A data-driven approach to identify and respond to public safety challenges.

Supported by funding from the U.S. Department of Justice’s Bureau of Justice Assistance (BJA) and The Pew Charitable Trusts.
The Vermont Justice Reinvestment timeline is short and demands a commitment to the process.

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 26</td>
<td>First Working Group Meeting</td>
</tr>
<tr>
<td>October 15</td>
<td>Second Working Group Meeting</td>
</tr>
<tr>
<td>November 15</td>
<td>Third Working Group Meeting</td>
</tr>
<tr>
<td>December 16</td>
<td>Fourth Working Group Meeting</td>
</tr>
<tr>
<td>Late January</td>
<td>Final Working Group Meeting and Policy Discussion</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Month</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aug</td>
<td>Initial Analysis</td>
</tr>
<tr>
<td>Sep</td>
<td>Detailed Data Analysis</td>
</tr>
<tr>
<td>Oct</td>
<td>Impact Analysis</td>
</tr>
<tr>
<td>Nov</td>
<td>Stakeholder Engagement</td>
</tr>
<tr>
<td>Dec</td>
<td>Policy Option Development</td>
</tr>
<tr>
<td>Jan</td>
<td>Legislative Session begins January 9</td>
</tr>
</tbody>
</table>
Despite delays acquiring data, analyses are moving forward in preparation for the final two working group meetings.

<table>
<thead>
<tr>
<th>Data Type</th>
<th>Source</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crime/Arrests</td>
<td>Department of Public Safety</td>
<td>NIBRS data accessed</td>
</tr>
<tr>
<td>Pretrial Detention</td>
<td>Department of Corrections</td>
<td>Admissions and release data received</td>
</tr>
<tr>
<td>Court Dispositions/Diversions</td>
<td>Vermont Judiciary</td>
<td>Disposition data received; some diversion information accessed</td>
</tr>
<tr>
<td>Criminal Histories</td>
<td>Vermont Judiciary/Department of Public Safety</td>
<td>Process to access identified; will pursue time permitting</td>
</tr>
<tr>
<td>Furlough Supervision</td>
<td>Department of Corrections</td>
<td>Snapshot, admissions, and release data received</td>
</tr>
<tr>
<td>Prison</td>
<td>Department of Corrections</td>
<td>Snapshot, admissions, and release data received</td>
</tr>
<tr>
<td>Probation/Parole Supervision</td>
<td>Department of Corrections</td>
<td>Snapshot, admissions, and release data received</td>
</tr>
<tr>
<td>Victim Services</td>
<td>Vermont Center for Crime Victim Services</td>
<td>Summary data accessed</td>
</tr>
<tr>
<td>Behavioral Health</td>
<td>Department of Corrections/Department of Health</td>
<td>In process, some DOC data received</td>
</tr>
</tbody>
</table>
The CSG Justice Center team continues to meet and speak with stakeholders to deepen our understanding of policy and practice.

<table>
<thead>
<tr>
<th>Front-End System Pressures</th>
<th>Incarcerated Populations</th>
<th>Behavioral Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>✓ Law enforcement officers and leadership</td>
<td>✓ Department of Corrections leadership and staff, including supervision officers</td>
<td>✓ Agency staff implementing behavioral health programs for criminal justice populations and tracking data and outcomes across both systems</td>
</tr>
<tr>
<td>✓ Victim advocates</td>
<td>✓ Court officials, including judges</td>
<td>✓ Community-based providers and treatment experts</td>
</tr>
<tr>
<td>✓ People with lived experience</td>
<td>✓ Parole officials</td>
<td>✓ Law enforcement officers and leadership</td>
</tr>
<tr>
<td>❏ Diversion program and pretrial services administrators</td>
<td>✓ Housing experts and leadership</td>
<td>✓ Victim advocates</td>
</tr>
<tr>
<td>✓ Court officials, including judges</td>
<td>✓ Victim advocates</td>
<td>✓ People with lived experience</td>
</tr>
<tr>
<td>✓ State’s attorneys</td>
<td>✓ People with lived experience</td>
<td></td>
</tr>
<tr>
<td>✓ Criminal defense attorneys</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Key takeaways from October presentation

• The lack of consistent data analysis and reporting makes it difficult for DOC, policymakers, field staff, and others to know what is happening in the criminal justice system.

• Vermont is using a number of programs and policies to divert people from the criminal justice system. Many of these programs are designed for people charged with or convicted of lower-level offenses or who have more limited criminal histories, which means many higher-risk people will move on to some form of sentenced community supervision, incarceration, or both.

• Community supervision remains the primary mechanism by which people with higher risks and needs who are convicted of more serious offenses are connected to services and programs.

• Vermont’s community supervision system is unnecessarily complicated by the many and varied legal statuses, particularly furlough, on which a person may be released and supervised.

• Even with large DOC investments, people leaving incarceration still face significant barriers in finding and maintaining stable housing, which may contribute to an increase in recidivism rates.
Presentation Outline

1. **Crime and sentencing in Vermont:** Understanding the front-end system dynamics of who is coming into Vermont’s criminal justice system and where their case dispositions lead them.
   - Reported crime trends
   - Disposition and sentencing trends

2. **Best practices for supervision and behavioral health:** What research shows are the most effective and critical elements to incorporate into community supervision and behavioral health responses to lower recidivism and improve public health.

3. **Key considerations and next steps**
Reported crime data provides the first indication of potential population drivers affecting the criminal justice system.

At the end of many front-end decision points, court disposition data indicates the populations who will move forward into the corrections system.
Important reported crime data caveats

- Crime data is only as good as reporting—by victims to law enforcement, by law enforcement to the VCIC and the FBI, and by law enforcement to the public through published reports.
- Crime data from 2015 appears to have a major reporting deficiency, so it is not presented here.
- Crime totals from 2014 and 2016–2018 are all much lower than earlier years, which may be related to true changes in crime or other possible reporting issues.
Although Vermont historically has some of the lowest crime rates, the state’s violent crime rate has risen in recent years.

Vermont (2018)
- 3rd-lowest property crime rate
- 2nd-lowest violent crime rate

National Incident-Based Reporting System, or NIBRS, reported crime data provides more detailed trend analyses of reported crime types and trends in Vermont.


- Total Crime: +1%
  - Crimes Against Property: -4%
  - Crimes Against Persons: +38%
  - Crimes Against Society: -12%

* 2015 data is omitted from these analyses because of reporting issues.

The next set of slides will group specific crime trends into low-, mid-, and high-volume, omitting 2015.

- **High-Volume Crimes**: 750 or more reported per year statewide
- **Medium-Volume Crimes**: 100 to 750 reported per year
- **Low-Volume Crimes**: Fewer than 100 reported per year
Most high-volume reported crimes have decreased across the state, with the exception of simple assault, shoplifting, and some forms of fraud.

