Vermont Justice Reinvestment II Working Group Meeting

November 15, 2019

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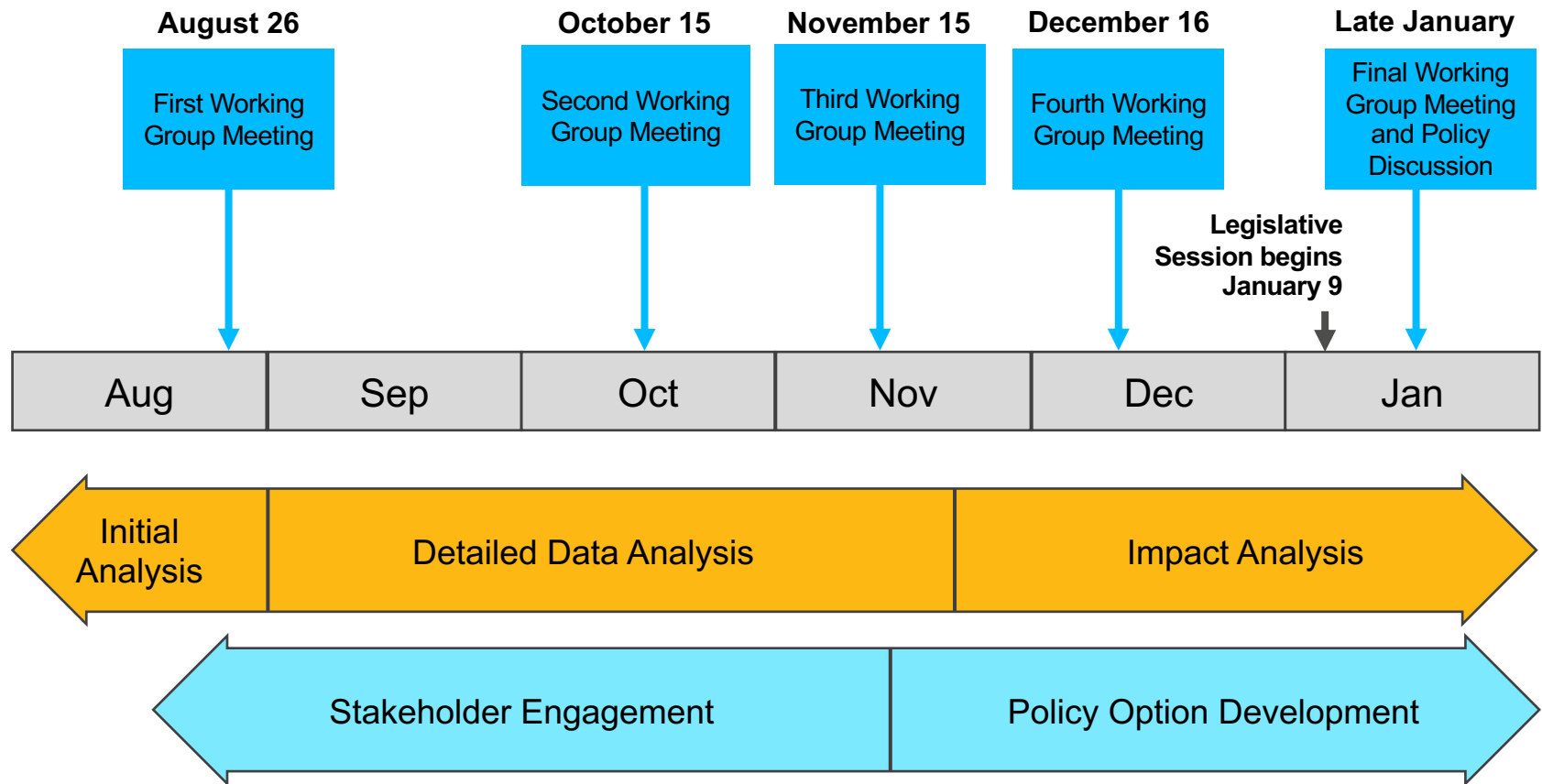
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JUSTICE
REINVESTMENT

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.

August 26

First Working Group Meeting

October 15

Second Working Group Meeting

November 15

Third Working Group Meeting

December 16

Fourth Working Group Meeting

Late January

Final Working Group Meeting and Policy Discussion

Legislative Session begins January 9

Aug	Sep	Oct	Nov	Dec	Jan

Initial Analysis — **Detailed Data Analysis** — **Impact Analysis**

Stakeholder Engagement — **Policy Option Development**

Despite delays acquiring data, analyses are moving forward in preparation for the final two working group meetings.

Data Type	Source	Status
Crime/Arrests	Department of Public Safety	NIBRS data accessed
Pretrial Detention	Department of Corrections	**Admissions and release data received**
Court Dispositions/ Diversions	Vermont Judiciary	Disposition data received; some diversion information accessed
Criminal Histories	Vermont Judiciary/ Department of Public Safety	Process to access identified; will pursue time permitting
Furlough Supervision	Department of Corrections	Snapshot, **admissions, and release data received**
Prison	Department of Corrections	Snapshot, **admissions, and release data received**
Probation/Parole Supervision	Department of Corrections	Snapshot, **admissions, and release data received**
Victim Services	Vermont Center for Crime Victim Services	Summary data accessed
Behavioral Health	Department of Corrections/ Department of Health	In process, **some DOC data received**

The CSG Justice Center team continues to meet and speak with stakeholders to deepen our understanding of policy and practice.

Front-End System Pressures	Incarcerated Populations	Behavioral Health
✓ Law enforcement officers and leadership ✓ Victim advocates ✓ People with lived experience ❑ Diversion program and pretrial services administrators ✓ Court officials, including judges ✓ State's attorneys ✓ Criminal defense attorneys	✓ Department of Corrections leadership and staff, including supervision officers ✓ Court officials, including judges ✓ Parole officials ✓ Housing experts and leadership ✓ Victim advocates ✓ People with lived experience	✓ Agency staff implementing behavioral health programs for criminal justice populations and tracking data and outcomes across both systems ✓ Community-based providers and treatment experts ✓ Law enforcement officers and leadership ✓ Victim advocates ✓ People with lived experience

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.
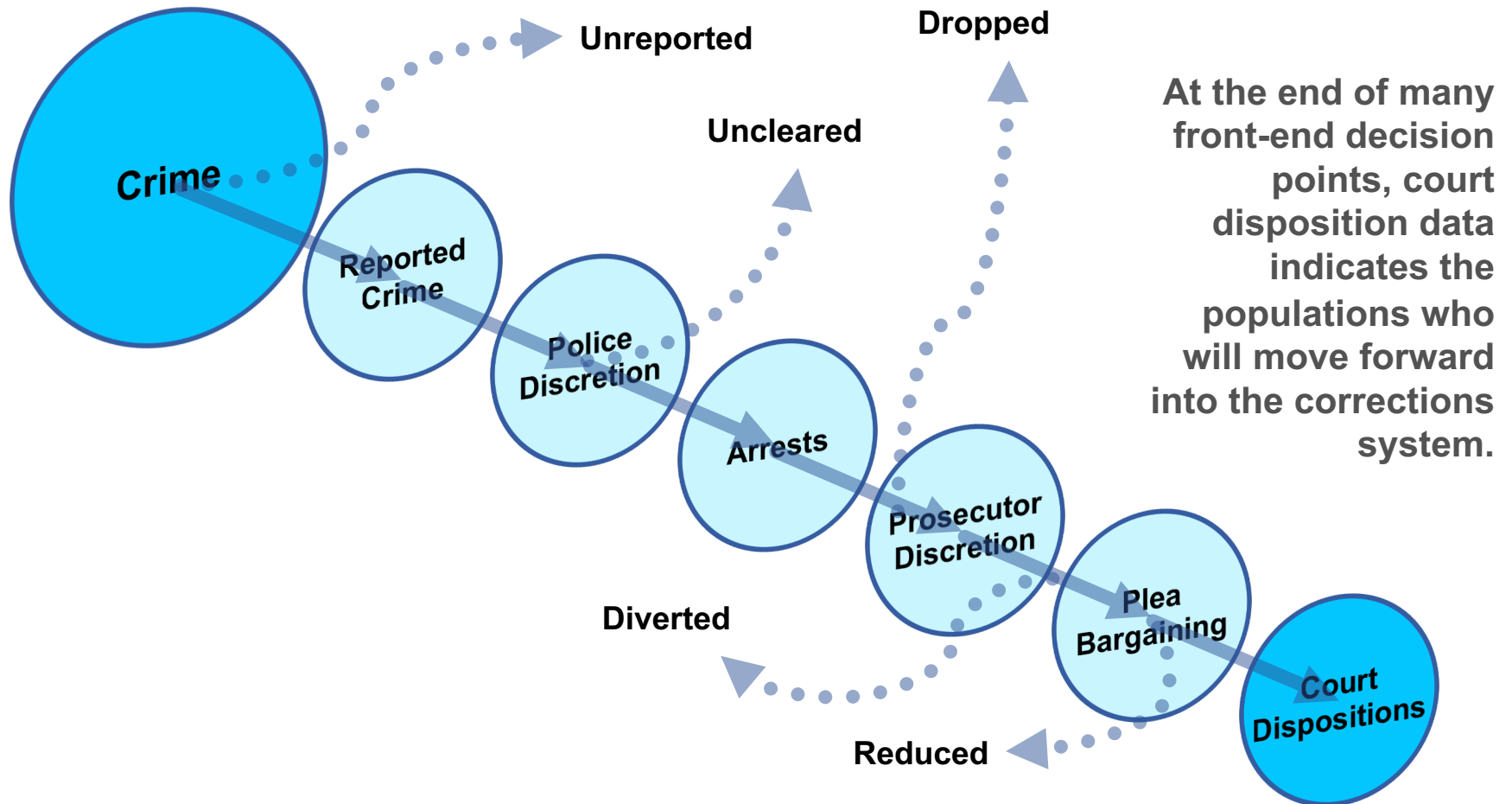
Presentation Outline

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.

Crime

Unreported

Reported Crime

Uncleared

Police Discretion

Dropped

Arrests

Prosecutor Discretion

Diverted

Plea Bargaining

Reduced

Court Dispositions

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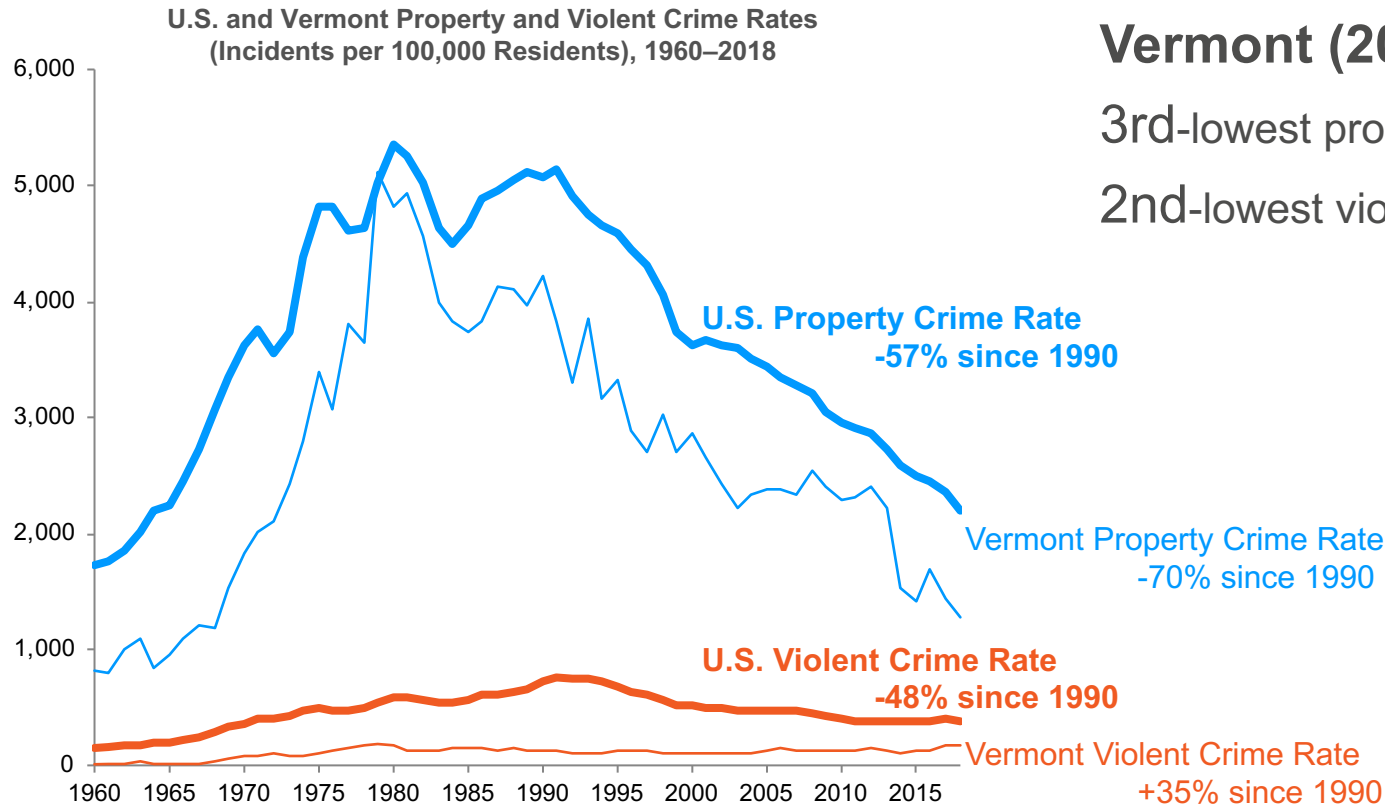
Important reported crime data caveats

- 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.
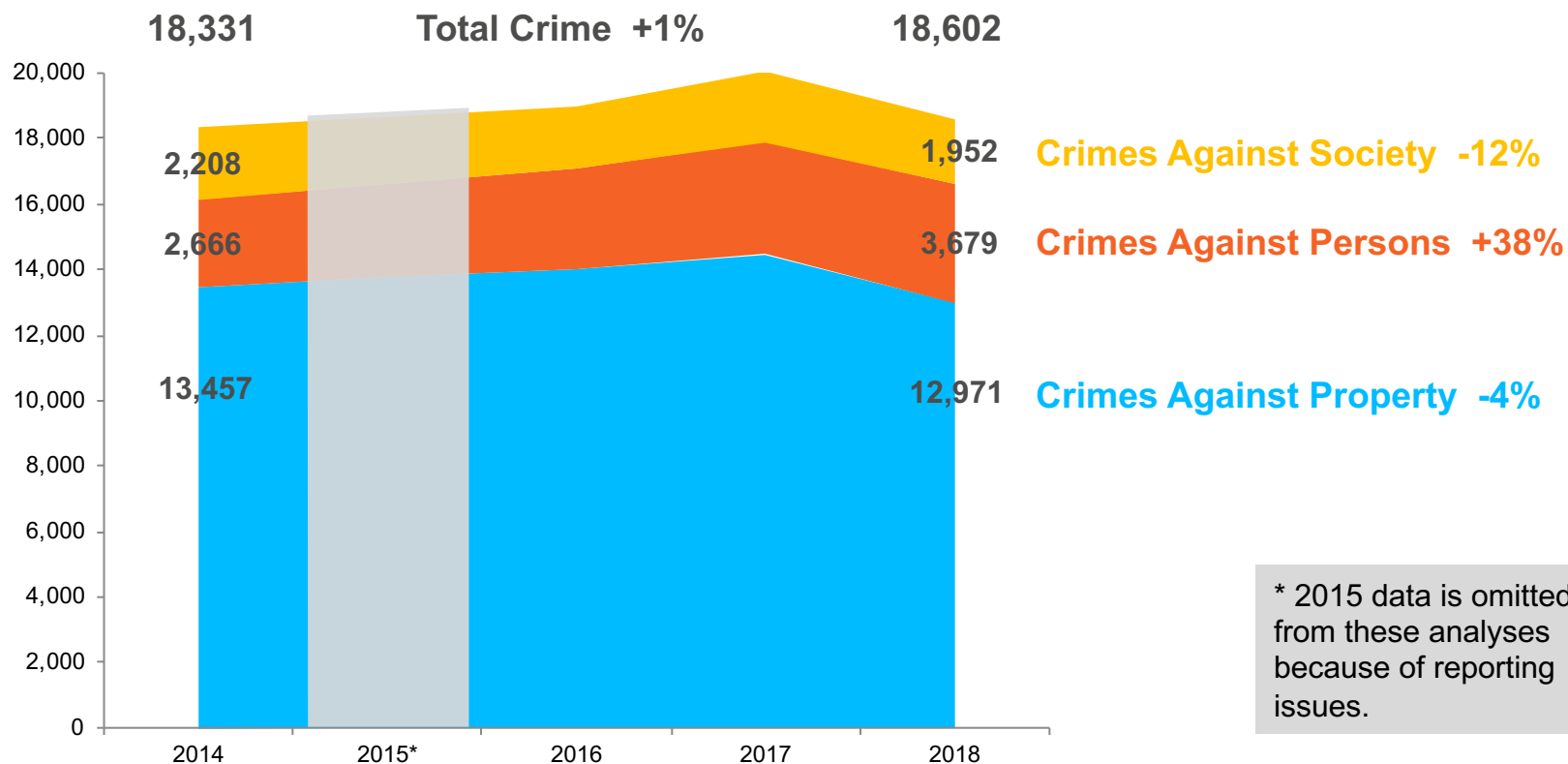
Although Vermont historically has some of the lowest crime rates, the state's violent crime rate has risen in recent years.

