOR'S COMMISSION MAKES RECOMMENDATIONS

In late August, the Governor's Commission on Corrections Overcrowding presented a report providing a number of recommendations the state could employ to reduce prison overcrowding without building another jail facility.

For municipal officials, this could mean more offenders in the community and, ultimately, a cost shift from the state to municipalities for providing corrections services.

With the goal of reducing or at least controlling the state's corrections budget, it should come as no surprise to municipal officials that the Commission's first recommendation is to release 400 additional sentenced or detained inmates into communities. The Commission does condition their release upon the use of a Global Positioning System (GPS) tracking technology. However, while GPS technology can show the location of an offender, it cannot be used to determine what an offender may actually be doing. Thus, GPS technology alone does not guarantee an offender will not re-offend or violate the conditions of his or her release.

Another Commission recommendation is to find ways to speed the release of inmates ready to be discharged. The Commission estimated over 200 offenders are eligible to be discharged from prison facilities but are unable to leave. This is because, in some cases even with Department of Corrections (DOC) assistance, they cannot find housing. As a result, they continue to occupy expensive prison beds, driving up the corrections budget. The report cites NIMBYism (Not In My Back Yard) as the main restrictor to providing housing and pre-release centers for offenders. To overcome NIMBYism, the Commission suggests "legislative and executive leadership will be needed to allow supervised pre-release facilities to be sited." Without further detail, one is left to wonder if the statement means the pre-emption of local control over siting such facilities as a way to overcome NIMBYism.

Some of the other recommendations contained in the 26-page report include:

- 1) Substantially reducing the number of detainees;
- 2) Constructing work camps;
- 3) Establishing term limits for probation;
- 4) Changing the status of inmates;
- 5) Restoring "earned" good time off; and
- 6) Eliminating mandatory minimum sentences for all non-dangerous offenders.

While the Commission "believes there is a need for a thorough analysis of the policies, practices, and procedures relating to offender supervision," it does not address the potential cost to municipalities of implementing any of its recommendations.

After receiving the Commission's report, the Governor announced that the Secretary of the Agency of Human Services, the agency which contains the Department of Corrections, would:

- 1) Analyze the costs, benefits, timelines, operations issues, and public safety considerations of the report's recommendations;
- 2) Propose a plan of priority actions aimed at reducing and eventually eliminating the use of out-of-state prison facilities;
- 3) Develop a Phase 1 of that plan, addressing FY06 budget recommendations for more transitional housing, substance abuse and mental health treatment, job skills development, development of a second offender work camp, and a pilot program using GPS technology; and
- 4) Engage legislative and judicial branch leaders in a review of sentencing policies to assure proper balance between punishment and rehabilitation of non-violent offenders, and review the ongoing relationship between probationers and the sentencing courts.

Due to the immense pressure the corrections budget has increasingly put on the overall state budget (between 1993 and 2003 the corrections budget increased from \$33 million to \$95 million), it is very likely the Legislature will be looking for ways to save money in what is expected to be another tight budget year with tough decisions to be made.

The recommendations of the overcrowding Commission might be seen as a way to cut costs. Thus, municipal officials should take the time to read the report and convey their thoughts and experiences to their representatives and the Governor in order to ensure the burden of reducing the corrections budget is not put on municipalities.

The report may be found at: <http://www.vermont.gov/governor/priorities/Overcrowding-Commission-Report.pdf>. The Department of Corrections FY03 Facts and Figures may be found at: <http://www.doc.state.vt.us/pageflip/pageflip.pl/index?book=FF2003>.

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INMATE NOS. GOING UP

According to Department of Corrections figures, in 1990 in Vermont there were 850 incarcerated offenders and 6,100 offenders under some form of community sentencing or supervision. Of the 6,100 in the community, 35 were considered violent/serious offenders. In contrast, in 2003 there were 1,890 offenders incarcerated and 12,197 under community supervision or sentence. Of those in the community, 444 were serving a community sentence and considered to be violent/serious offenders.