Reported Crime Volume in Vermont by Offense Type, 2014, 2016–2018

- Larceny – Other: -24%
- Destruction/Damage/Vandalism of Property: -3%
- Simple Assault: +15%
- Shoplifting: +23%
- Drug/Narcotic Violations: -7%
- Burglary/Breaking & Entering: -22%
- Theft From Motor Vehicle: +0%
- Fraud – False Pretenses/Swindle/Confidence Game: +68%

All but two categories of reported medium-volume crimes have increased since 2014, most notably rape, intimidation, and aggravated assault.

Some very serious offenses are reported in low volumes and have seen large variations from year to year.

Reported Crime Volume in Vermont by Offense Type, 2014, 2016–2018

- Theft of Motor Vehicle Parts or Accessories: -10 crimes
- Sodomy: +19 crimes
- Kidnapping/Abduction: +9 crimes
- Robbery: +0 crimes
- Homicide Offenses: +1 crime
- Pornography/Obscene Material: +87 crimes
- Impersonation: +69 crimes
- Fondling: +21 crimes
- Weapon Law Violations: -11 crimes
- Arson: +6 crimes
- Sodomy: +19 crimes

Changes in crime rates vary across the state, but they are rising significantly in four northern counties.

Counties with Increasing Total Reported Crime Volume, 2014–2018

- Franklin +44%
- Lamoille +64%
- Caledonia +18%
- Washington +21%

Counties with Decreasing Total Reported Crime Volume, 2014–2018

- Grand Isle -39%
- Addison -25%
- Orange -72%
- Rutland -15%

Counties with Relatively Stable Total Reported Crime Volume, 2014–2018

- Chittenden -5%
- Orleans +4%
- Essex
- Windsor -6%
- Bennington +6%
- Windham +6%

Reported crime takeaways

• Increases in categories of more serious offenses, such as assault, rape, and intimidation, beg key questions about how and when crime is reported and what the larger systemic impact will be if more people are arrested, charged, and convicted of these and other serious offenses.

• The significant differences in reported crime by county highlight the important role that various factors, including community resources, law enforcement, prosecution, and judicial practices potentially play in contributing to geographic distinctions across the state.

• Utilizing NIBRS to understand trends in reported crime will have long-term benefits, beyond Justice Reinvestment, but the state should monitor the data and improve the consistency of reporting across the state so that utilization of crime data can be expanded.
Important court disposition data caveats

• Court disposition data is presented at the case level, which means there is not a 1:1 ratio of cases to people.
• Individuals may have more than one case, and within a case there may be multiple charges.
• Data presented by offense type is based on the most serious charge among all convicted charges.
• Similarly, each charge and case can result in multiple sentencing sanctions, so disposition data is based on the most serious disposition for the case.
• The data is based on disposition date, meaning data from FY2019 includes all cases in which the most recent disposition was handed down on any charge in the case in that fiscal year.
• Any differences in sentencing patterns presented do not control for factors that might explain the pattern, such as the severity of the particular crime or the criminal history of the individual being sentenced.
• Three factors may cloud the volume of cases that are actually being sentenced to incarceration:
  o By statute, people convicted of nonviolent offenses who are given a minimum sentence of zero days “shall report to probation and parole as directed by the court and begin to serve the sentence in the community immediately,” but it is not clear in the data what actually happens to them.*
  o If credit is given for time served, some individuals may be released without serving additional incarceration time.
  o Because cases are examined by most recent disposition among charges, probation revocations may be affecting our attempt to isolate incarceration sentences.

* Vermont Statutes Online 13 V.S.A. § 7031.
Disposion and sentencing

Changes in Vermont’s overall population do not account for other changes in crime or sentencing data trends.

<table>
<thead>
<tr>
<th>County</th>
<th>Population 2018</th>
<th>Population % Change Over Last Five Years</th>
<th>Average Annual % Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vermont Total</td>
<td>626,299</td>
<td>+0.2%</td>
<td>+0.0%</td>
</tr>
<tr>
<td>Addison County</td>
<td>36,973</td>
<td>+0.1%</td>
<td>+0.0%</td>
</tr>
<tr>
<td>Bennington County</td>
<td>35,631</td>
<td>-1.5%</td>
<td>-0.4%</td>
</tr>
<tr>
<td>Caledonia County</td>
<td>30,302</td>
<td>-1.8%</td>
<td>-0.5%</td>
</tr>
<tr>
<td>Chittenden County</td>
<td>164,572</td>
<td>+2.9%</td>
<td>+0.7%</td>
</tr>
<tr>
<td>Essex County</td>
<td>6,250</td>
<td>+1.6%</td>
<td>+0.4%</td>
</tr>
<tr>
<td>Franklin County</td>
<td>49,421</td>
<td>+1.4%</td>
<td>+0.3%</td>
</tr>
<tr>
<td>Grand Isle County</td>
<td>7,090</td>
<td>+1.8%</td>
<td>+0.4%</td>
</tr>
<tr>
<td>Lamoille County</td>
<td>25,300</td>
<td>+0.7%</td>
<td>+0.2%</td>
</tr>
<tr>
<td>Orange County</td>
<td>28,999</td>
<td>+0.4%</td>
<td>+0.1%</td>
</tr>
<tr>
<td>Orleans County</td>
<td>26,907</td>
<td>-0.4%</td>
<td>-0.1%</td>
</tr>
<tr>
<td>Rutland County</td>
<td>58,672</td>
<td>-2.3%</td>
<td>-0.6%</td>
</tr>
<tr>
<td>Washington County</td>
<td>58,140</td>
<td>-1.4%</td>
<td>-0.3%</td>
</tr>
<tr>
<td>Windham County</td>
<td>42,756</td>
<td>-2.1%</td>
<td>-0.5%</td>
</tr>
<tr>
<td>Windsor County</td>
<td>55,286</td>
<td>-0.8%</td>
<td>-0.2%</td>
</tr>
</tbody>
</table>

Sources: U.S. Census Bureau, Annual Estimates of the Resident Population by Sex, Age, Race, and Hispanic Origin, April 1, 2010 to July 1, 2018.
The volume of court dispositions moving through criminal dockets has remained fairly steady. Each year, roughly 15,000 criminal cases are filed with the courts. In turn, the courts hand down a similar number of case dispositions each year. The volume of dispositions has remained fairly steady, as has the proportion of cases filed as felony or misdemeanor.