U.S. and Vermont Property and Violent Crime Rates (Incidents per 100,000 Residents), 1960–2018

**U.S. Property Crime Rate
-57% since 1990**

Vermont Property Crime Rate
-70% since 1990

**U.S. Violent Crime Rate
-48% since 1990**

Vermont Violent Crime Rate
+35% since 1990

Vermont (2018)

3rd-lowest property crime rate

2nd-lowest violent crime rate

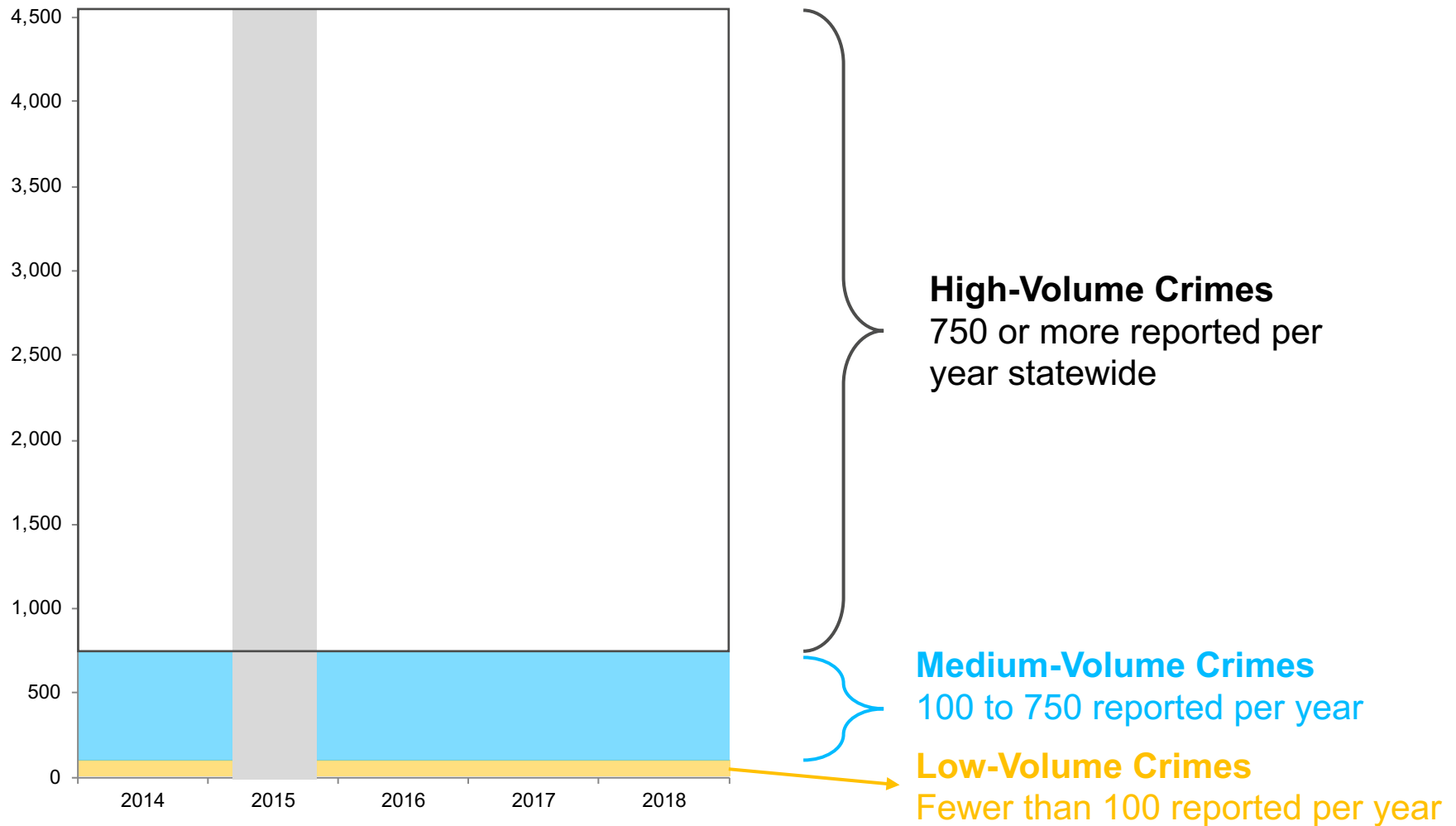*Sources: FBI, Crime in the U.S., 2006–2018.*

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

Reported Crime Volume in Vermont by Offense Category, 2014, 2016–2018*
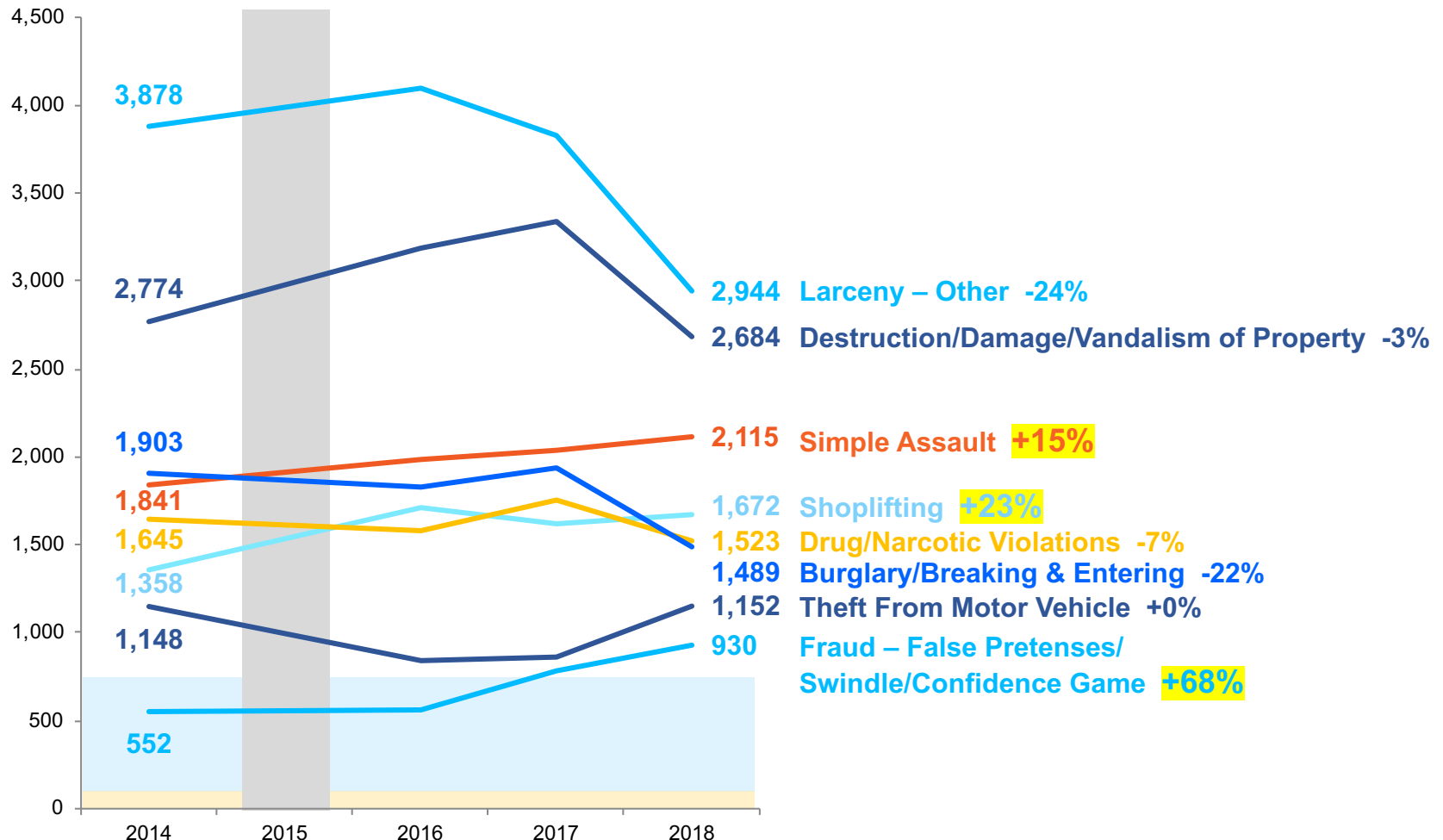
18,331   Total Crime +1%   18,602

Crimes Against Society -12%

Crimes Against Persons +38%

Crimes Against Property -4%

2,208

2,666

13,457

1,952

3,679

12,971

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

Sources: The Council of State Governments Justice Center analysis of NIBRS data from the FBI Crime Data Explorer, https://crime-data-explorer.fr.cloud.gov/downloads-and-docs.

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
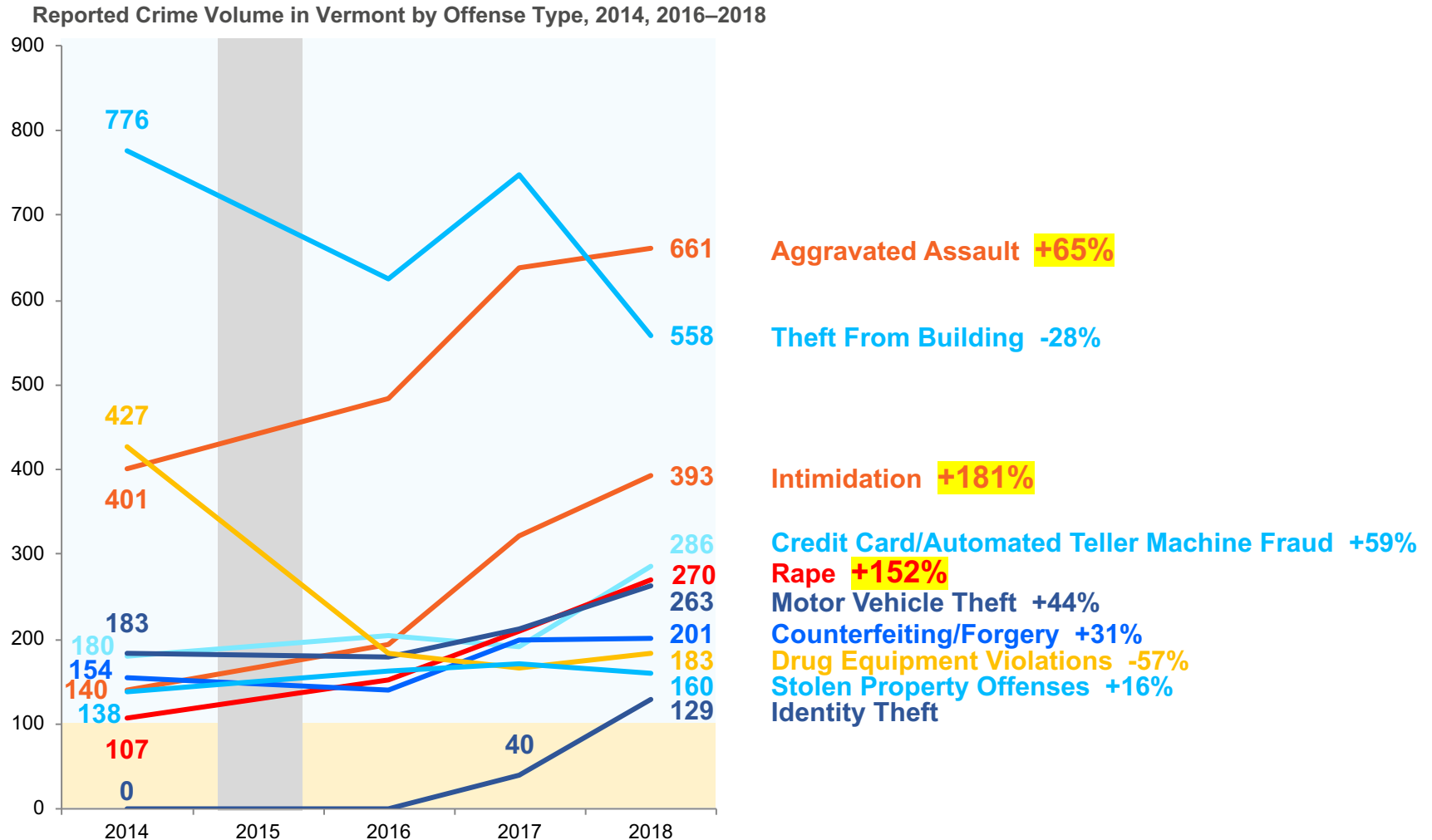
Low-Volume Crimes
Fewer than 100 reported per year

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

- **3,878**
- **2,774**
- **1,903**
- **1,841**
- **1,645**
- **1,358**
- **1,148**
- **552**

- **2,944** **Larceny – Other -24%**
- **2,684** **Destruction/Damage/Vandalism of Property -3%**
- **2,115** **Simple Assault +15%**
- **1,672** **Shoplifting +23%**
- **1,523** **Drug/Narcotic Violations -7%**
- **1,489** **Burglary/Breaking & Entering -22%**
- **1,152** **Theft From Motor Vehicle +0%**
- **930** **Fraud – False Pretenses/Swindle/Confidence Game +68%**

Sources: The Council of State Governments Justice Center analysis of NIBRS data from the FBI Crime Data Explorer, https://crime-data-explorer.fr.cloud.gov/downloads-and-docs.
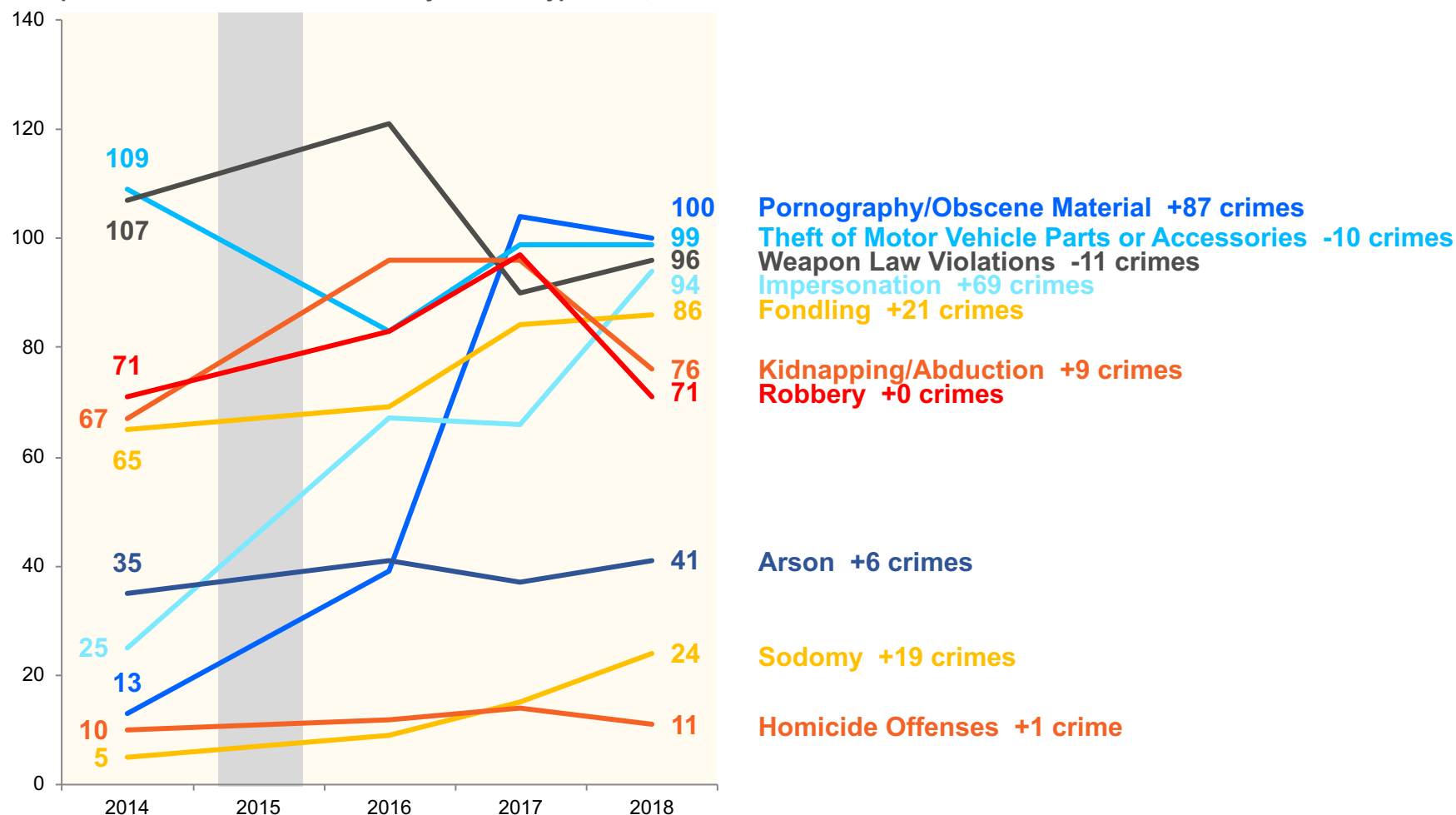
All but two categories of reported medium-volume crimes have increased since 2014, most notably rape, intimidation, and aggravated assault.

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

Value	Label
776	
661	Aggravated Assault **+65%**
558	Theft From Building -28%
427	
401	
393	Intimidation **+181%**
286	Credit Card/Automated Teller Machine Fraud +59%
270	Rape **+152%**
263	Motor Vehicle Theft +44%
201	Counterfeiting/Forgery +31%
183	Drug Equipment Violations -57%
160	Stolen Property Offenses +16%
129	Identity Theft
183	
180	
154	
140	
138	
107	
40	
0	

Sources: The Council of State Governments Justice Center analysis of NIBRS data from the FBI Crime Data Explorer, https://crime-data-explorer.fr.cloud.gov/downloads-and-docs.
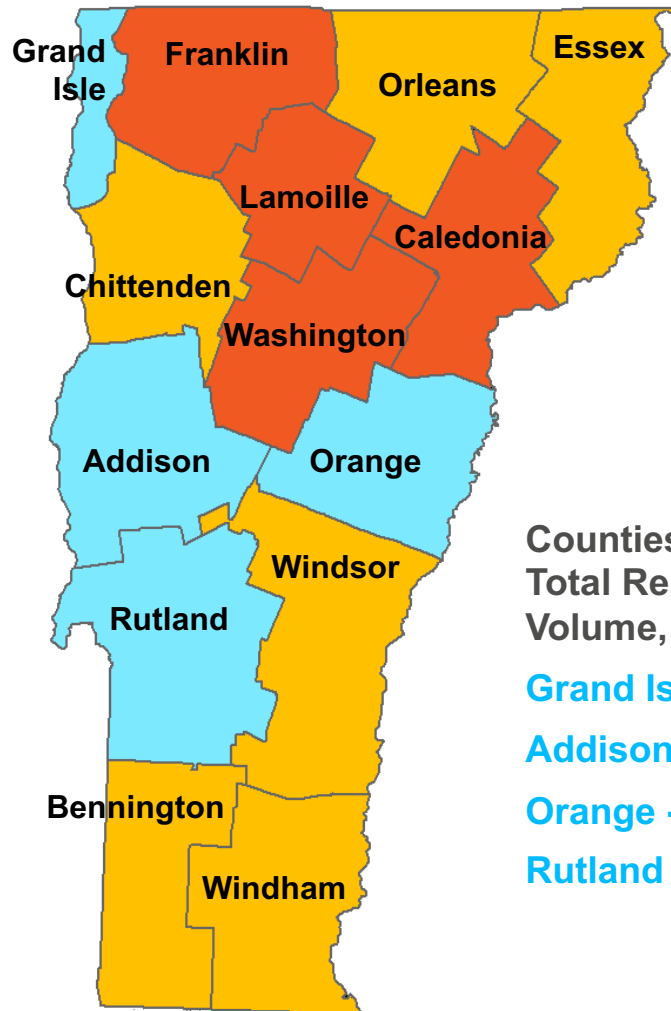
Some very serious offenses are reported in low volumes and have seen large variations from year to year.

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

109
107

100 **Pornography/Obscene Material +87 crimes**
99 **Theft of Motor Vehicle Parts or Accessories -10 crimes**
96 **Weapon Law Violations -11 crimes**
94 **Impersonation +69 crimes**
86 **Fondling +21 crimes**

71
67
65

76 **Kidnapping/Abduction +9 crimes**
71 **Robbery +0 crimes**

35
41 **Arson +6 crimes**

25
13

24 **Sodomy +19 crimes**

10
5
11 **Homicide Offenses +1 crime**

Sources: The Council of State Governments Justice Center analysis of NIBRS data from the FBI Crime Data Explorer, https://crime-data-explorer.fr.cloud.gov/downloads-and-docs.

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

Grand Isle, Franklin, Orleans, Essex, Lamoille, Caledonia, Chittenden, Washington, Addison, Orange, Windsor, Rutland, Bennington, Windham

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.

Changes in Vermont's overall population do not account for other changes in crime or sentencing data trends.
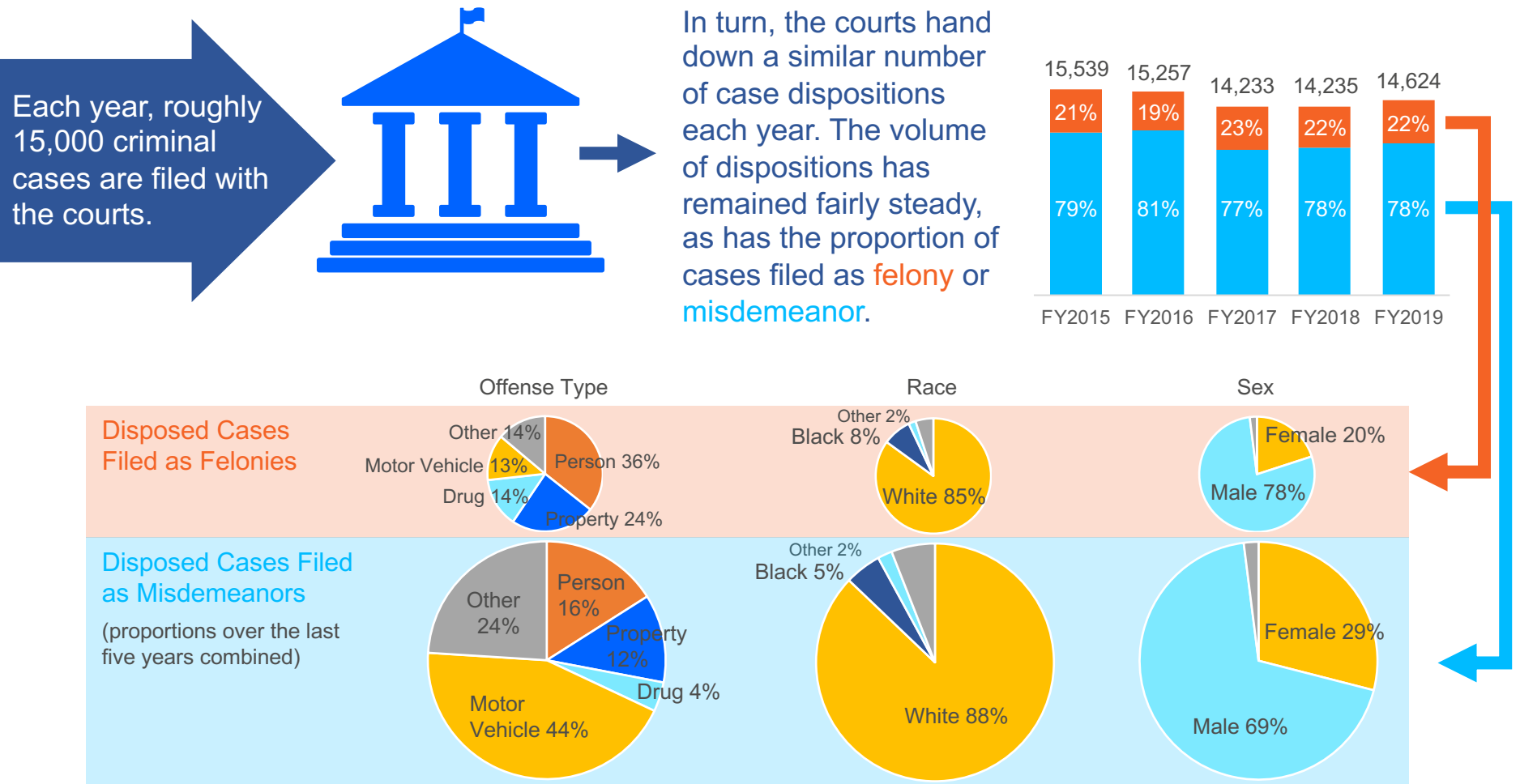
Vermont Total Population by Sex and Race/Ethnicity, 2018 Estimate

Female 51%

Male 49%

Black 1.3%

Hispanic 2.0%

Other 4.2%

White 92.5%
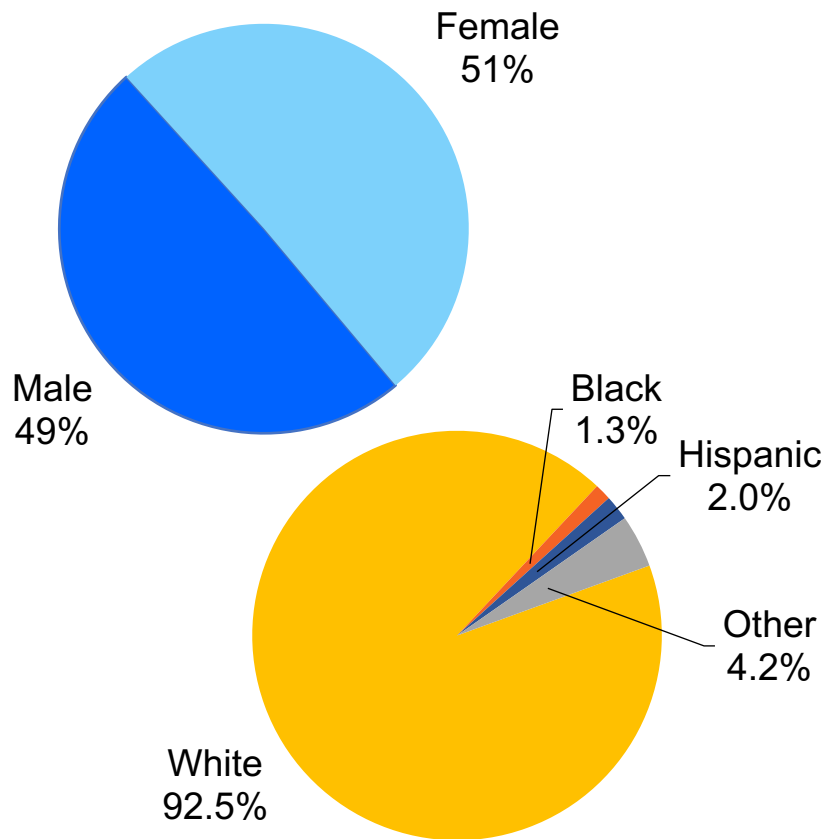
	2018	Population % Change Over Last Five Years	Average Annual % Change
Vermont Total	**626,299**	**+0.2%**	**+0.0%**
Addison County	36,973	+0.1%	+0.0%
Bennington County	35,631	-1.5%	-0.4%
Caledonia County	30,302	-1.8%	-0.5%
Chittenden County	164,572	+2.9%	+0.7%
Essex County	6,250	+1.6%	+0.4%
Franklin County	49,421	+1.4%	+0.3%
Grand Isle County	7,090	+1.8%	+0.4%
Lamoille County	25,300	+0.7%	+0.2%
Orange County	28,999	+0.4%	+0.1%
Orleans County	26,907	-0.4%	-0.1%
Rutland County	58,672	-2.3%	-0.6%
Washington County	58,140	-1.4%	-0.3%
Windham County	42,756	-2.1%	-0.5%
Windsor County	55,286	-0.8%	-0.2%

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.

Disposition and sentencing

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.

Disposition counts by year (felony/misdemeanor):

	FY2015	FY2016	FY2017	FY2018	FY2019
Total	15,539	15,257	14,233	14,235	14,624
Felony	21%	19%	23%	22%	22%
Misdemeanor	79%	81%	77%	78%	78%

Disposed Cases Filed as Felonies

Offense Type: Person 36%, Property 24%, Drug 14%, Motor Vehicle 13%, Other 14%

Race: White 85%, Black 8%, Other 2%

Sex: Male 78%, Female 20%

Disposed Cases Filed as Misdemeanors (proportions over the last five years combined)

Offense Type: Person 16%, Property 12%, Drug 4%, Motor Vehicle 44%, Other 24%

Race: White 88%, Black 5%, Other 2%

Sex: Male 69%, Female 29%

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.

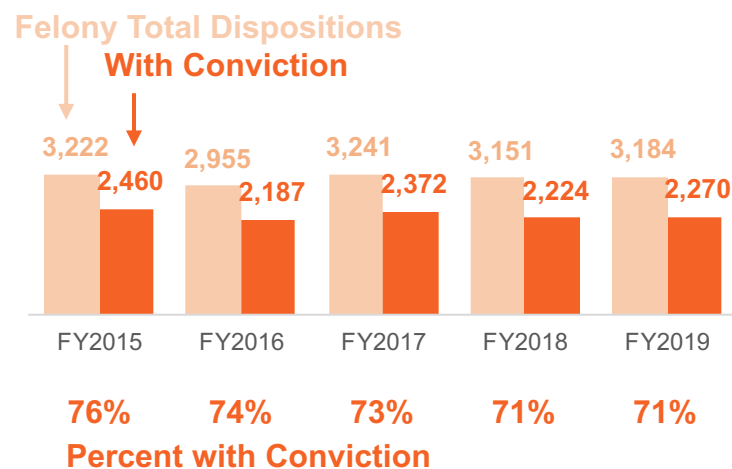**Method of Disposition Among Disposed Cases Filed as Felonies and Misdemeanors, FY2015–FY2019 combined**
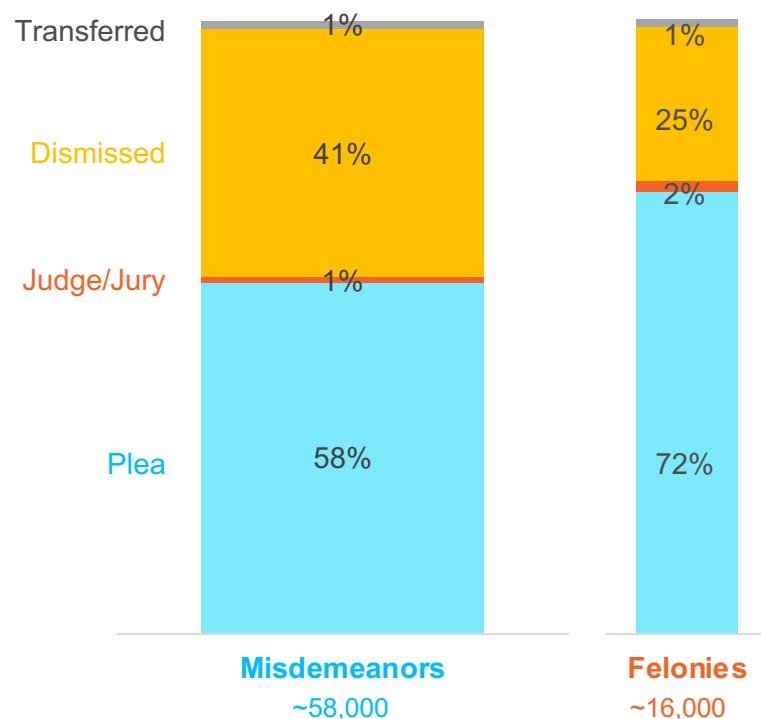
Roughly 20 percent of misdemeanor case dismissals and 10 percent of felony dismissals result from the successful completion of a diversion program.

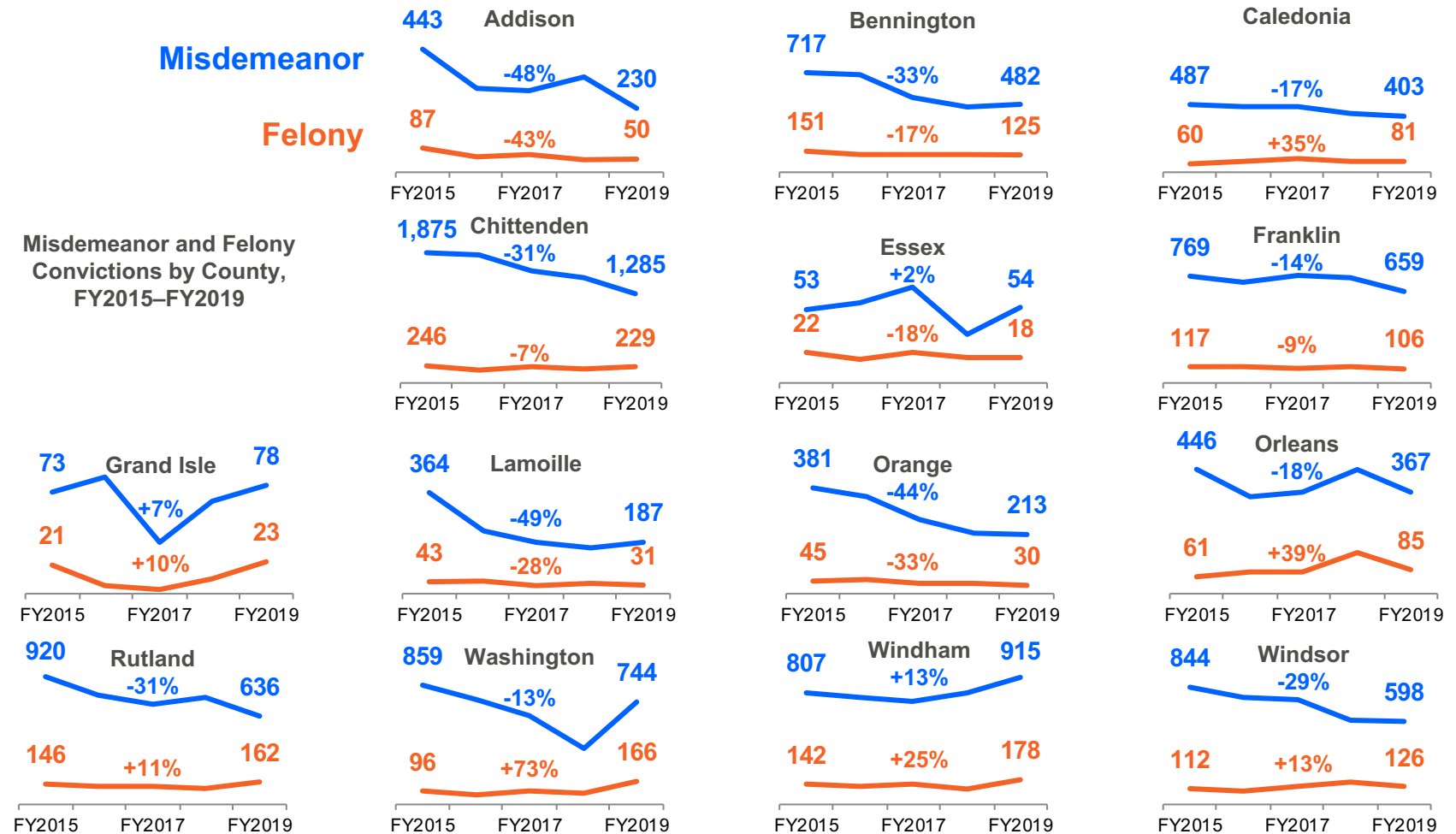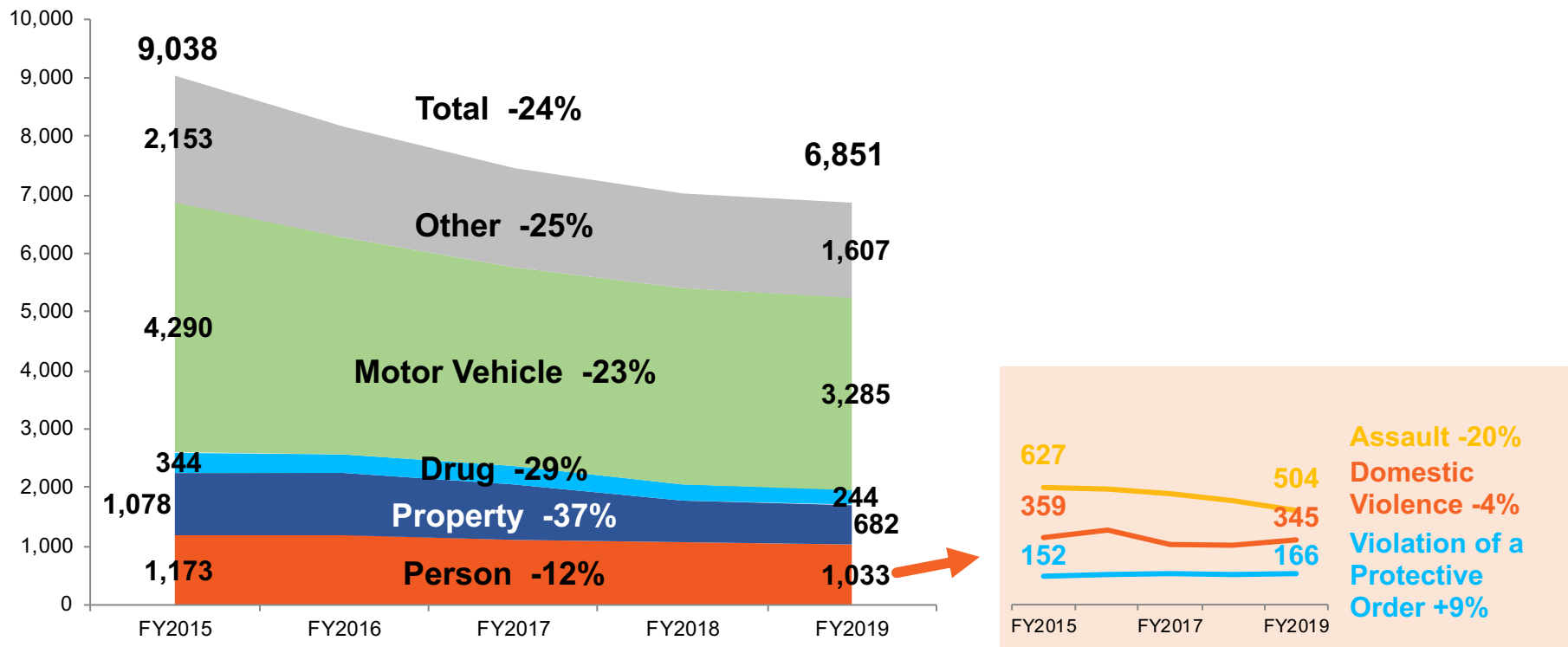Pleas are the method of disposition in 99 percent of felony and misdemeanor convictions in Vermont.

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

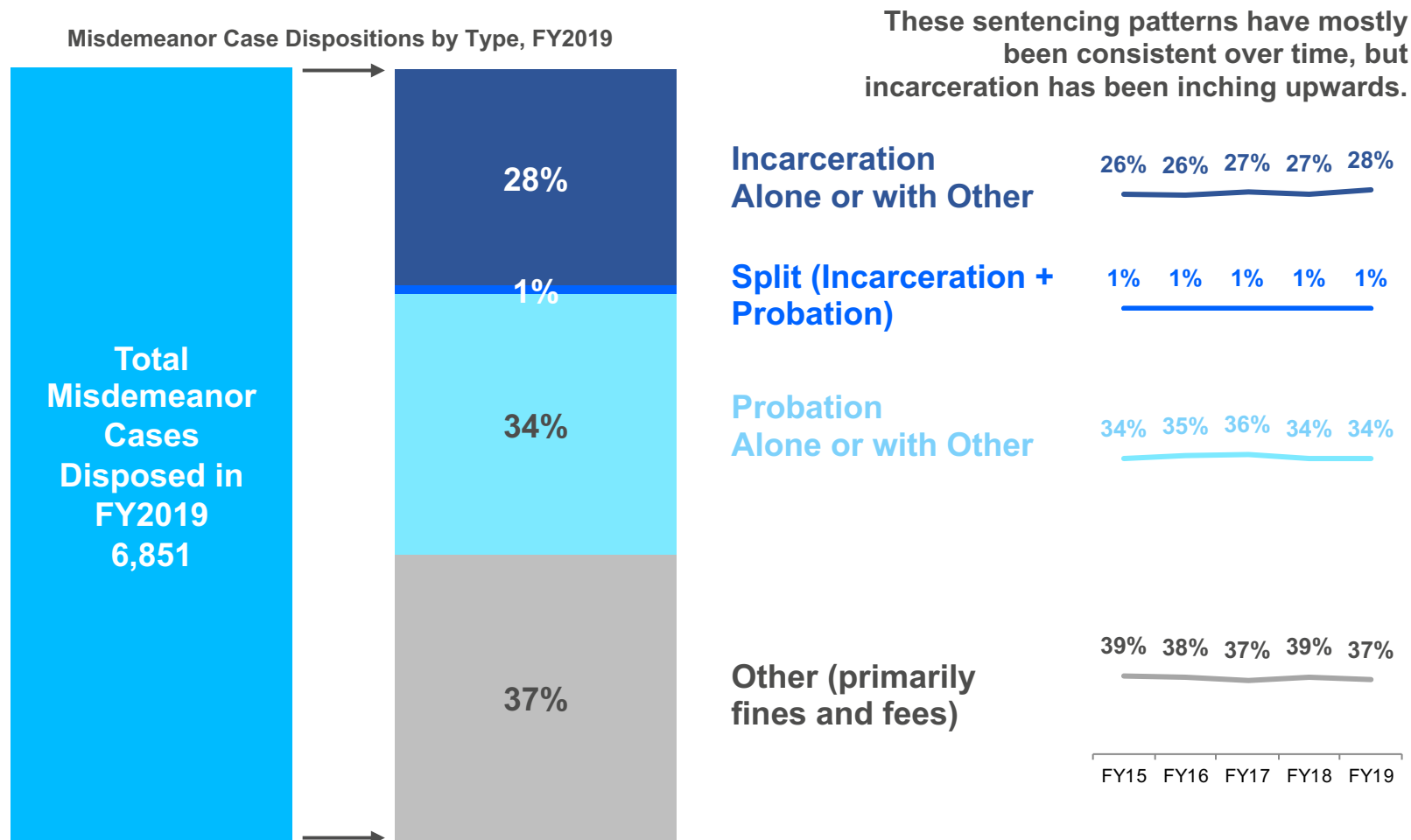# The volume of both misdemeanor and felony dispositions that result in a conviction has dropped over the past five years.