<table>
<thead>
<tr>
<th>Year</th>
<th>Disposed Cases (FY)</th>
<th>Filed as Felonies</th>
<th>Race</th>
<th>Sex</th>
</tr>
</thead>
<tbody>
<tr>
<td>FY2015</td>
<td>15,539</td>
<td>21%</td>
<td>White 85%</td>
<td>Male 78%</td>
</tr>
<tr>
<td>FY2016</td>
<td>15,257</td>
<td>19%</td>
<td>White 81%</td>
<td>Male 78%</td>
</tr>
<tr>
<td>FY2017</td>
<td>14,233</td>
<td>23%</td>
<td>White 77%</td>
<td>Male 78%</td>
</tr>
<tr>
<td>FY2018</td>
<td>14,235</td>
<td>22%</td>
<td>White 78%</td>
<td>Male 78%</td>
</tr>
<tr>
<td>FY2019</td>
<td>14,624</td>
<td>22%</td>
<td>White 78%</td>
<td>Male 78%</td>
</tr>
</tbody>
</table>

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Guilty pleas dominate the final dispositions for those cases that result in a conviction.

Method of Disposition Among Disposed Cases Filed as Felonies and Misdemeanors, FY2015–FY2019 combined

- **Transferred**: 1%
- **Dismissed**: 41%
- **Judge/Jury**: 1%
- **Plea**: 58%

Roughly 20 percent of misdemeanor case dismissals and 10 percent of felony dismissals result from the successful completion of a diversion program.

Pleas are the method of disposition in 99 percent of felony and misdemeanor convictions in Vermont.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
The volume of both misdemeanor and felony dispositions that result in a conviction has dropped over the past five years.

Across both misdemeanor and felony dispositions, conviction volume is down 20 percent from FY2015 to FY2019, and the proportion of convictions has dropped as well.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Trends in conviction volume have varied greatly across Vermont’s 14 counties over the last 5 years.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
A large proportion of felony filings are ultimately convicted as misdemeanors, though slightly fewer than in previous years.

How does filed offense level compare to level at conviction?

<table>
<thead>
<tr>
<th>Filed as</th>
<th>Disposed as</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor</td>
<td>Misdemeanor 100%</td>
</tr>
<tr>
<td>Felony</td>
<td>Misdemeanor 45%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Filed as</th>
<th>Disposed as</th>
</tr>
</thead>
<tbody>
<tr>
<td>Misdemeanor</td>
<td>Felony 55%</td>
</tr>
</tbody>
</table>

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Misdemeanor disposition and sentencing

Over the past five years, misdemeanor conviction volume has declined across all offense types, even among key person crime subtypes such as assault and domestic violence.

Misdemeanor Conviction Volume by Offense Type, FY2015–FY2019

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Over a quarter of misdemeanor dispositions receive incarceration as part of their sentence.

These sentencing patterns have mostly been consistent over time, but incarceration has been inching upwards.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Misdemeanor sentencing by offense type reveals some counterintuitive patterns, such as higher use of incarceration for property crimes.

Misdemeanor Case Dispositions by Offense Type, FY2015–FY2019 Combined

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Incarceration</th>
<th>Probation</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Total</td>
<td>27%</td>
<td>35%</td>
<td>38%</td>
</tr>
<tr>
<td>Person Property</td>
<td>26%</td>
<td>62%</td>
<td>10%</td>
</tr>
<tr>
<td>Property</td>
<td>27%</td>
<td>37%</td>
<td>23%</td>
</tr>
<tr>
<td>Drug</td>
<td>1%</td>
<td>0%</td>
<td>23%</td>
</tr>
<tr>
<td>Motor Vehicle</td>
<td>1%</td>
<td>0%</td>
<td>56%</td>
</tr>
<tr>
<td>Other</td>
<td>1%</td>
<td>0%</td>
<td>29%</td>
</tr>
<tr>
<td>N = 38,550</td>
<td>14%</td>
<td>56%</td>
<td>30%</td>
</tr>
</tbody>
</table>

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Extra detail for some sub-types

<table>
<thead>
<tr>
<th>Offense Type</th>
<th>Incarceration</th>
<th>Probation</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assault</td>
<td>30%</td>
<td>55%</td>
<td>14%</td>
</tr>
<tr>
<td>Violation of Protective Order</td>
<td>28%</td>
<td>60%</td>
<td>10%</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>18%</td>
<td>77%</td>
<td>3%</td>
</tr>
<tr>
<td>Theft</td>
<td>2%</td>
<td>0%</td>
<td>27%</td>
</tr>
<tr>
<td>Fraud</td>
<td>1%</td>
<td>0%</td>
<td>39%</td>
</tr>
<tr>
<td>Gross Neg. Operation</td>
<td>9%</td>
<td>62%</td>
<td>22%</td>
</tr>
<tr>
<td>DUI</td>
<td>6%</td>
<td>37%</td>
<td>53%</td>
</tr>
</tbody>
</table>

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Misdemeanor disposition patterns vary across counties, but analysis cannot control for key factors such as offense severity or criminal history.

Misdemeanor dispositions by county, FY2015–FY2019 Combined

<table>
<thead>
<tr>
<th>Incarceration</th>
<th>Split</th>
<th>Probation</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>27%</td>
<td>1%</td>
<td>35%</td>
<td>38%</td>
</tr>
<tr>
<td>37%</td>
<td>1%</td>
<td>32%</td>
<td>40%</td>
</tr>
<tr>
<td>35%</td>
<td>1%</td>
<td>38%</td>
<td>33%</td>
</tr>
<tr>
<td>28%</td>
<td>0%</td>
<td>41%</td>
<td>41%</td>
</tr>
<tr>
<td>27%</td>
<td>0%</td>
<td>28%</td>
<td>45%</td>
</tr>
<tr>
<td>27%</td>
<td>1%</td>
<td>28%</td>
<td>45%</td>
</tr>
<tr>
<td>26%</td>
<td>0%</td>
<td>34%</td>
<td>41%</td>
</tr>
<tr>
<td>24%</td>
<td>1%</td>
<td>38%</td>
<td>38%</td>
</tr>
<tr>
<td>23%</td>
<td>0%</td>
<td>30%</td>
<td>46%</td>
</tr>
<tr>
<td>23%</td>
<td>0%</td>
<td>39%</td>
<td>38%</td>
</tr>
<tr>
<td>21%</td>
<td>3%</td>
<td>33%</td>
<td>43%</td>
</tr>
<tr>
<td>20%</td>
<td>0%</td>
<td>40%</td>
<td>40%</td>
</tr>
<tr>
<td>12%</td>
<td>2%</td>
<td>44%</td>
<td>43%</td>
</tr>
</tbody>
</table>

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Without controls for the crimes or criminal history, men and black people appear to receive incarceration for misdemeanors more often.

Misdemeanor Case Dispositions by Sex and Race, FY2015–FY2019 Combined

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
The majority of people who receive misdemeanor incarceration sentences receive extremely short sentence lengths.

Among ~10,000 misdemeanor cases with an incarceration sentence over the last 5 years:

- **Minimum Sentence Length**: 85% were 2 months or less
  - Median Length 9 days
  - Mean Length 40 days

- **Maximum Sentence Length**: 84% were 6 months or less
  - Median Length 21 days
  - Mean Length 120 days

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
People convicted of misdemeanor person offenses received the longest sentence lengths.

Median **minimum** and **maximum** sentence lengths (in days) among ~10,000 misdemeanor cases with an incarceration sentence over the last 5 years:

<table>
<thead>
<tr>
<th></th>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>By Sex</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Men</td>
<td>11</td>
<td>9</td>
</tr>
<tr>
<td>Women</td>
<td>30</td>
<td>15</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>White</th>
<th>Black</th>
<th>Other</th>
<th>Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td>By Race</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>White</td>
<td>11</td>
<td>11</td>
<td>9</td>
<td>10</td>
</tr>
<tr>
<td>Black</td>
<td>21</td>
<td>31</td>
<td>15</td>
<td>30</td>
</tr>
<tr>
<td>Other</td>
<td>9</td>
<td>11</td>
<td>15</td>
<td>10</td>
</tr>
<tr>
<td>Unknown</td>
<td>15</td>
<td>15</td>
<td>10</td>
<td>30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Person</th>
<th>Property</th>
<th>Drug</th>
<th>Motor Vehicle</th>
<th>Other</th>
</tr>
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<tbody>
<tr>
<td>By Offense Type</td>
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<tr>
<td>Person</td>
<td>159</td>
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<tr>
<td>Property</td>
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<td></td>
<td>9</td>
</tr>
<tr>
<td>Motor Vehicle</td>
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<td>15</td>
</tr>
<tr>
<td>Other</td>
<td>30</td>
<td></td>
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<td></td>
<td>30</td>
</tr>
</tbody>
</table>

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Misdemeanor probation sentences are often approximately one year in duration, and nearly all are two years or less.

Among ~13,000 misdemeanor cases with a probation sentence over the last 5 years:

- 89% were 2 years or less
- Median Length 1 year
- Mean Length 20 months

This consistency in relatively short misdemeanor probation sentences is likely due to Vermont state law, which states that misdemeanor sentences are to not exceed two years unless the court deems a longer period appropriate.

Statutory guidance seems to have ensured there is little variation in misdemeanor average probation lengths by sex, race, offense type, or county, with a few exceptions.

Probation term lengths (in months) among ~13,000 misdemeanor cases with a probation sentence over the last 5 years:

By Sex
- Total: 12
- Men: 12
- Women: 12

By Race
- White: 12
- Black: 12
- Other: 12
- Unknown: 12

By Offense Type
- Person: 18
- Property: 12
- Drug: 18
- Motor Vehicle: 12
- Other: 12

By County
- Addison: 24
- Essex: 24
- Orleans: 24
- Windham: 24
- Rutland: 18
- Windsor: 18
- Bennington: 12
- Caledonia: 12
- Chittenden: 12
- Franklin: 12
- Grand Isle: 12
- Lamoille: 12
- Orange: 12
- Washington: 12

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary. 28 V.S.A. § 205
Over the past five years, person felony convictions have grown, driven by increases in assault, domestic violence, and sex offense convictions.

Felony Conviction Volume by Offense Type, FY2015–FY2019

- **Total**: +5%
- **Person**: +25%
- **Property**: -5%
- **Motor Vehicle**: -7%
- **Drug**: -4%
- **Other**: +10%
- **DUI**: -20%
- **Theft**: -2%
- **Fraud**: -18%
- **DV**: +23%
- **Assault**: +40%
- **Sex Off.**: +21%

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Over half of felony convictions result in incarceration, with most of the remaining convictions receiving probation supervision.

Felony Case Dispositions by Type, FY2019

- **Total Felony Cases Disposed in FY2019**: 1,410
- **Incarceration Alone or with Other**: 53%
- **Split (Incarceration + Probation)**: 4%
- **Probation Alone or with Other**: 41%
- **Other**: 2%

These sentencing patterns have been consistent over time.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Among felony convictions, certain types of person crimes receive incarceration sentences more often than property and drug offenses.

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Felony disposition patterns vary widely across counties, but analysis does not control for key factors such as offense severity or criminal history.

Felony Case Dispositions by County, FY2015–FY2019 Combined

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Felony disposition and sentencing

Without controls for the crimes or criminal history, men and black people appear to receive incarceration for felonies more often.

Felony Case Dispositions by Sex and Race, FY2015–FY2019 Combined

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Typical felony incarceration sentences are for one to three years.

Among ~3,500 felony cases with an incarceration sentence over the last 5 years:

**Minimum Sentence Length**
- 92% were 3 years or less
- Median Length 1 year
- Mean Length 16 months

**Maximum Sentence Length**
- 77% were 5 years or less
- Median Length 3 years
- Mean Length ~4.5 years

*Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.*
Median lengths for felony incarceration sentences are consistent across demographics and offense types, except for person and property crimes.

Median **minimum** and **maximum** sentence lengths (in days) among ~3,500 felony cases with an incarceration sentence over the last 5 years:

- **By Sex**
  - Men: Minimum = 12, Maximum = 36 days
  - Women: Minimum = 12, Maximum = 36 days

- **By Race**
  - White: Minimum = 12, Maximum = 36 days
  - Black: Minimum = 12, Maximum = 36 days
  - Other: Minimum = 12, Maximum = 36 days
  - Unknown: Minimum = 12, Maximum = 36 days

- **By Offense Type**
  - Person: Minimum = 12, Maximum = 60 days
  - Property: Minimum = 12, Maximum = 60 days
  - Drug: Minimum = 12, Maximum = 36 days
  - Motor Vehicle: Minimum = 12, Maximum = 36 days
  - Other: Minimum = 6, Maximum = 36 days

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Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.

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Essex and Grand Isle had very low volume of felony incarceration sentences (<100), which diminishes the strength of these averages.
Nearly all felony probation sentences are less than five years.

Among ~2,700 felony cases with a probation sentence over the last 5 years:

**Probation Term Length**
- 90% were 5 years or less
- Median Length 3 years
- Mean Length ~4 years

Statutory guidance states that felony probation sentences should generally not exceed four years unless the court deems a longer period appropriate.

Statutory guidance seems to have ensured that there is almost no variation in felony average probation lengths by sex, race, offense type, or county.