Misdemeanor Total Dispositions

With Conviction

FY2015	FY2016	FY2017	FY2018	FY2019
12,288	12,292	10,987	11,072	11,438
7,927	7,157	6,399	6,092	5,991
65%	**58%**	**58%**	**55%**	**52%**

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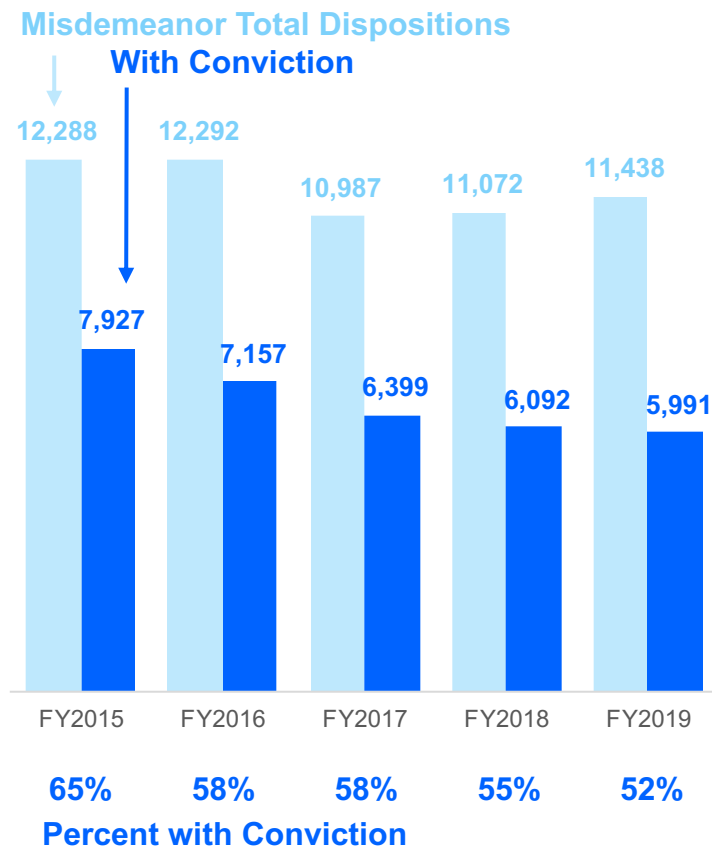
Across both misdemeanor and felony dispositions, conviction volume is down 20 percent from FY2015 to FY2019, and the proportion of convictions has dropped as well.

Felony Total Dispositions

With Conviction

FY2015	FY2016	FY2017	FY2018	FY2019
3,222	2,955	3,241	3,151	3,184
2,460	2,187	2,372	2,224	2,270
76%	**74%**	**73%**	**71%**	**71%**

Percent with Conviction

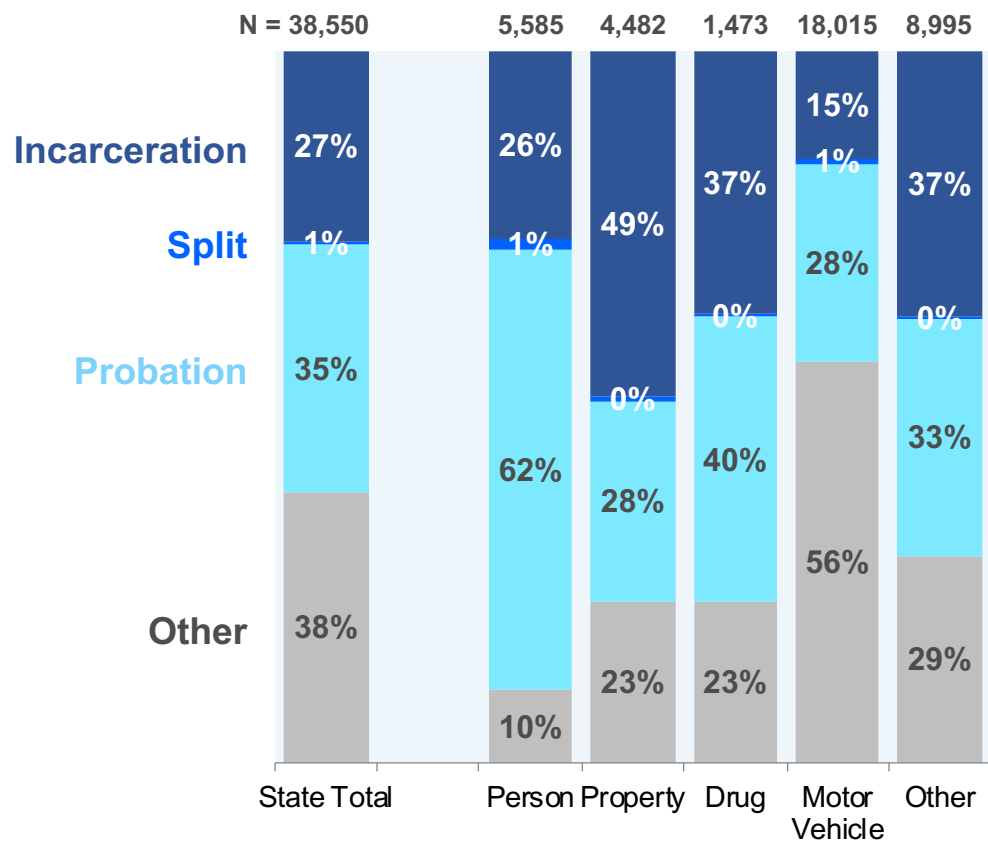*Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.*

# Trends in conviction volume have varied greatly across Vermont's 14 counties over the last 5 years.

Misdemeanor

Felony

Misdemeanor and Felony Convictions by County, FY2015–FY2019

Addison
443
-48%
230
87
-43%
50
FY2015 FY2017 FY2019

Bennington
717
-33%
482
151
-17%
125
FY2015 FY2017 FY2019

Caledonia
487
-17%
403
60
+35%
81
FY2015 FY2017 FY2019

Chittenden
1,875
-31%
1,285
246
-7%
229
FY2015 FY2017 FY2019

Essex
53
+2%
54
22
-18%
18
FY2015 FY2017 FY2019

Franklin
769
-14%
659
117
-9%
106
FY2015 FY2017 FY2019

Grand Isle
73
78
+7%
21
23
+10%
FY2015 FY2017 FY2019

Lamoille
364
-49%
187
43
-28%
31
FY2015 FY2017 FY2019

Orange
381
-44%
213
45
-33%
30
FY2015 FY2017 FY2019

Orleans
446
-18%
367
61
+39%
85
FY2015 FY2017 FY2019

Rutland
920
-31%
636
146
+11%
162
FY2015 FY2017 FY2019

Washington
859
744
-13%
96
+73%
166
FY2015 FY2017 FY2019

Windham
807
915
+13%
142
+25%
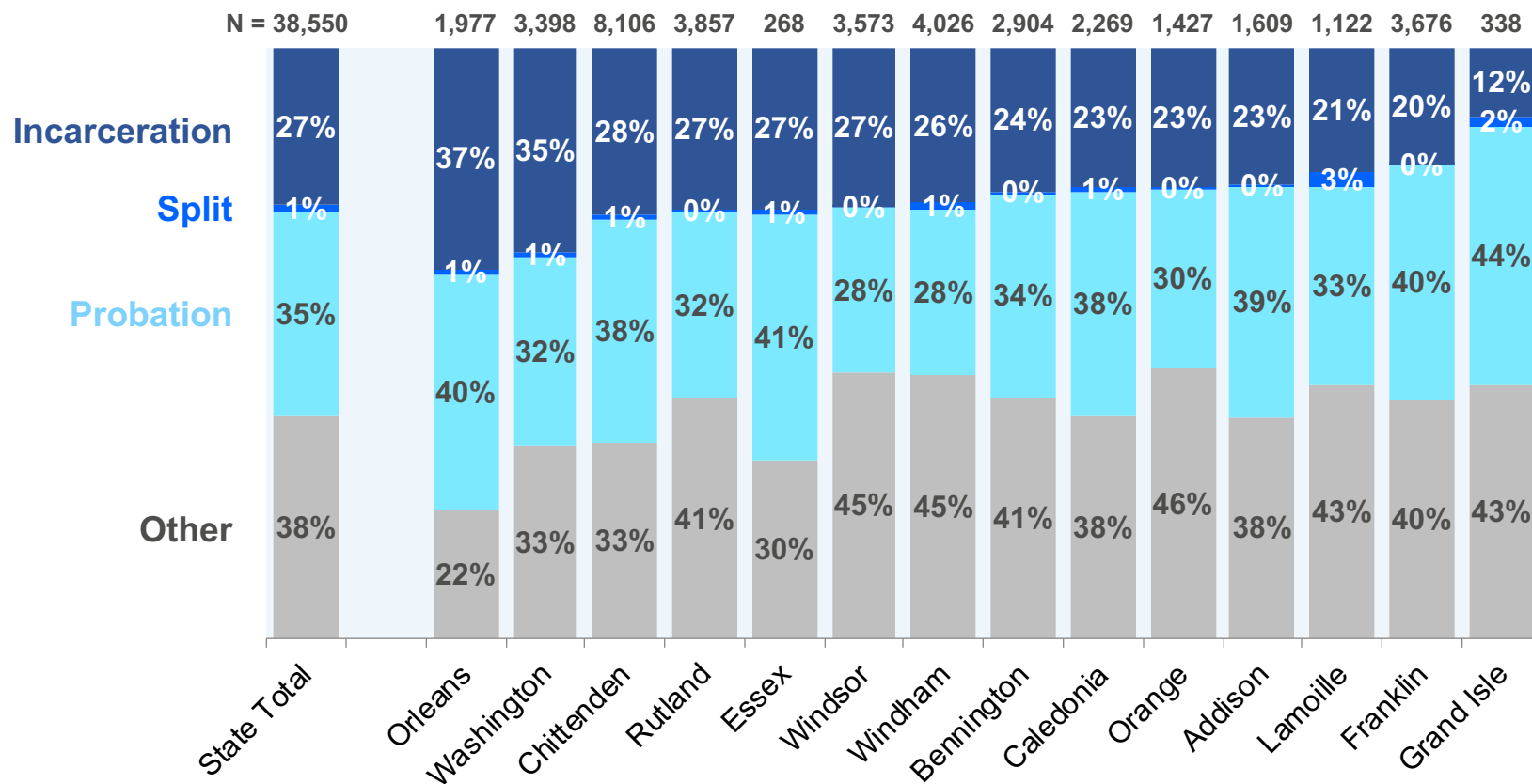178
FY2015 FY2017 FY2019

Windsor
844
-29%
598
112
+13%
126
FY2015 FY2017 FY2019

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?
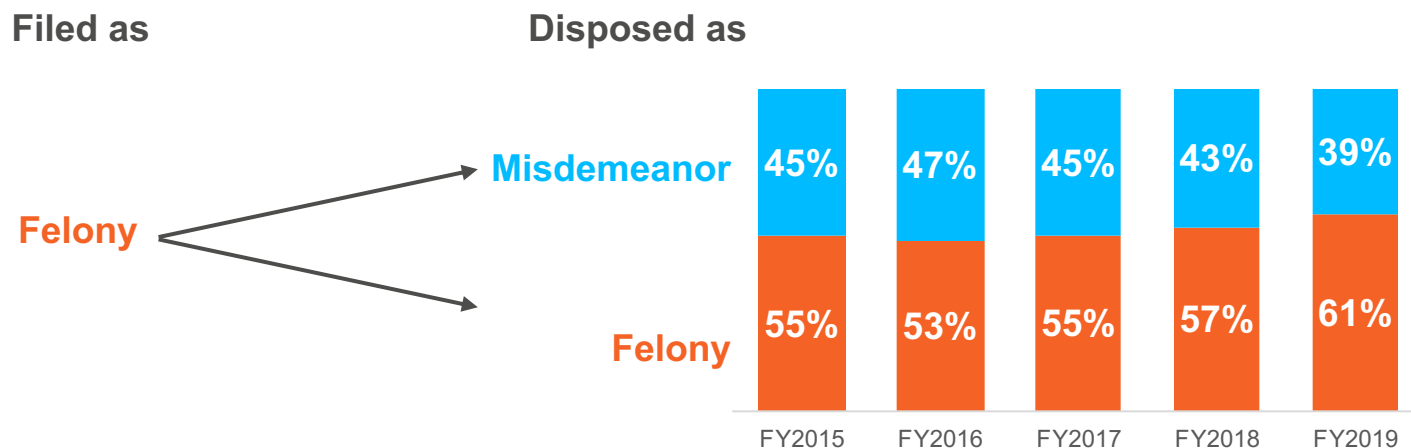
Filed as   **Disposed as**

Misdemeanor   →   **Misdemeanor** | 100% |

Filed as   **Disposed as**

Felony   →   **Misdemeanor**

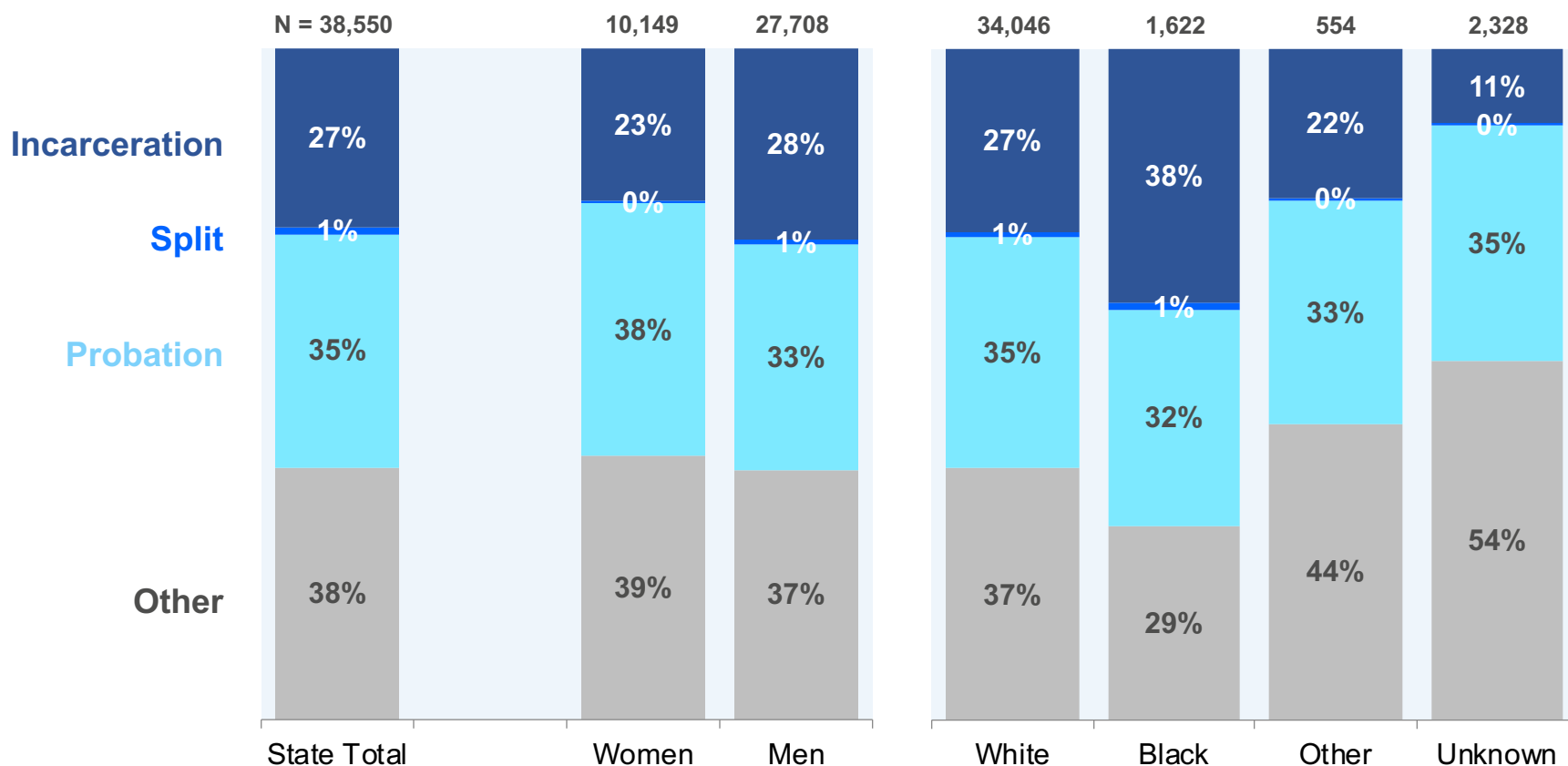|	FY2015	FY2016	FY2017	FY2018	FY2019
Misdemeanor	45%	47%	45%	43%	39%
Felony	55%	53%	55%	57%	61%

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

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

9,038

2,153

Total -24%

6,851

Other -25%

1,607

4,290

Motor Vehicle -23%

3,285

344

Drug -29%

244

1,078

Property -37%

682

1,173

Person -12%

1,033

FY2015   FY2016   FY2017   FY2018   FY2019

627

504 **Assault -20%**

359

345 **Domestic Violence -4%**

152

166 **Violation of a Protective Order +9%**

FY2015   FY2017   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.

Misdemeanor Case Dispositions by Type, FY2019

Total Misdemeanor Cases Disposed in FY2019 6,851

28%

1%

34%

37%

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

Incarceration Alone or with Other

26% 26% 27% 27% 28%

Split (Incarceration + Probation)

1% 1% 1% 1% 1%

Probation Alone or with Other

34% 35% 36% 34% 34%

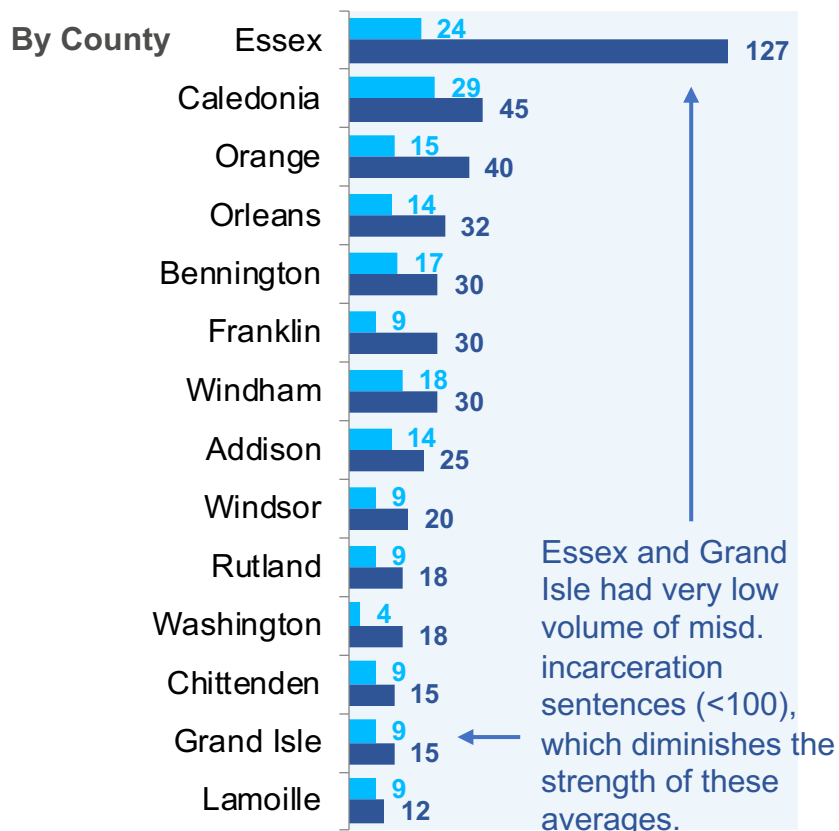**Other (primarily fines and fees)**

39% 38% 37% 39% 37%

FY15 FY16 FY17 FY18 FY19

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

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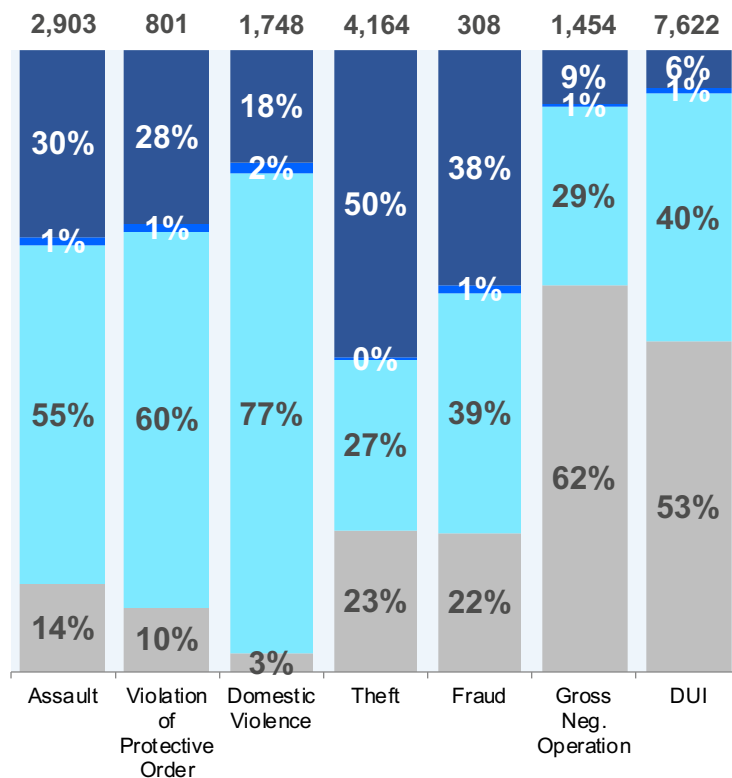
Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.

Misdemeanor disposition patterns vary across counties, but analysis cannot control for key factors such as offense severity or criminal history.

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.

Misdemeanor Case Dispositions by County, FY2015–FY2019 Combined

|	State Total	Orleans	Washington	Chittenden	Rutland	Essex	Windsor	Windham	Bennington	Caledonia	Orange	Addison	Lamoille	Franklin	Grand Isle
N =	38,550	1,977	3,398	8,106	3,857	268	3,573	4,026	2,904	2,269	1,427	1,609	1,122	3,676	338
Incarceration	27%	37%	35%	28%	27%	27%	27%	26%	24%	23%	23%	23%	21%	20%	12%
Split	1%	1%	1%	1%	0%	1%	0%	1%	0%	1%	0%	0%	3%	0%	2%
Probation	35%	40%	32%	38%	32%	41%	28%	28%	34%	38%	30%	39%	33%	40%	44%
Other	38%	22%	33%	33%	41%	30%	45%	45%	41%	38%	46%	38%	43%	40%	43%

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.
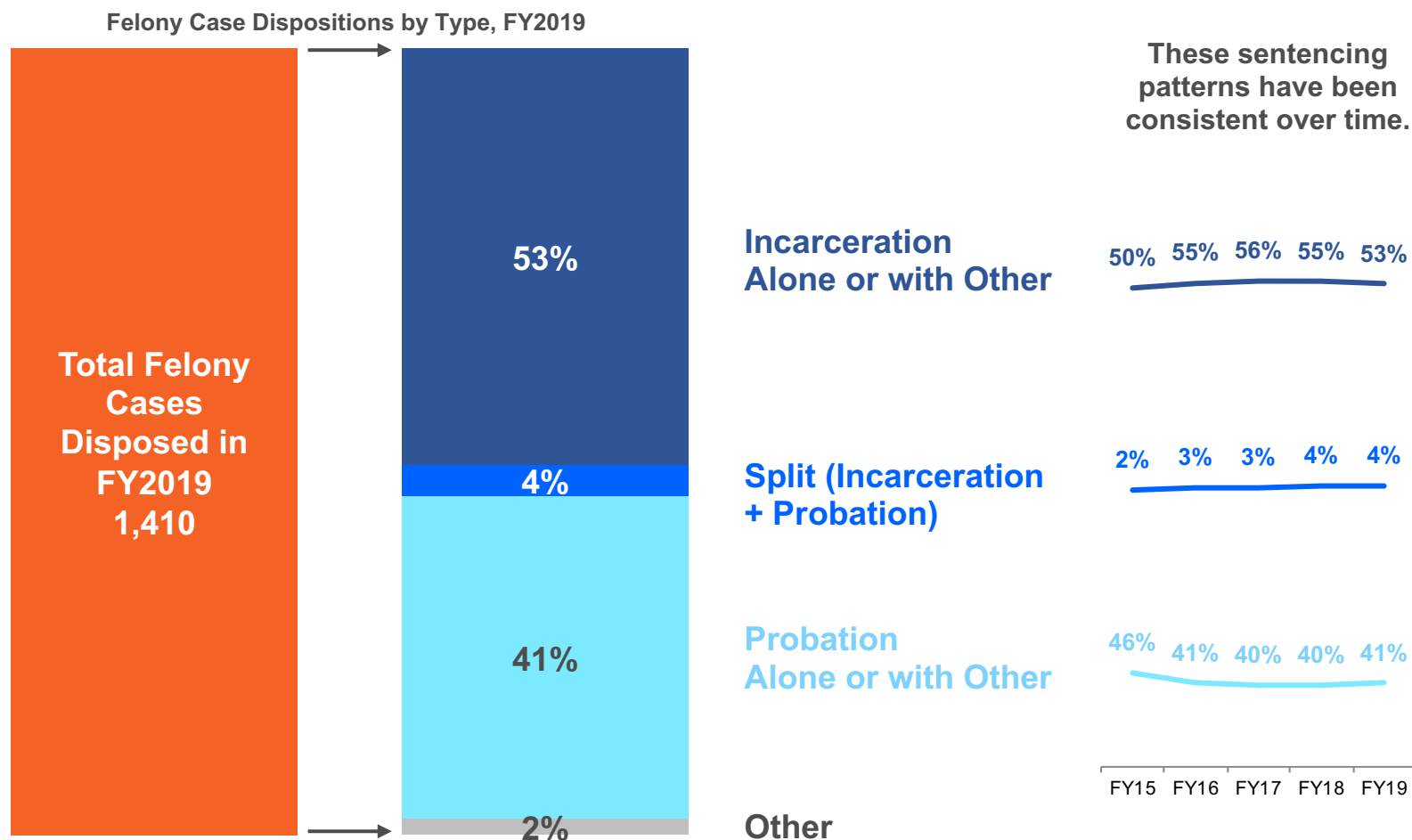

	N = 38,550		10,149	27,708		34,046	1,622	554	2,328

Incarceration

Split

Probation

Other

	State Total		Women	Men		White	Black	Other	Unknown
Incarceration	27%		23%	28%		27%	38%	22%	11%
Split	1%		0%	1%		1%	1%	0%	0%
Probation	35%		38%	33%		35%	32%	33%	35%
Other	38%		39%	37%		37%	29%	44%	54%

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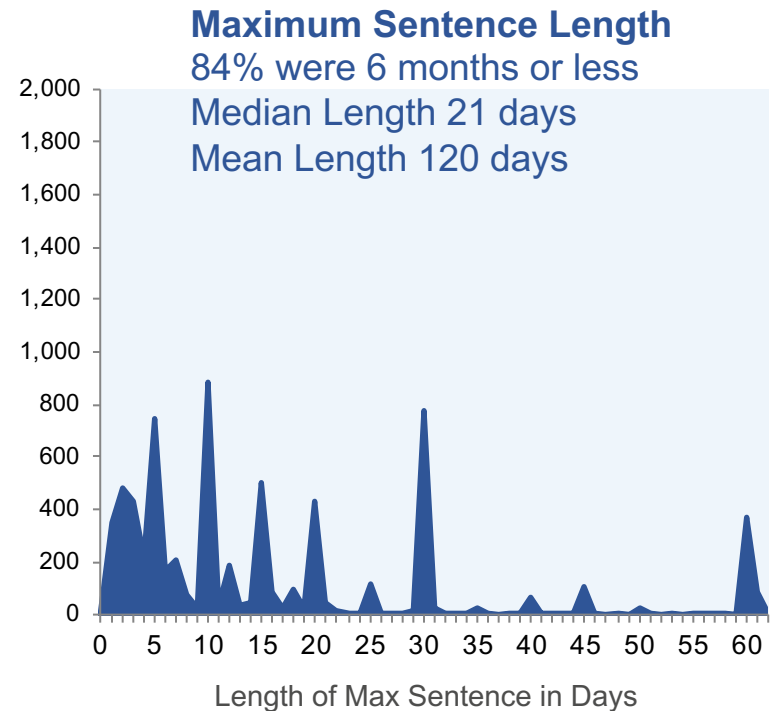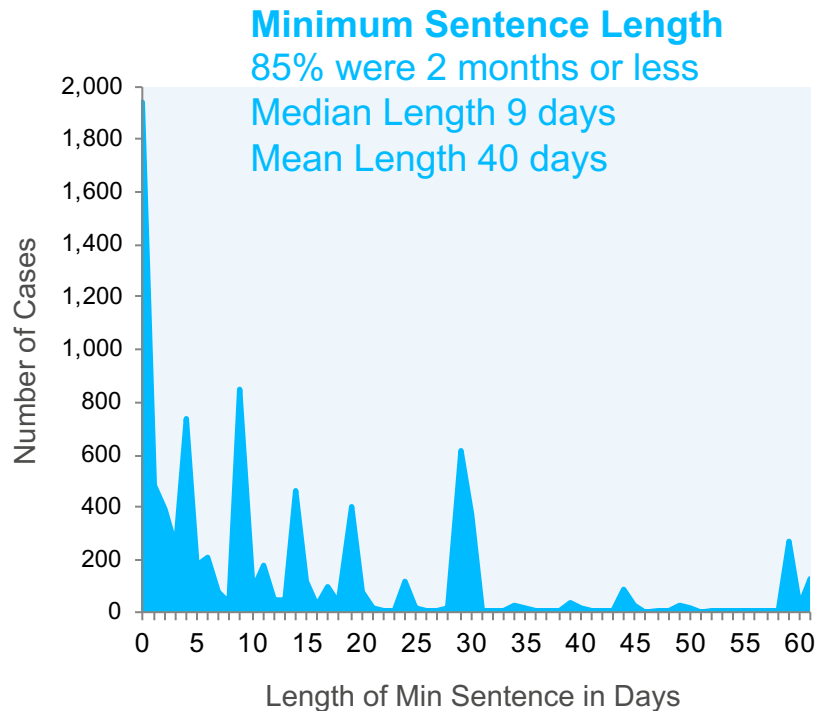
Minimum Sentence Length
85% were 2 months or less
Median Length 9 days
Mean Length 40 days

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

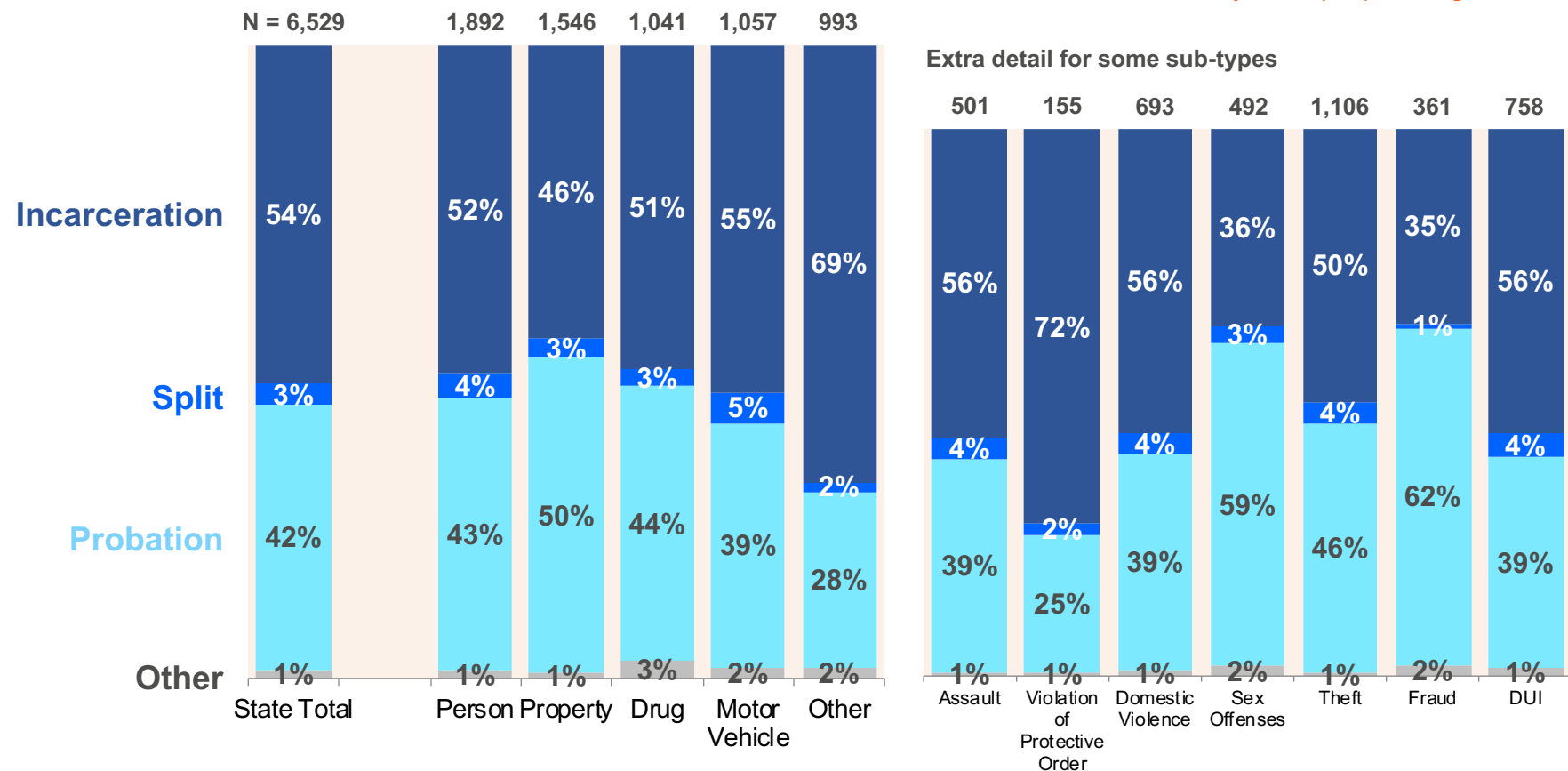*Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.*

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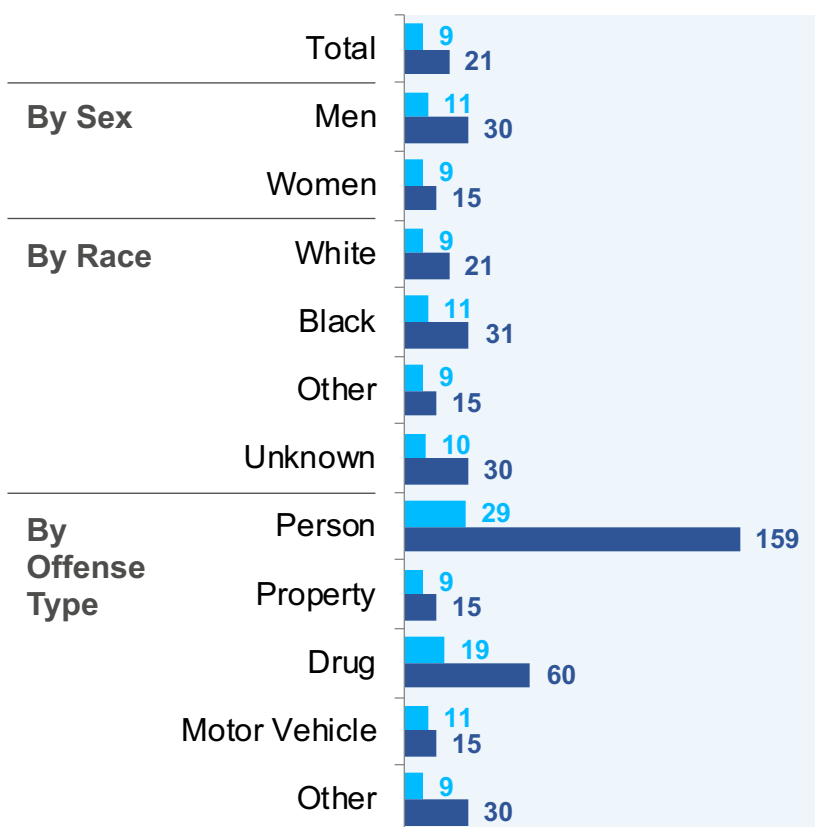
Note that this analysis does not control for factors that might explain the sentencing pattern, such as the severity of the crimes or the criminal history of the people being sentenced.

	minimum	maximum
Total	9	21
By Sex		
Men	11	30
Women	9	15
By Race		
White	9	21
Black	11	31
Other	9	15
Unknown	10	30
By Offense Type		
Person	29	159
Property	9	15
Drug	19	60
Motor Vehicle	11	15
Other	9	30

By County

	minimum	maximum
Essex	24	127
Caledonia	29	45
Orange	15	40
Orleans	14	32
Bennington	17	30
Franklin	9	30
Windham	18	30
Addison	14	25
Windsor	9	20
Rutland	9	18
Washington	4	18
Chittenden	9	15
Grand Isle	9	15
Lamoille	9	12

Essex and Grand Isle had very low volume of misd. incarceration sentences (<100), which diminishes the strength of these averages.

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:

Probation Term Length
89% were 2 years or less
Median Length 1 year
Mean Length 20 months
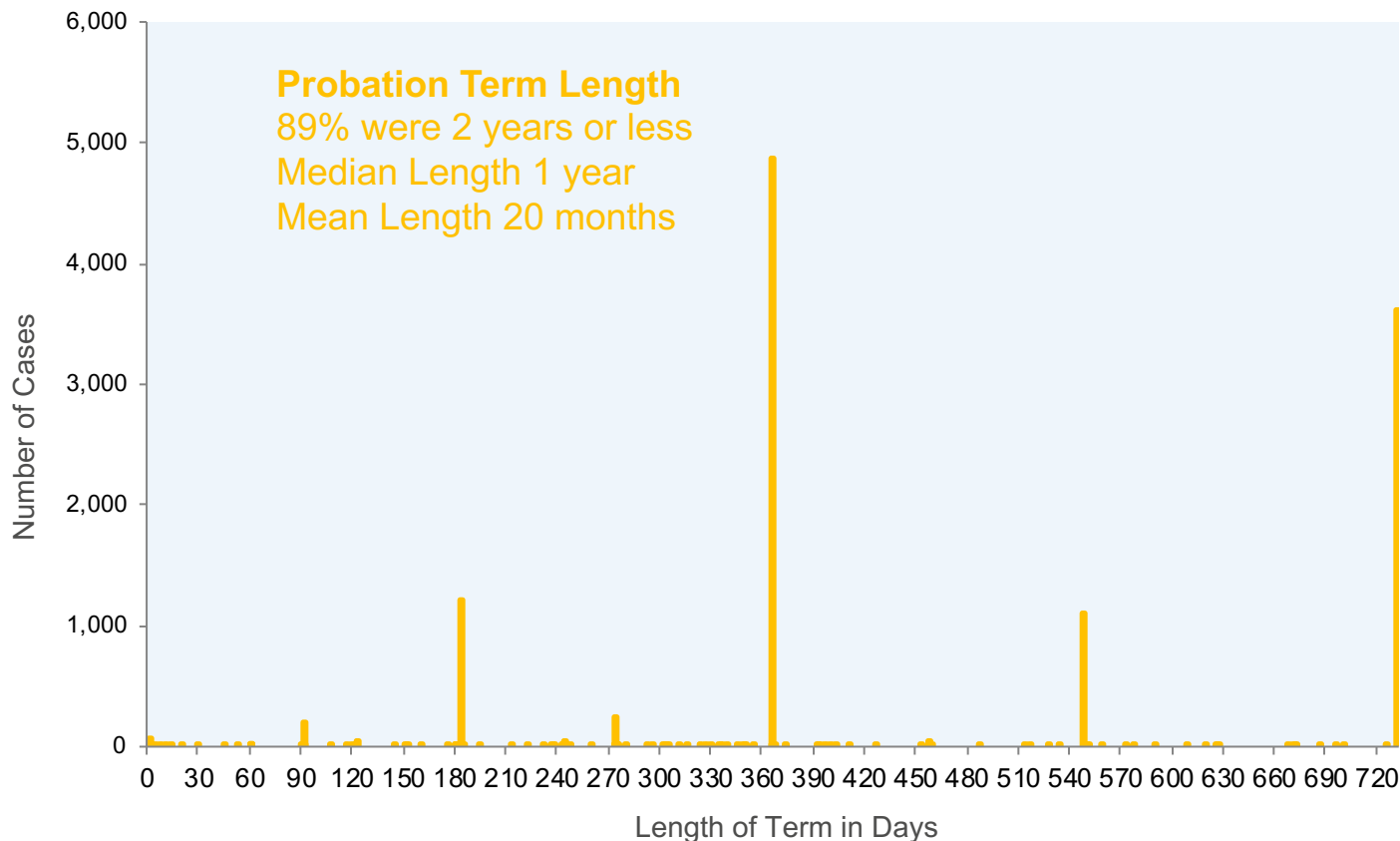
This consistency in relatively short misdemeanor probation sentences is likely due to Vermont state law, which states that misdemeanor sentences are to not exceed two years unless the court deems a longer period appropriate.