Probation term lengths (in months) among ~2,700 felony cases with a probation sentence over the last 5 years:

<table>
<thead>
<tr>
<th>By Category</th>
<th>Total</th>
<th>By County</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>36</td>
<td>Windham</td>
</tr>
<tr>
<td>By Sex</td>
<td></td>
<td>Addison</td>
</tr>
<tr>
<td>Men</td>
<td>36</td>
<td>Caledonia</td>
</tr>
<tr>
<td>Women</td>
<td>36</td>
<td>Essex</td>
</tr>
<tr>
<td>By Race</td>
<td></td>
<td>Franklin</td>
</tr>
<tr>
<td>White</td>
<td>36</td>
<td>Grand Isle</td>
</tr>
<tr>
<td>Black</td>
<td>36</td>
<td>Lamoille</td>
</tr>
<tr>
<td>Other</td>
<td>36</td>
<td>Orange</td>
</tr>
<tr>
<td>Unknown</td>
<td>36</td>
<td>Orleans</td>
</tr>
<tr>
<td>By Offense Type</td>
<td></td>
<td>Rutland</td>
</tr>
<tr>
<td>Person</td>
<td>36</td>
<td>Windsor</td>
</tr>
<tr>
<td>Property</td>
<td>36</td>
<td>Bennington</td>
</tr>
<tr>
<td>Drug</td>
<td>36</td>
<td>Chittenden</td>
</tr>
<tr>
<td>Motor Vehicle</td>
<td>36</td>
<td>Washington</td>
</tr>
<tr>
<td>Other</td>
<td>36</td>
<td>Washington</td>
</tr>
</tbody>
</table>

By Race:
- White: 36 months
- Black: 36 months
- Other: 36 months
- Unknown: 36 months

By Offense Type:
- Person: 36 months
- Property: 36 months
- Drug: 36 months
- Motor Vehicle: 36 months
- Other: 36 months

By County:
- Windham: 48 months
- Addison: 36 months
- Caledonia: 36 months
- Essex: 36 months
- Franklin: 36 months
- Grand Isle: 36 months
- Lamoille: 36 months
- Orange: 36 months
- Orleans: 36 months
- Rutland: 36 months
- Windsor: 36 months
- Bennington: 30 months
- Chittenden: 24 months
- Washington: 24 months

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary. 28 V.S.A. § 205
Disposition and sentencing takeaways

- It appears that over one-quarter of all misdemeanor dispositions receive incarceration sentences of some kind.
  - These sentences are typically for short periods of time, while felony convictions result in incarceration sentences in more than half of all convictions.
  - More people convicted on misdemeanor drug and theft crimes receive an incarceration sentence compared to those convicted of person offenses.
  - It is not yet clear how many misdemeanor incarceration sentences are due to supervision violations and revocations to prison.
- Felony convictions have grown, primarily due to increases in convictions for assault, domestic violence, and sexual assault.
- People sentenced to incarceration for felony property offenses receive median maximum sentences that are as long as those who are incarcerated for person-related offenses.
- Probation term lengths are generally consistent across offense type, race, and gender and are typically one year for misdemeanors and three years for felonies.
- There are differences and disparities in who receives incarceration or supervision sentences for both misdemeanor and felony convictions based on geography and race.
  - Further understanding these distinctions is impossible without additional information regarding criminal history and offense severity.
1. **Crime and sentencing in Vermont:** Understanding the front-end system dynamics of who is coming into Vermont’s criminal justice system and where their case dispositions lead them.

2. **Best practices for supervision and behavioral health:** What research shows are the most effective and critical elements to incorporate into community supervision and behavioral health responses to lower recidivism and improve public health.
   - Effective community supervision
   - Improved responses to behavioral health challenges

3. **Key considerations and next steps**
Community supervision systems must adopt core principles of risk, needs, and responsivity (RNR) to reduce recidivism.

**Eight Principles of Effective Intervention**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Assess risk, need, and responsivity.</td>
</tr>
<tr>
<td>2</td>
<td>Target the right people.</td>
</tr>
<tr>
<td>3</td>
<td>Frontload supervision and treatment.</td>
</tr>
<tr>
<td>4</td>
<td>Ensure adequate investment in and access to proven programs.</td>
</tr>
<tr>
<td>5</td>
<td>Use case planning to facilitate positive behavior change.</td>
</tr>
<tr>
<td>6</td>
<td>Respond to both positive and negative behaviors.</td>
</tr>
<tr>
<td>7</td>
<td>Hold people accountable.</td>
</tr>
<tr>
<td>8</td>
<td>Measure outcomes.</td>
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</table>

Leaders throughout Vermont’s criminal justice system have worked to incorporate evidence-based practices based on these principles into policy and procedure over the past decade.
Risk and need assessments sort people into categories based on likelihood of committing more crime.

Failing to adhere to the risk principle can actually increase recidivism for people assessed as low risk.

Average Difference in Recidivism by Risk for Individuals in Ohio Halfway House:

<table>
<thead>
<tr>
<th>Risk Level</th>
<th>Average Difference in Recidivism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Risk</td>
<td>Increased +3%</td>
</tr>
<tr>
<td>Moderate Risk</td>
<td>Decreased -6%</td>
</tr>
<tr>
<td>High Risk</td>
<td>Decreased -14%</td>
</tr>
</tbody>
</table>

Accurate information regarding a person’s risks and needs should be available to help inform supervision and programming.

• **Diversion and pretrial services:** When a person is identified as eligible for diversion, their criminogenic risks and needs should be assessed to help determine which diversion option and what pretrial services are most suitable for felony or misdemeanor defendants.

• **Appropriate grouping:** As much as possible, people who are low risk should not be grouped or housed with people who are high risk to avoid causing worse recidivism outcomes. Instead, people should be grouped based on criminogenic risks and needs to ensure that community and residential interventions support recidivism reduction.

• **Conditions of supervision:** A person’s risks and needs should inform conditions of community supervision to ensure they receive the appropriate level of supervision, choice of programs, and program intensity necessary to support their success.

• **Comprehensive, collaborative case plans:** Supervision agents and service providers should work with individuals (as well as people in their support network) to build collaborative and comprehensive case plans that are based on information regarding the person’s criminogenic risk and need, behavioral health needs, and psychosocial assessments in a way that effectively integrates effective and targeted interventions.
Principles 3 & 4: Target the first years of supervision, and connect people to effective programming.


Supervision and supports should be focused on the period when people are most likely to reoffend.

4. Ensure adequate investment in and access to proven programs.

Programs, treatment, and services should meet the unique needs of people in the criminal justice system.

Recidivism of People Released from Prison in 30 States in 2005 by Number of Years After Release*

- **Male**
  - Year 1: 45%
  - Year 2: 35%
  - Year 3: 16%
  - Year 4: 9%
  - Year 5: 6%
  - Year 6: 5%
  - Year 7: 4%
  - Year 8: 3%
  - Year 9: 2%

- **Female**
  - Year 1: 45%
  - Year 2: 35%
  - Year 3: 16%
  - Year 4: 9%
  - Year 5: 6%
  - Year 6: 5%
  - Year 7: 4%
  - Year 8: 3%
  - Year 9: 2%

*Based on the first arrest after release from prison, for people serving sentences in 30 states.

Changes in Recidivism by Program Type

- Increases Recidivism
  - Punishment-oriented
  - Cognitive (no behavioral)
  - Psycho-educational

- Decreases Recidivism
  - Cognitive behavioral with graduated skills practice
  - Journaling


Focusing programming and intensity of supervision in the first years of community supervision best supports reducing recidivism.