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary. Probation term guidance in Vermont Statutes Online 28 V.S.A. § 205.

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:

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.
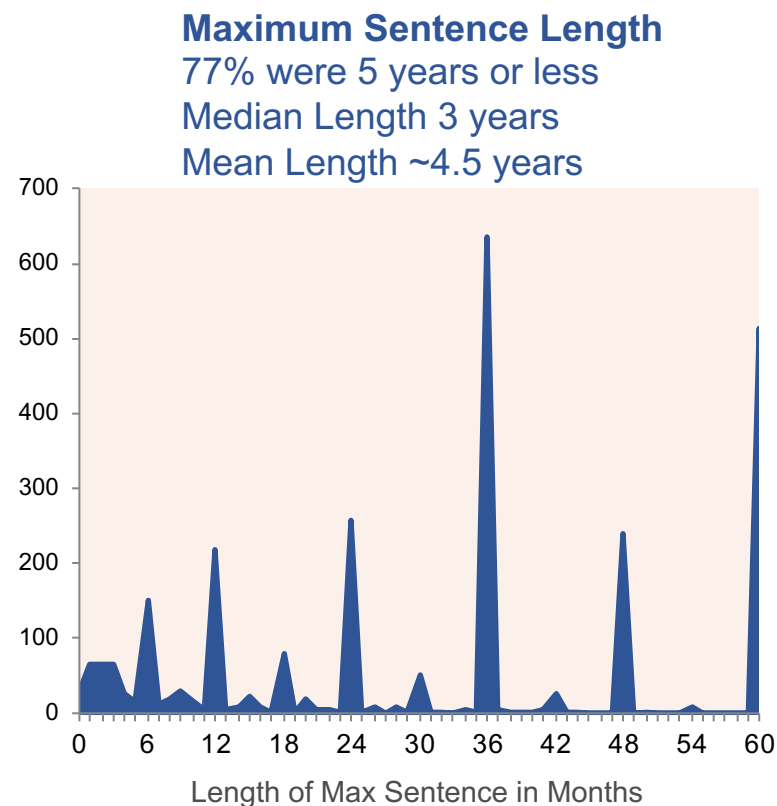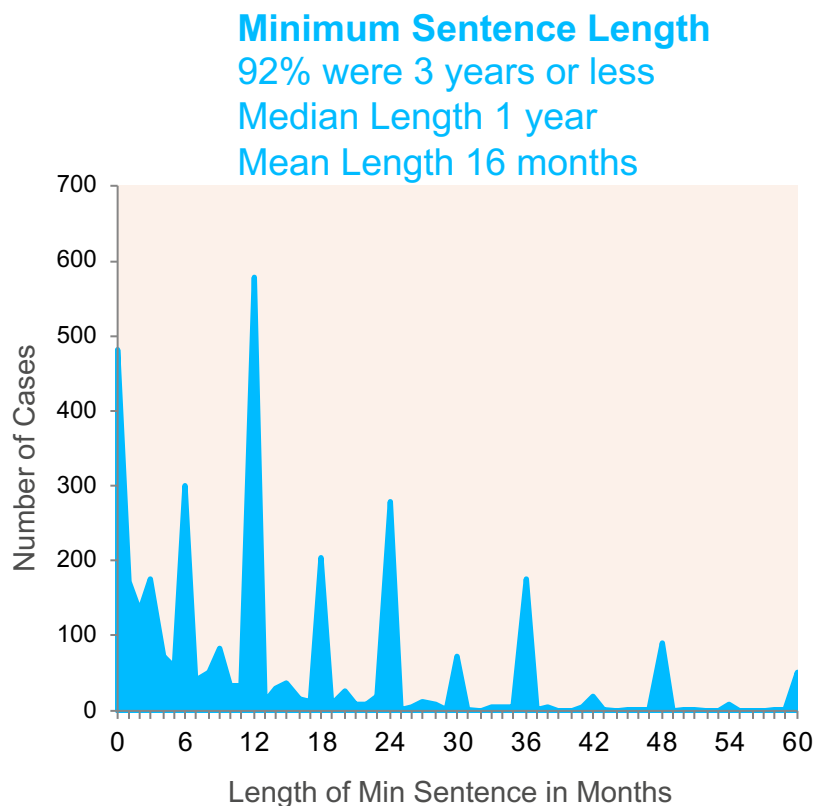
By Sex

Total	12
Men	12

By Race

Women	12
White	12
Black	12
Other	12
Unknown	12

By Offense Type

Person	18
Property	12
Drug	18
Motor Vehicle	12
Other	12

By County

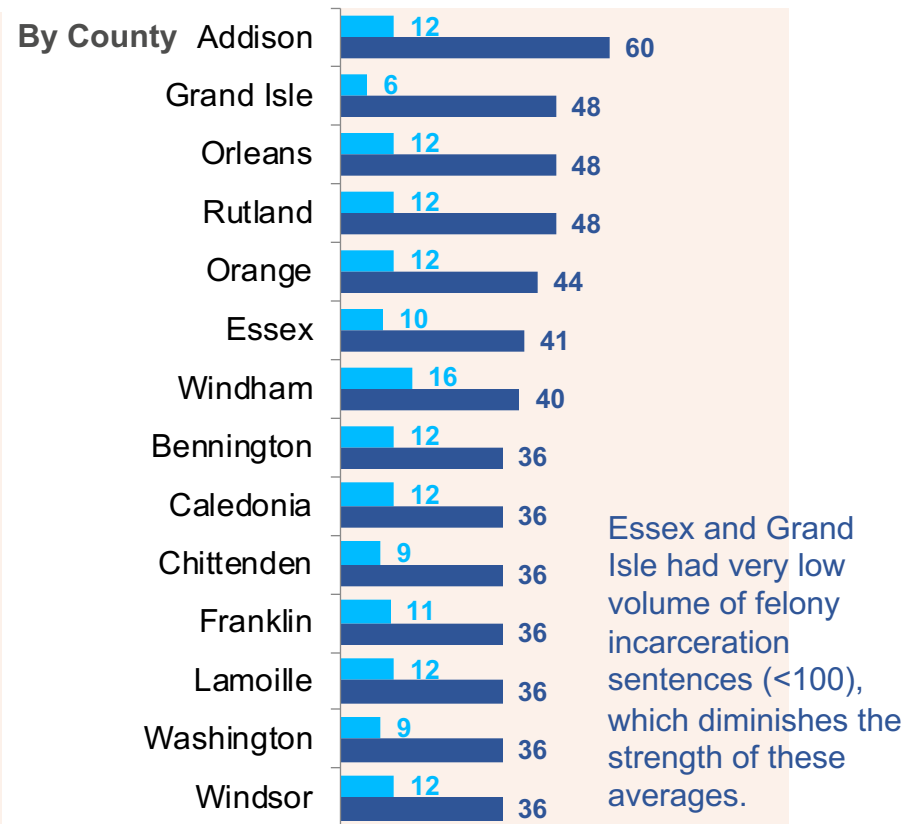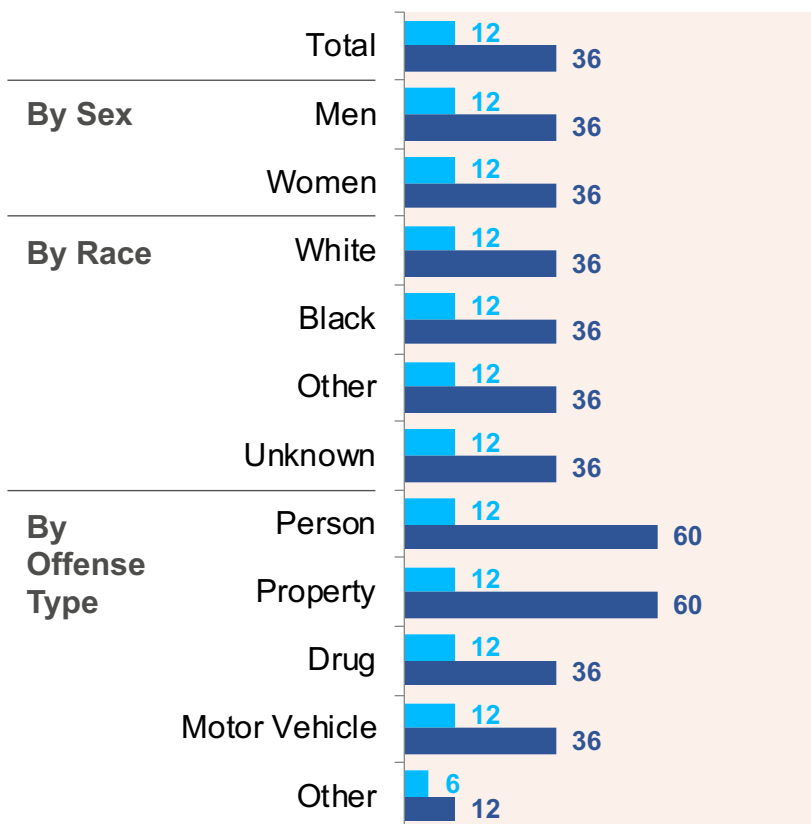|	
Addison	24
Essex	24
Orleans	24
Windham	24
Rutland	18
Windsor	18
Bennington	12
Caledonia	12
Chittenden	12
Franklin	12
Grand Isle	12
Lamoille	12
Orange	12
Washington	12

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary. 28 V.S.A. § 205
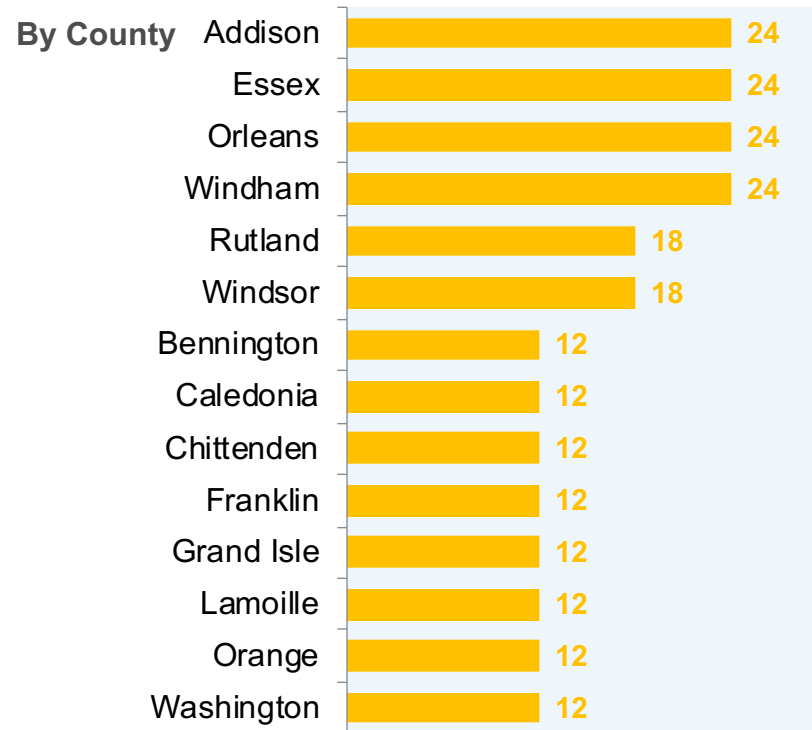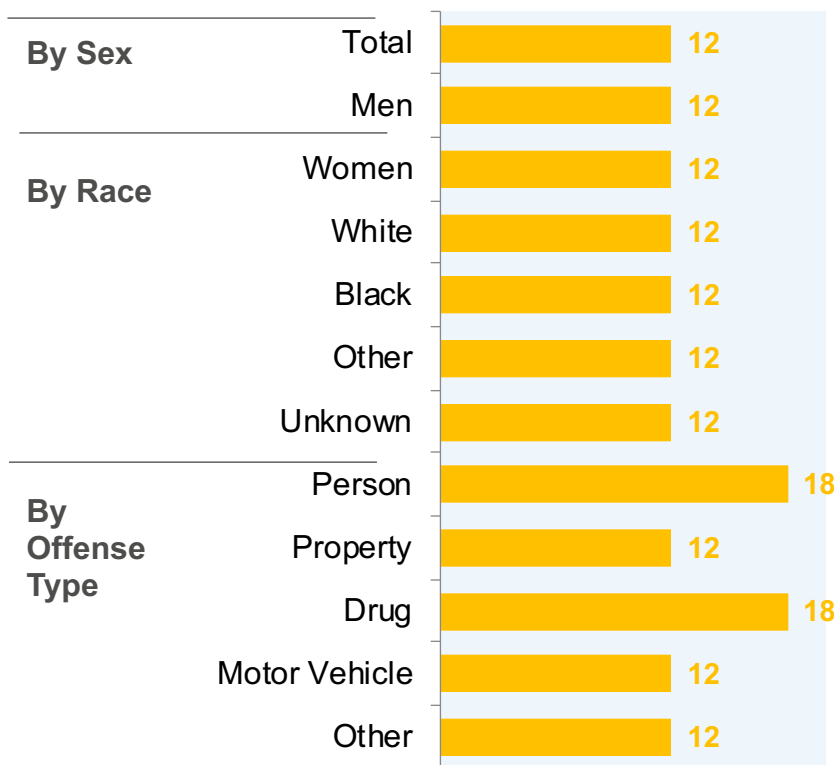
Over the past five years, person felony convictions have grown, driven by increases in assault, domestic violence, and sex offense convictions.
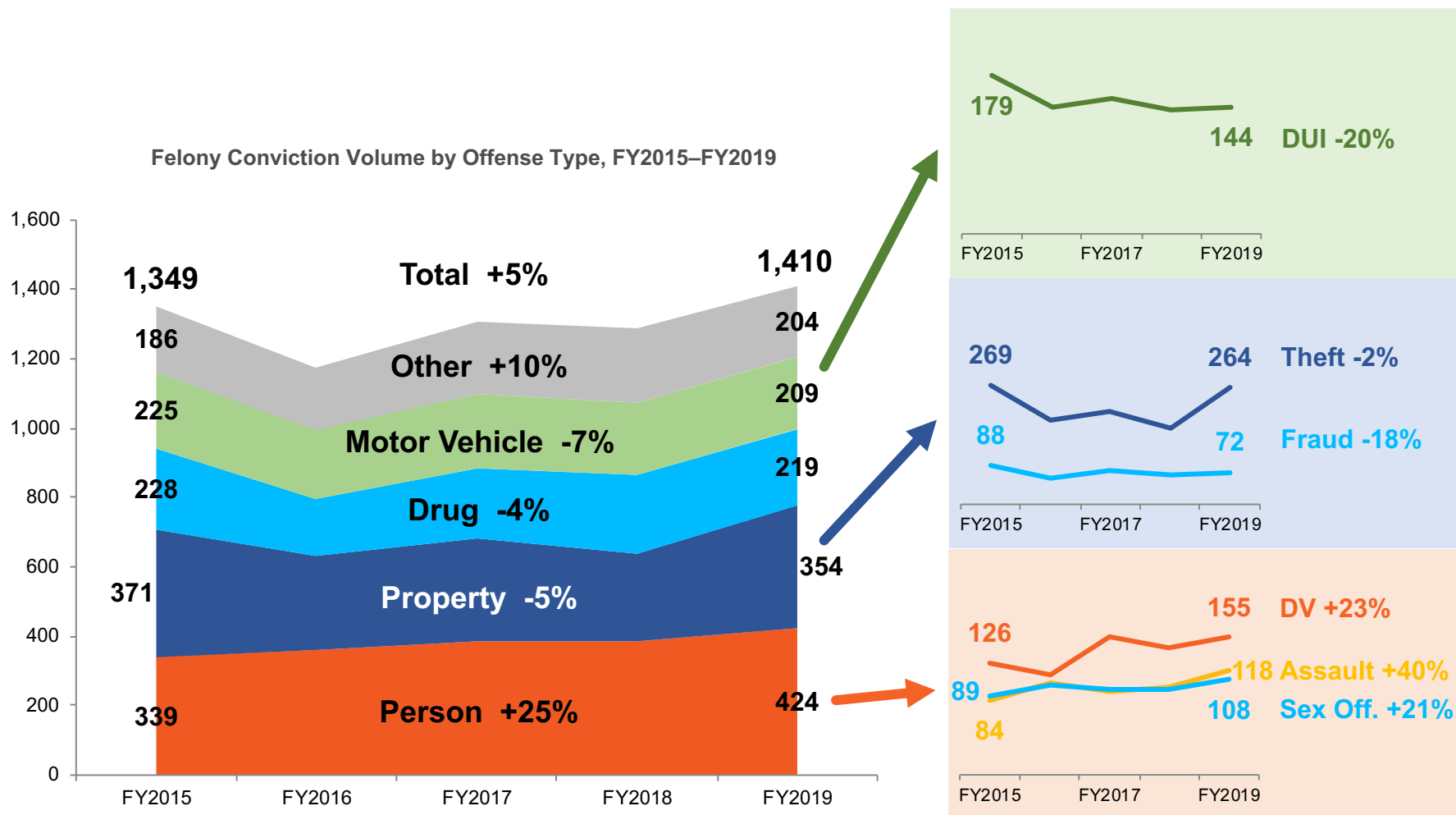
Felony Conviction Volume by Offense Type, FY2015–FY2019

Total +5%
1,349 — 1,410
186 — Other +10% — 204
225 — Motor Vehicle -7% — 209
228 — Drug -4% — 219
371 — Property -5% — 354
339 — Person +25% — 424

DUI -20%: 179 → 144
Theft -2%: 269 → 264
Fraud -18%: 88 → 72
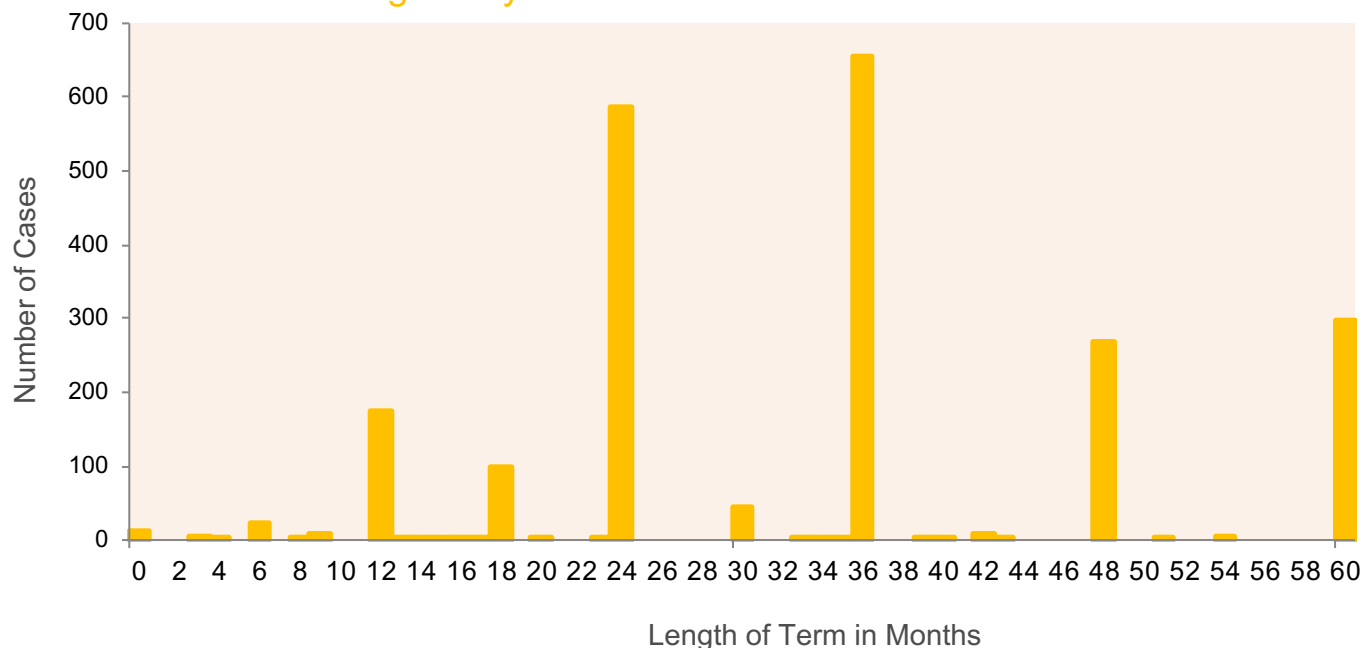DV +23%: 126 → 155
Assault +40%: 84 → 118
Sex Off. +21%: 89 → 108

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

These sentencing patterns have been consistent over time.