- **Frontloading:** Focusing more intensive engagement in the first years of community supervision terms, including referrals and connection to services, creates a bridge to resources clients need to succeed during the time they are at greatest risk of recidivating or being revoked.

- **Access:** People need consistent access to effective programs tailored to their criminogenic risks and needs.

- **Quality:** Programs must be based on what the research shows is effective at achieving behavior change to reduce recidivism.

- **Intensity of supervision:** Supervision levels must be based on risk and needs assessment results to uphold public safety and address a person’s criminogenic and behavioral health needs.
Effective community supervision

Principles 5 & 6: Use case plans and a high ratio of incentives to sanctions to help people change their behavior.

5 Use case planning to facilitate positive behavior change.

Focus case-planning goals on identified criminogenic need areas to facilitate positive behavior change.

Key criminogenic risk factors

- History of Criminal Behavior
- Antisocial Attitudes, Values, and Beliefs
- Antisocial Peers
- Antisocial Personality Characteristics
- Substance Use
- Lack of Employment Stability and Educational Achievement
- Family and/or Marital Stressors
- Lack of Prosocial Leisure Activities

6 Respond to both positive and negative behaviors.

Punishment alone is not an effective way to bring about long-term behavior change, partly because the negative behavior tends to return when the punishment is discontinued.

Incentives should be used 4x more often than sanctions to promote and sustain behavior change.
Case plans should be based on the individual person and reflect evidence-based practices.

- **Case plans**: Case plans must be individualized and designed to comprehensively address a person’s unique criminogenic and behavioral health treatment needs.

- **Programming**: Correctional programming inside DOC facilities and in the community should align with the greatest criminogenic needs for clients on supervision.

- **Incentives**: Incentives should be used at a higher rate than sanctions and should be formalized and structured into routine supervision practices statewide to achieve and sustain behavior change.

- **Officer training**: Staff should be trained and receive regular coaching and feedback on evidence-based practices for case management and supervision practices designed to promote positive behavior change.
Effective community supervision

Principles 7 & 8: Ensure sanctions are swift, certain, and appropriate, and measure outcomes to drive decision-making and improvements.

7 Hold people accountable.

Effective punishment is swift, certain, fair, and appropriate.

Swift: Sanctions are quick. Limit the time between violation and consequence.

Certain: Sanctions are predictable. Consequences are not random. There are set responses for certain violations.

Fair and Appropriate: The severity and duration of a response to a violation is proportionate to the violation.

8 Measure outcomes.

Data should be the driver for change at multiple levels of supervision delivery.

Correctional leadership, management, supervisors, and officers all need access to timely data showing how actions impact outcomes.

What gets measured, gets managed.

Sources: http://www.ncjfcj.org/sites/default/files/incentivesandsanctions_july_2009(2)_0.pdf
Community supervision practices must be fair, consistent, and measurable.

- **Graduated sanctions:** Supervision agents must consistently use and report their use of graduated sanctions to ensure that responses to violations or noncompliant behavior are swift, certain, and fair.

- **Data collection:** Case management and other data collection systems must be designed and updated to collect pertinent information related to client behavior and officer responses, and to provide summary reports. Users of the case management and data collection systems must also receive the appropriate training, and ongoing quality assurance practices ensure that collected data is relevant and useful.

- **Analytic capacity:** Criminal justice agencies must have the analytical resources and capacity to regularly pull and analyze collected data.

- **Reporting:** Data must be integrated into how all decision-makers reflect on what is and isn’t working, from supervision offices tracking agent and client outcomes to lawmakers identifying new and impactful policies.
Effective community supervision

RNR principles must be included in all programming and are most effective outside secure detention facilities.

RNR program approaches within prisons are important, but maximum recidivism reduction is achieved when those RNR programs are also delivered in the community after release.

Addressing the behavioral health needs of clients during community supervision is critical.

Estimated Percentage Change in Recidivism*

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<tbody>
<tr>
<td>0%</td>
<td>-4.6%</td>
<td>-8.3%</td>
<td>-17.9%</td>
</tr>
</tbody>
</table>

*Numbers in parentheses indicate the number of evidence-based studies on which the estimate is based.

Sources: Aos, Steve, R. Bamoski, Marna Miller, and Elizabeth Drake (2009).

Integrating treatment for criminogenic and behavioral health needs can improve recidivism outcomes.
People with behavioral health challenges are overrepresented in the criminal justice system, and reducing this population requires states to adopt a comprehensive approach.

To address the behavioral health needs of people within the criminal justice system, states must:

1. **Improve identification** of people who have behavioral health needs in the criminal justice system.
2. **Ensure access** to a comprehensive array of treatment and services.
3. **Prioritize effective interventions**, ensuring people receive services and treatments based on their criminogenic and behavioral health needs.
4. **Strengthen collaboration** between behavioral health and criminal justice agencies at the state and local levels.

While it is estimated that approximately 5 percent of people living in the community have a serious mental illness, comparable figures in state prisons and jails are 16 percent and 17 percent, respectively (Kessler et al., 1996; Ditton, 1999; Metzner, 1997; Steadman, Osher, Robbins, Case, & Samuels, 2009). The prevalence of substance use disorders is notably more disparate, with estimates of 8.5 percent in the general public (aged 18 or older) but 53 percent in state prisons and 68 percent in jails (Substance Abuse and Mental Health Services Administration [SAMHSA], 2014; Mumola & Karberg, 2004; Karberg & James, 2005). Similarly, the co-occurrence of mental and substance use disorders has been higher among people who are incarcerated in prisons or jails (33 percent to 60 percent) compared with people who are not incarcerated (14 percent to 25 percent) (Wilson, Draine, Hadley, Metraux, & Evans, 2011; Baillargeon, et al., 2010; SAMHSA, 2012; SAMHSA, 2009).
It is critical that screenings and assessments are able to identify people with mental illnesses, substance addictions, or co-occurring disorders.

### 1 Improve identification.

People must be screened for behavioral health needs at all stages of the criminal justice system. For people who screen positive, ensure the person is assessed by a trained clinician who can reach a diagnosis. Data must be collected, recorded, and shared.

Reentry best practices rely on identified behavioral health needs being shared and involves developing collaborative comprehensive case plans for reentry that include:

- **In-reach by community-based behavioral health treatment provider and community supervision into the correctional facility**
- **Developing relapse prevention plans for people with opioid use disorders prior to their release from the correctional facility**

#### Initial questions:

- Are standardized screening policies used at key stages of the criminal justice system?
- For people who have screened positive for an addiction and/or mental illness, what assessment follow-up occurs, and by whom?
- Prior to reentry, how is care coordinated with community-based behavioral health providers?
People with behavioral health needs in the criminal justice system often require access to an array of providers and services.

As people in the criminal justice system with behavioral health needs are identified, states must ensure access to the range of treatment and services necessary to adequately address those needs.