Total Felony Cases Disposed in FY2019 1,410

53% — **Incarceration Alone or with Other**

50% 55% 56% 55% 53%

4% — **Split (Incarceration + Probation)**

2% 3% 3% 4% 4%

41% — **Probation Alone or with Other**

46% 41% 40% 40% 41%

FY15 FY16 FY17 FY18 FY19

2% — **Other**

Among felony convictions, certain types of person crimes receive incarceration sentences more often than property and drug offenses.

Felony Case Dispositions by Offense Type, 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.

Extra detail for some sub-types

	State Total	Person	Property	Drug	Motor Vehicle	Other		Assault	Violation of Protective Order	Domestic Violence	Sex Offenses	Theft	Fraud	DUI
N =	6,529	1,892	1,546	1,041	1,057	993		501	155	693	492	1,106	361	758
Incarceration	54%	52%	46%	51%	55%	69%		56%	72%	56%	36%	50%	35%	56%
Split	3%	4%	3%	3%	5%	2%		4%	2%	4%	3%	4%	1%	4%
Probation	42%	43%	50%	44%	39%	28%		39%	25%	39%	59%	46%	62%	39%
Other	1%	1%	1%	3%	2%	2%		1%	1%	1%	2%	1%	2%	1%

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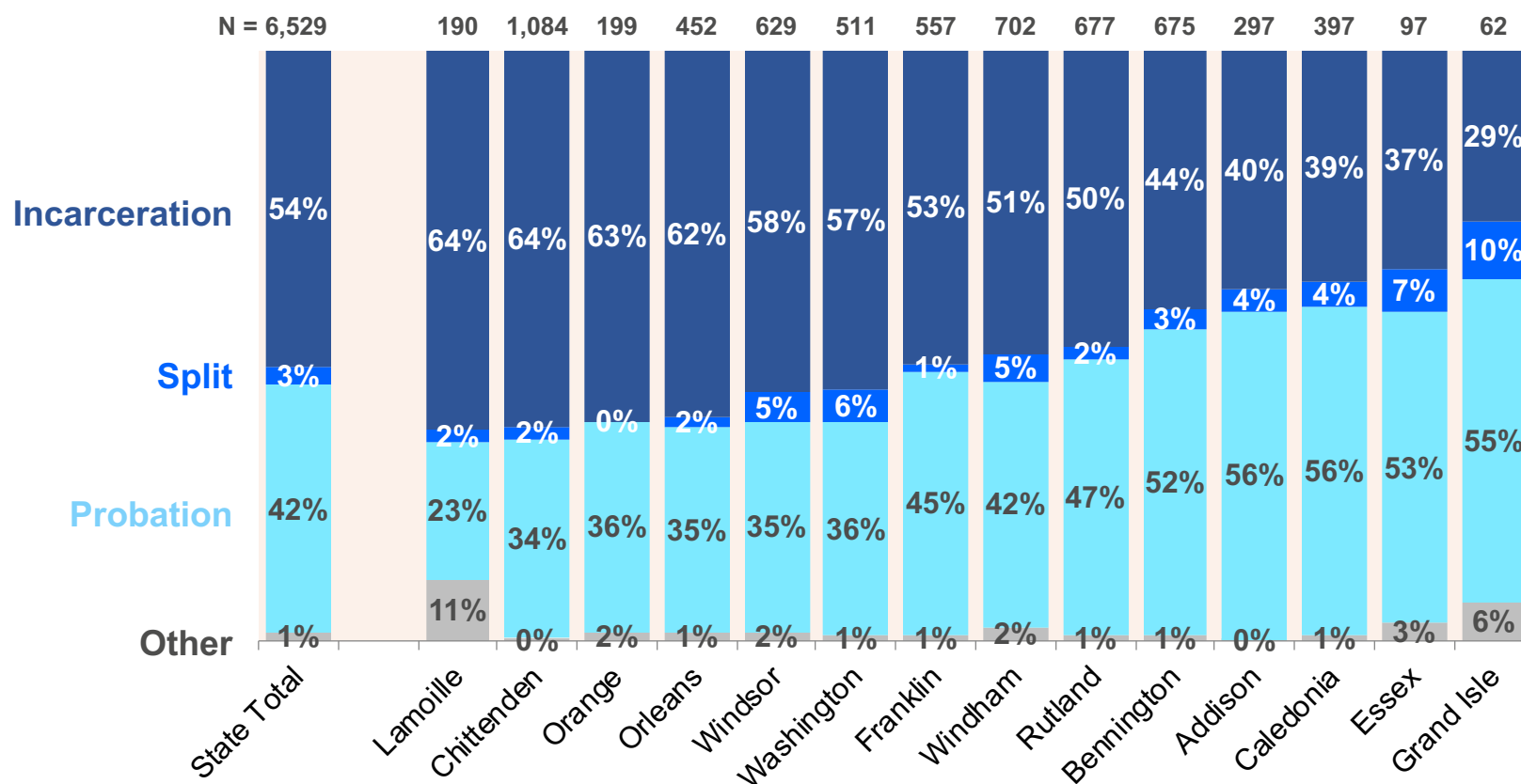
Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.

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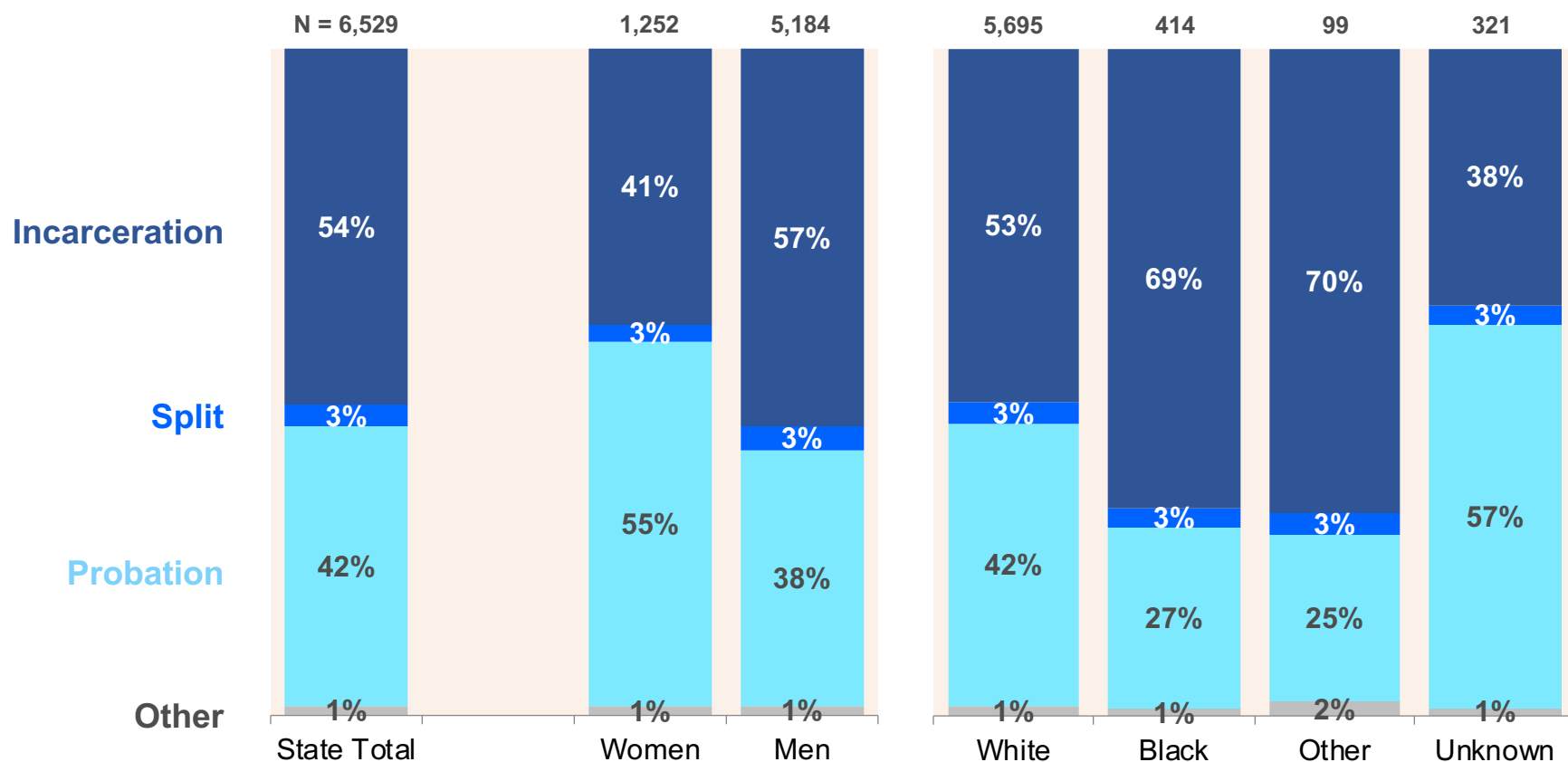
Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.

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:

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.

	Minimum	Maximum
Total	12	36
By Sex		
Men	12	36
Women	12	36
By Race		
White	12	36
Black	12	36
Other	12	36
Unknown	12	36
By Offense Type		
Person	12	60
Property	12	60
Drug	12	36
Motor Vehicle	12	36
Other	6	12

By County	Minimum	Maximum
Addison	12	60
Grand Isle	6	48
Orleans	12	48
Rutland	12	48
Orange	12	44
Essex	10	41
Windham	16	40
Bennington	12	36
Caledonia	12	36
Chittenden	9	36
Franklin	11	36
Lamoille	12	36
Washington	9	36
Windsor	12	36

Essex and Grand Isle had very low volume of felony incarceration sentences (<100), which diminishes the strength of these averages.

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

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.

Number of Cases

Length of Term in Months

Sources: The Council of State Governments Justice Center analysis of disposition data from the Vermont Judiciary.
Probation term guidance in Vermont Statutes Online 28 V.S.A. § 205.

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:

		Months
	Total	36
By Sex	Men	36
	Women	36
By Race	White	36
	Black	36
	Other	36
	Unknown	36
By Offense Type	Person	36
	Property	36
	Drug	36
	Motor Vehicle	36
	Other	36

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

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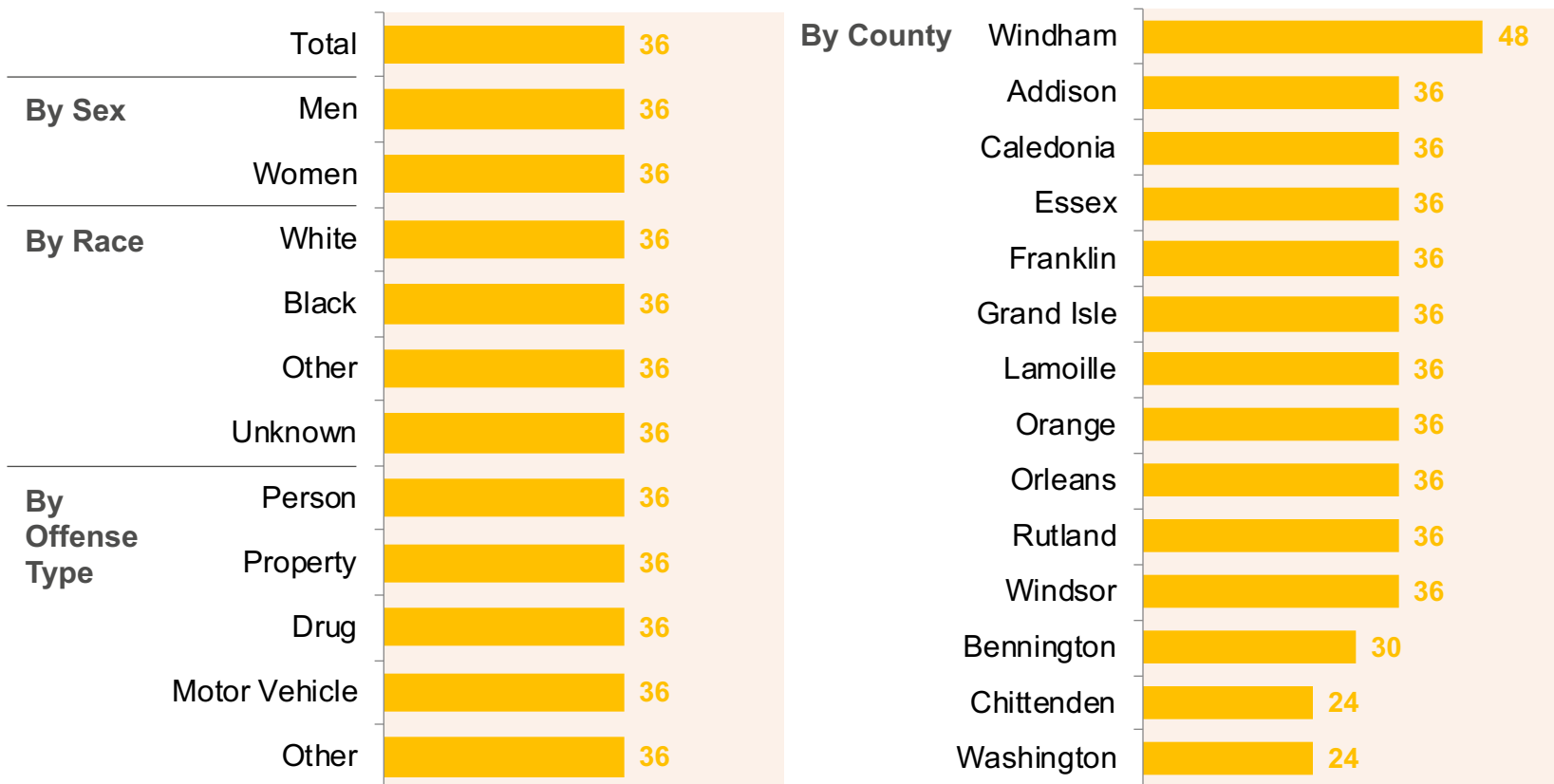
Disposition and sentencing takeaways

- 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.

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.*

    *   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

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

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.

Principles 1 and 2: Assess populations and tailor interventions based on individual risks and needs.

1	Assess risk, need, and responsivity.

Risk and need assessments sort people into categories based on likelihood of committing more crime.
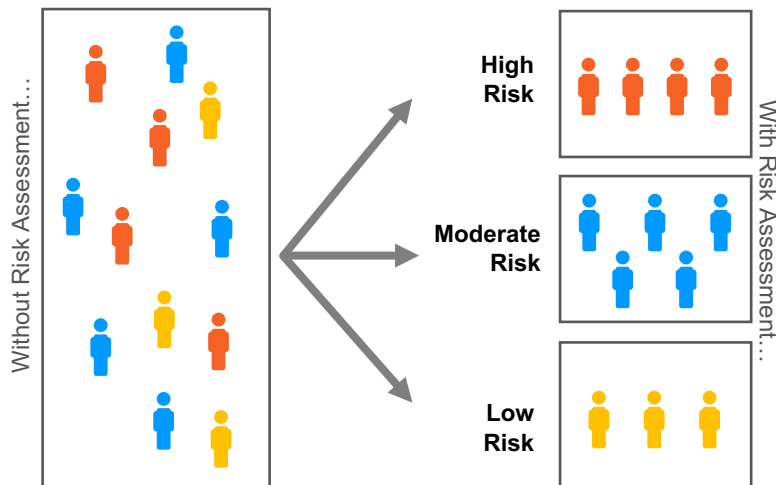
2	Target the right people.

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
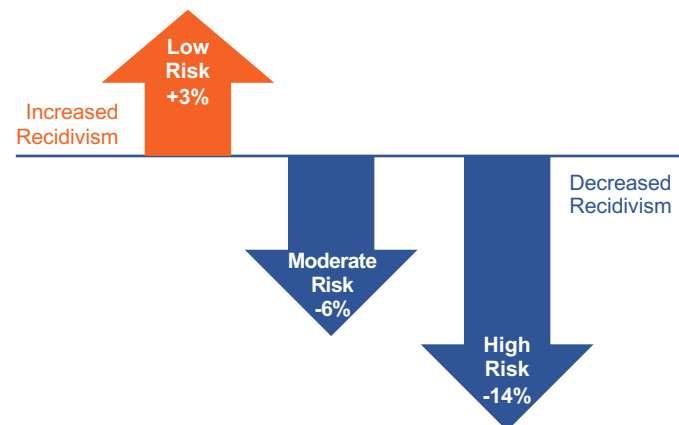
Sources: Presentation by Dr. Ed Latessa, "What Works and What Doesn't in Reducing Recidivism: Applying the Principles of Effective Intervention to Offender Reentry;"D.A. Andrews and J. Bonta. The Psychology of Criminal Conduct, 5th Ed. (New York, New York: Routledge, 2010).

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 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.