A variety of services, clinical treatments, crisis responses, and community engagement strategies are necessary to help people gain stability and progress to recovery.

**Initial observations and questions:**

Hub and Spoke and Pathways Housing are two examples of treatment and services that serve as national models.

- How does Vermont build upon existing models and expand crisis services to support people in the justice system?
- Are there opportunities to expand capacity of community-based services that are responsive to the needs of people in the criminal justice system?
 Responses to behavioral health challenges

Case planning needs to be informed by a person’s unique criminogenic risk and behavioral health needs.

3 Prioritize effective interventions

People must be connected to the interventions and services based on their criminogenic & behavioral health needs.

Criminogenic Risk (CR)

Severity of Substance Use Disorder (SUD)

Severity of Mental Illness (MI)

Group Level

Initial observations and questions:

- Are criminogenic risk-needs and behavioral health assessments done when people begin incarceration, prepare for reentry, or begin a community supervision sentence, and are the assessments consistently conducted across all facilities and supervision offices?
- Do assessment results directly and consistently inform programming and referrals in prison and in the community?
- How are program referrals matched to individuals’ criminogenic and behavioral health needs?
- How are assessed behavioral health needs matched to treatment programs, and are the needed programs available in communities?
Strengthening collaboration between behavioral health and criminal justice agencies at the state and local levels improves the ability to proactively respond to clients with complex needs.

4 Strengthen collaboration.

The “system” people interact with is actually a fragmented collection of criminal justice and behavioral health agencies that serve people in the criminal justice system. While a person may interact with each agency, the agencies themselves often do not communicate, coordinate, or collaborate.

When agencies communicate, collaborate, and coordinate, a person with behavioral health needs is more likely to move smoothly through the system and have their needs more comprehensively addressed.

Initial questions:
- What cross-system training exists for criminal justice and behavioral health agencies?
- What case information and data is shared across behavioral health and criminal justice systems to help deliver care?
- Are criminal justice agencies and service providers coordinating treatment and services for their shared population?
- What information sharing protocols and MOUs about treatment provision are in place?
Permanent supportive housing is a model that Vermont is using to address housing needs, treat behavioral health conditions, and mitigate criminogenic risks.

**Permanent Supportive Housing (PSH)** is an evidence-based intervention that pairs non-time limited affordable or subsidized rental housing with intensive wraparound case management supportive services.

In Vermont, DOC has partnered with organizations such as Pathways to find PSH for people with complex care needs who are reentering the community. However, once they are discharged from correctional supervision (parole or furlough), their DOC-provided subsidies end, which often results in lost housing and sometimes recidivism.

### Effective PSH Models
- Purpose-built (single-site) apartment buildings
- Apartments leased from private landlords
- Designated or set-aside units within existing affordable housing developments

### Common Features of PSH
- Tenant pays 30 percent of income toward rent, often from public benefits (e.g., Supplemental Security Income).
- Offers on-site services that may include case management, assistance with household chores, and mental health and substance addiction counseling.
- Services offered are trauma informed and tenant centered.

**Sources:**
- https://store.samhsa.gov/product/Permanent-Supportive-Housing-Evidence-Based-Practices-EBP-KIT/SMA10-4510
Key takeaways for effective approaches to supervision and addressing individuals’ behavioral health needs in the criminal justice system

- It is critical that the principles of effective supervision are incorporated in policy and practice and that staff and leadership are trained and coached to ensure best practices are implemented in the field.

- Criminogenic and behavioral health assessment information should be available to inform key decision-making, including supervision condition setting, as well as to connect people to programs and treatments best suited to their unique risk and needs.

- Collaborating with relevant system partners when developing case plans is critical, particularly during reentry planning.

- It is important to connect people who are supervised in the community or incarcerated in DOC facilities to correctional and behavioral health programming that is evidence based and has shown successful outcomes.

- Without consistent data collection and reporting on recidivism and behavioral health outcomes, Vermont cannot know to what extent the current policies and practices are effectively applying evidence-based principles.
Presentation Outline

1. Crime and sentencing in Vermont: Understanding the front-end system dynamics of who is coming into Vermont’s criminal justice system and where their case dispositions lead them.

2. Best practices for supervision and behavioral health: What research shows are the most effective and critical elements to incorporate into community supervision and behavioral health responses to lower recidivism and improve public health.

3. Key considerations and next steps
Initial analyses highlight the importance of understanding who is moving through Vermont’s criminal justice system and ensuring evidence-based policies and practices are in place to achieve best results.

As reports and convictions of more serious crimes trend upwards, Vermont needs to ensure that resources, programs, and policies are in place to understand and address the particular criminogenic risks, needs, and behavioral health challenges of the people moving into and through the criminal justice and behavioral health systems.
Important areas of analysis remain for Justice Reinvestment 2.0.

- What can DOC data tell us about admissions to prison, lengths of stay, and who is cycling through from supervision to incarceration and back again?
- How effective and accessible are the available programs and resources for people who are incarcerated and on community supervision, and do they adhere to what research shows are best practices for achieving recidivism reductions?
- How are behavioral health needs identified and met as a person interacts with and moves through criminal justice settings across the state? Where are the gaps, and how can collaboration and funding across and beyond state agencies close these gaps?
- How can Vermont achieve greater consistency across counties in a person’s experience when first entering the criminal justice system, but also, critically, in what services and treatment a person can expect when they are living in the community?
- How can Vermont continue to build on current analyses of race and geography to gain more actionable information about what drives these disparities?
- Where are gaps in data collection, analysis, and reporting holding the state back from achieving its goals of enacting data-driven policies for better outcomes?
Next Steps

- **Continued qualitative analysis and stakeholder outreach**
  - Assessment of programs available inside DOC facilities
  - Assessment of gender-responsive programs inside DOC facilities and in community-based supervision policies, practices, and programs
  - Ongoing assessment of behavioral health services and treatment available to people with criminal histories and involvement

- **Analysis of criminal justice data**
  - DOC data: admissions, length of stay, releases, and revocations to prison

- **Working group considerations:**
  - Monday, December 16 in Montpelier
  - Identifying a date for the meeting in late January
  - Preparing for legislative filing deadlines, which may lead to initial bill drafting and introduction prior to the last working group meetings
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Vermont Reported Crime Trends by County, 2014 to 2018

## Counties with Larger Increases in Total Crime

<table>
<thead>
<tr>
<th>County</th>
<th>Percent Change</th>
<th>Increase in Total Crimes</th>
<th>Increases in Crime Types</th>
</tr>
</thead>
<tbody>
<tr>
<td>Franklin</td>
<td>+44%</td>
<td>572</td>
<td>Drug/Narcotic Violations (129), Simple Assault (63), Larceny – Other (60), Theft From Motor Vehicle (60), Intimidation (59), Shoplifting (55), Fraud (54), Drug Equipment Violations (42); Decrease in Burglary/Breaking &amp; Entering (-37)</td>
</tr>
<tr>
<td>Lamoille</td>
<td>+64%</td>
<td>172</td>
<td>Simple Assault (57), Vandalism (37), Theft From Motor Vehicle (20)</td>
</tr>
<tr>
<td>Washington</td>
<td>+21%</td>
<td>406</td>
<td>Simple Assault (117), Intimidation (60), Larceny – Other (51), Vandalism (49), Aggravated Assault (42), Rape (36), Counterfeiting/ Forgery (34), Credit Card Fraud (25); Decreases in Theft From Building (-38), Drug/Narcotic Violations (-39)</td>
</tr>
</tbody>
</table>

### Franklin – Increase of 572 total crimes
Increases in many crime types: Drug/Narcotic Violations (129), Simple Assault (63), Larceny – Other (60), Theft From Motor Vehicle (60), Intimidation (59), Shoplifting (55), Fraud (54), Drug Equipment Violations (42); Decrease in Burglary/Breaking & Entering (-37)

### Lamoille – Increase of 172 total crimes
Increases in Simple Assault (57), Vandalism (37), Theft From Motor Vehicle (20)

### Washington – Increase of 406 total crimes
Increases in many crimes: Simple Assault (117), Intimidation (60), Larceny – Other (51), Vandalism (49), Aggravated Assault (42), Rape (36), Counterfeiting/ Forgery (34), Credit Card Fraud (25); Decreases in Theft From Building (-38), Drug/Narcotic Violations (-39)

Counties with Relatively Stable Total Crime

Percent Change in Total Crime

Chittenden - Decrease of 301 total crimes
Increase in many crimes such as Simple Assault (139), Shoplifting (139), Rape (77), Aggravated Assault (53), Identity Theft (46), Fraud (34), Intimidation (33), Offset by decreases in other crimes such as Vandalism (-41), Burglary (-72), Theft From Motor Vehicle (-91), Drug Equipment Violations (-93), Larceny – Other (-650).

Windsor - Decrease of 89 total crimes
Increase in Theft From Motor Vehicle (86), Aggravated Assault (30)
Decreases in Drug/Narcotic Violations (-25), Vandalism (-26), Burglary (-27), Theft From Building (-38), Larceny - Other (-56), Drug Equipment Violations (-90).

Essex - Increase of 18 total crimes

Counties with Relatively Stable Total Crime

<table>
<thead>
<tr>
<th>Counties</th>
<th>Percent Change in Total Crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>Windham</td>
<td>+6%</td>
</tr>
<tr>
<td>Bennington</td>
<td>+6%</td>
</tr>
<tr>
<td>Orleans</td>
<td>+4%</td>
</tr>
</tbody>
</table>

Windham – Increase of 103 total crimes
Increase in some property crimes like Fraud (104), Credit Card Fraud (67), Impersonation (45), Shoplifting (23)
Decreases in Theft From Building (-25), Larceny – Other (-29), Drug/Narcotic Violations (-31), Vandalism (-39), Weapon Law Violations (-48)

Bennington – Increase of 69 total crimes
Increase in Fraud (76), Shoplifting (64); Decreases in other crimes like Vandalism (-28), Forgery (-34), Burglary (-45)

Orleans – Increase of 31 total crimes
Aggravated Assaults up by 36

Counties with Decreases in Total Crime

**Addison** – Decrease of 199 total crimes
Small increase in Person Crimes a combination of Simple Assault (7), Aggravated Assault (5), and Intimidation (5); Decreases in Theft From Motor Vehicle (-24), Burglary (-28), Drug Equipment Violations (-40), Drug/Narcotic Violations (-41), Larceny – Other (-105)

**Orange** – Decrease of 318 total crimes
Decreases in Drug/Narcotic Violations (-26), Theft From Motor Vehicle (-26), Larceny - Other (-27), Simple Assault (-28), Vandalism (-51), Burglary (-89)
*Could there be a reporting issue in Orange County?*

**Rutland** – Decrease of 263 total crimes
Increases in Intimidation (44), Aggravated Assault (28), Fraud (25); Decreases in Drug/Narcotic Violations (-32), Simple Assault (-39), Theft From Building (-51), Burglary (-56), Larceny – Other (-158)

**Grand Isle** – Decrease of 53 total crimes
Decrease in Burglary (-29)

Some crimes against persons tend to have a higher proportion of felony filings that are later convicted as misdemeanors.

How filed offense level compares to level at conviction by sex, race, offense type:

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Over the past five years, an increase in the use of incarceration for misdemeanors is apparent in some offense categories.

Misdemeanor Case Dispositions by Offense Type and Year, FY2015–FY2019

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.
Felony sentencing patterns by offense type over the last five years don’t reveal any clear trends.

Felony Person Convictions

- Incarceration: 51% FY15, 54% FY16, 48% FY17, 56% FY18, 50% FY19
- Split: 2% FY15, 3% FY16, 4% FY17, 4% FY18, 5% FY19
- Probation: 46% FY15, 40% FY16, 47% FY17, 39% FY18, 43% FY19
- Other: 1% FY15, 2% FY16, 1% FY17, 1% FY18, 1% FY19

Felony Property Convictions

- Incarceration: 41% FY15, 47% FY16, 53% FY17, 47% FY18, 45% FY19
- Split: 1% FY15, 2% FY16, 4% FY17, 4% FY18, 5% FY19
- Probation: 57% FY15, 50% FY16, 43% FY17, 48% FY18, 49% FY19
- Other: 1% FY15, 1% FY16, 0% FY17, 1% FY18, 1% FY19

Felony Drug Convictions

- Incarceration: 47% FY15, 48% FY16, 58% FY17, 47% FY18, 55% FY19
- Split: 2% FY15, 4% FY16, 2% FY17, 4% FY18, 2% FY19
- Probation: 48% FY15, 45% FY16, 38% FY17, 46% FY18, 40% FY19
- Other: 3% FY15, 3% FY16, 2% FY17, 3% FY18, 3% FY19

Felony MV Convictions

- Incarceration: 56% FY15, 56% FY16, 57% FY17, 52% FY18, 53% FY19
- Split: 4% FY15, 4% FY16, 5% FY17, 6% FY18, 6% FY19
- Probation: 39% FY15, 41% FY16, 37% FY17, 39% FY18, 38% FY19
- Other: 0% FY15, 0% FY16, 2% FY17, 2% FY18, 3% FY19

Felony Other Convictions

- Incarceration: 63% FY15, 71% FY16, 69% FY17, 71% FY18, 71% FY19
- Split: 2% FY15, 1% FY16, 1% FY17, 0% FY18, 3% FY19
- Probation: 32% FY15, 28% FY16, 28% FY17, 28% FY18, 24% FY19
- Other: 3% FY15, 1% FY16, 2% FY17, 1% FY18, 2% FY19

Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
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