3	Frontload supervision and treatment.

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

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

Male — Female

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

Year 1: 45%, 35%
Year 2: 16%, 16%
Year 3: 8%, 9%
Year 4: 5%, 6%
Year 5: 3%, 4%
Year 6: 2%, 3%
Year 7: 2%, 2%
Year 8: 1%, 2%
Year 9: 1%, 1%
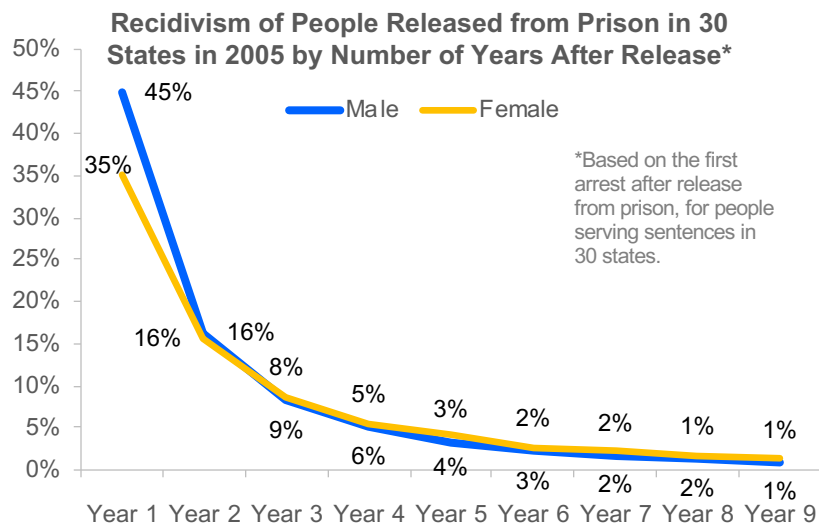
Sources: Matthew R. Durose, Alexia D. Cooper, Ph.D., and Howard N. Snyder, Ph.D Recidivism of Prisoners Released in 30 States in 2005: Patterns from 2005 to 2010 (Washington DC: Bureau of Justice Statistics, April 2014).

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.

Changes in Recidivism by Program Type

Decreases Recidivism   Increases Recidivism

Cognitive behavioral with graduated skills practice: **-26%**

Cognitive (no behavioral)

Psycho-educational

Journaling

Punishment-oriented: **+8%**
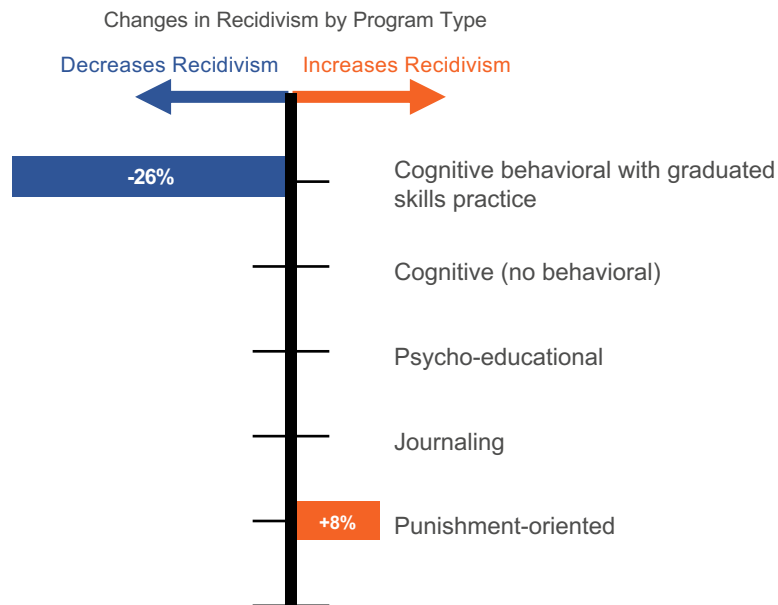
Sources: Mark Lipsey, "The Primary Factors that Characterize Effective Interventions with Juvenile Offenders: A Meta-Analytic Overview, Victims & Offenders: An International Journal of Evidence-Based Research, Policy, and Practice, 4, no. 2 (2009): 124-147. D.A. Andrews and J.Bonta. The Psychology of Criminal Conduct, 5th Ed. (New York, New York: Routledge, 2010).

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.

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 <u>and</u> 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.

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.

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

MEAN EFFECT SIZE BY RNR ADHERENCE AND CORRECTIONAL SETTING

■ Custody ■ Community

- Programs with punishment focus or no adherence to core principles: -0.1
- Programs in adherence with only one core principle (across 106 tests): Custody 0.01, Community 0.03
- Programs in adherence with two of the three core principles (across 84 tests): Custody 0.12, Community 0.22
- Programs in full adherence with all three core principles (across 60 tests): Custody 0.17, Community 0.35

INCREASED REDUCTIONS IN RECIDIVISM

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.**

Sources: D.A. Andrews and J.Bonta. The Psychology of Criminal Conduct, 5th Ed. (New York, New York: Routledge, 2010).

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

Estimated Percentage Change in Recidivism*

Intensive Supervision: Surveillance-Oriented Programs (23)	Employment and Job Training in the Community (16)	Drug Treatment in the Community (6)	Intensive Supervision: Treatment-Oriented Programs (11)
0%	-4.6%	-8.3%	-17.9%

Integrating treatment for criminogenic and behavioral health needs can improve recidivism outcomes.
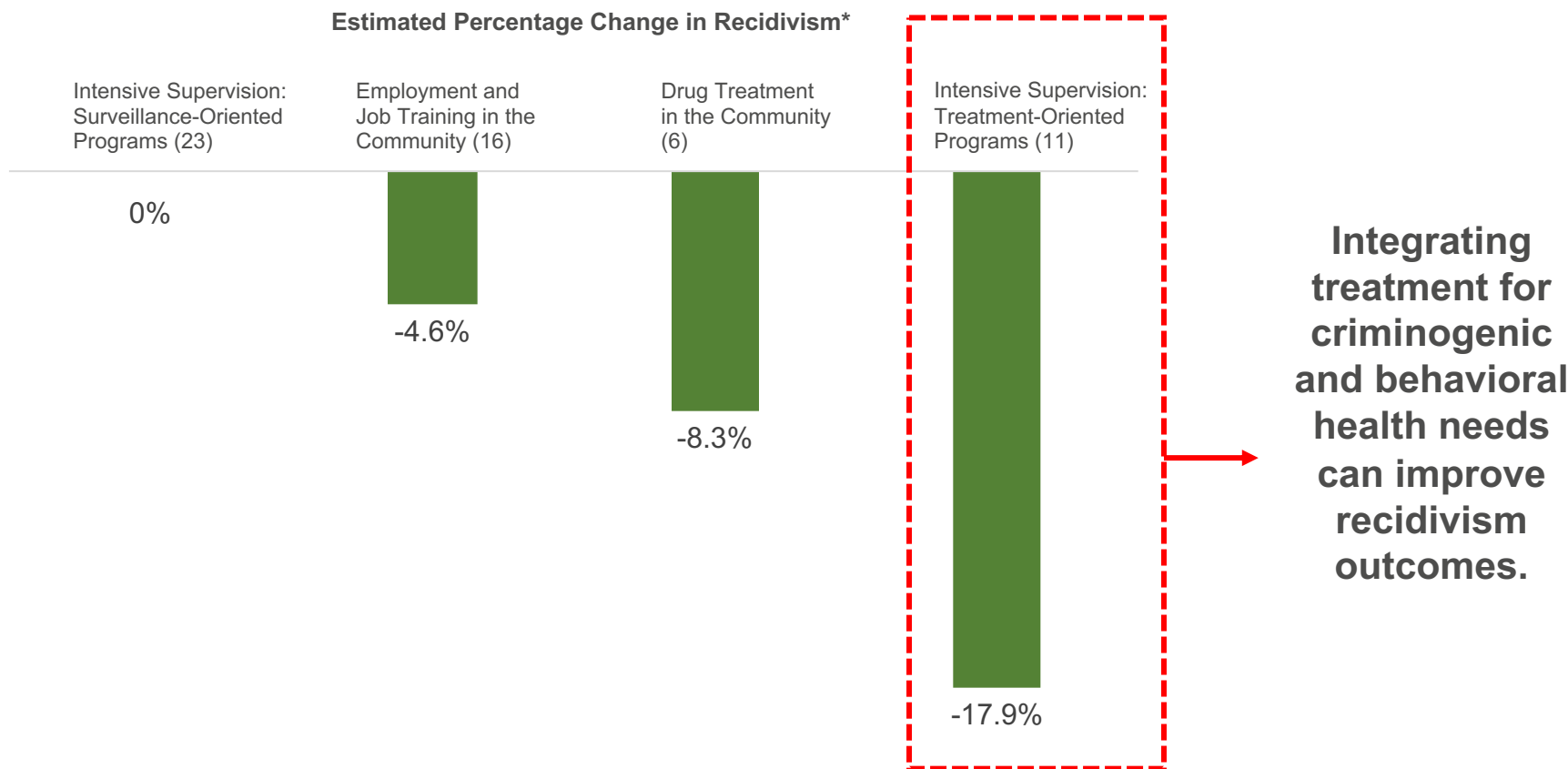
*Numbers in parentheses indicate the number of evidence-based studies on which the estimate is based.

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

People with behavioral health challenges are overrepresented in the criminal justice system, and reducing this population requires states to adopt a comprehensive approach.

Estimated Proportion of Adults with Mental Health and Addictive Disorders in U.S. Population and under Correctional Control & Supervision

Serious Mental Illness
- General Public, 4%
- State Prisons, 16%
- **Jails**, 17%
- Probation and Parole, 7-9%

Addictive Disorder
- General Public, 16%
- State Prisons, 53%
- **Jails**, 68%
- **Probation and Parole**, 35-40%
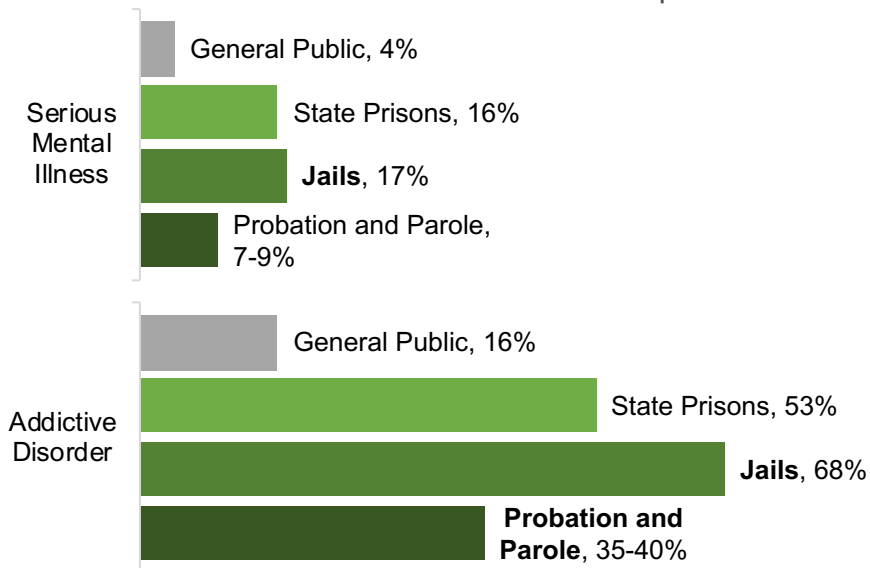
To address the behavioral health needs of people within the criminal justice system, states must:

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 their release from the correctional facility*
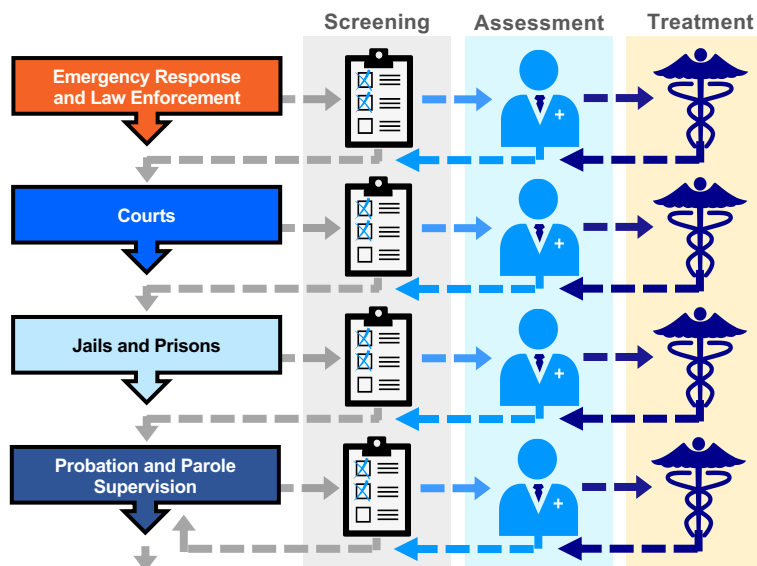
Initial questions:

- 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.

2	Ensure access.

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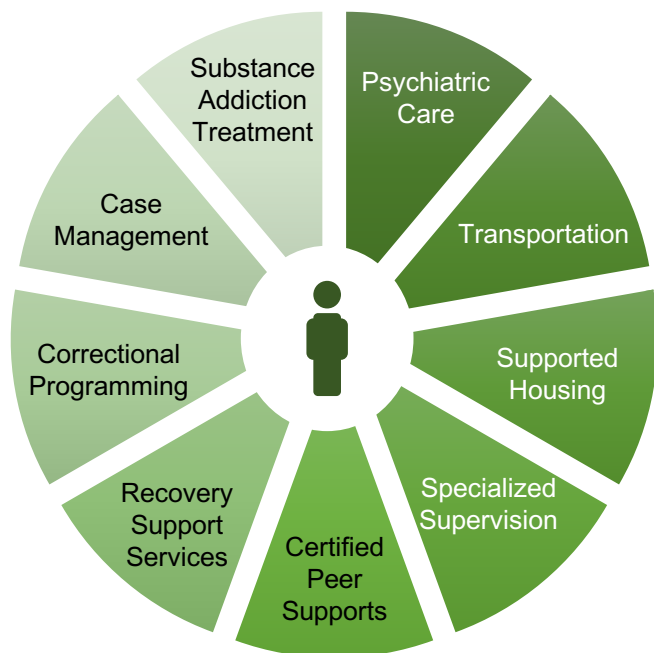
A variety of services, clinical treatments, crisis responses, and community engagement strategies are necessary to help people gain stability and progress to recovery.

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?

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)	CR: Low				CR: Med/High			
Severity of Substance Use Disorder (SUD)	SUD: Low		SUD: Med/High		SUD: Low		SUD: Med/High	
Severity of Mental Illness (MI)	MI: Low	MI: Med/High	MI: Low	MI: Med/High	MI: Low	MI: Med/High	MI: Low	MI: Med/High
Group Level	Group 1	Group 2	Group 3	Group 4	Group 5	Group 6	Group 7	Group 8
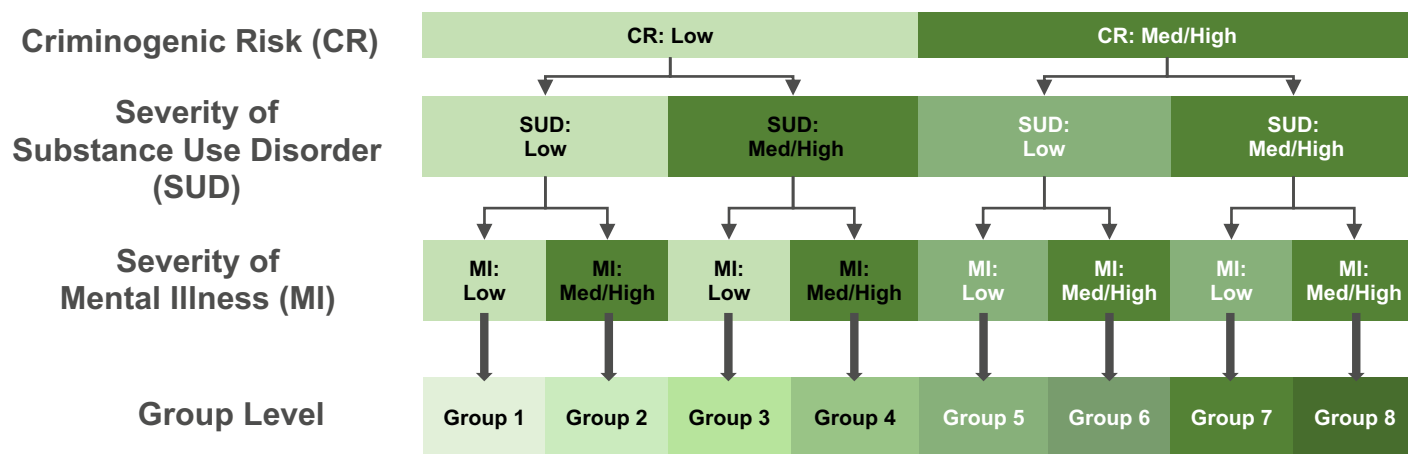
Initial observations and questions:
- Are criminogenic risk-needs and behavioral health assessments done when people begin incarceration, prepare for reentry, or begin a community supervision sentence, and are the assessments consistently conducted across all facilities and supervision offices?
- Do 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.

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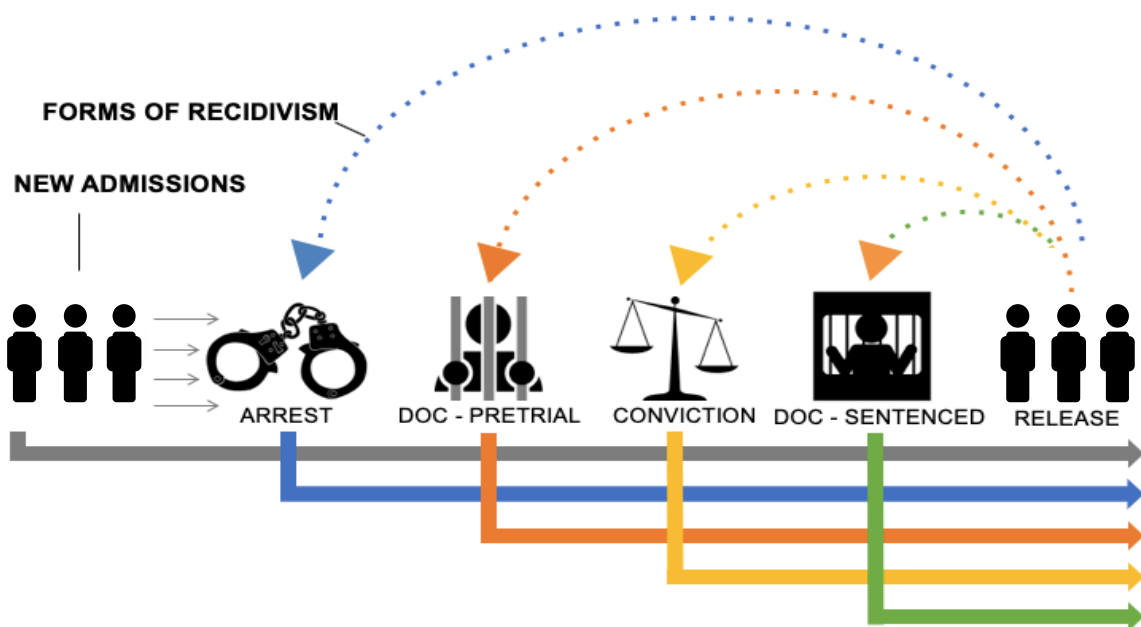
As reports and convictions of more serious crimes trend upwards, Vermont needs to ensure that resources, programs, and policies are in place to understand and address the particular criminogenic risks, needs, and behavioral health challenges of the people moving into and through the criminal justice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

Thank You

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Receive monthly updates about Justice Reinvestment states across the country as well as other CSG Justice Center programs. Sign up at:
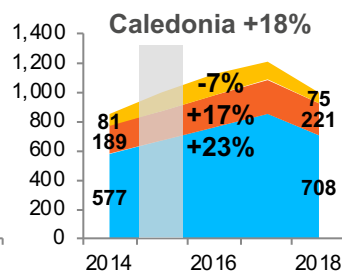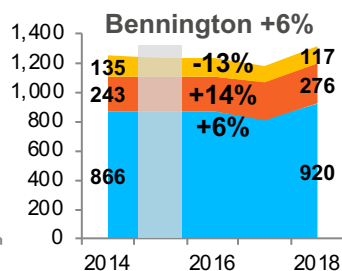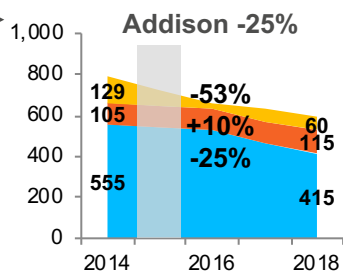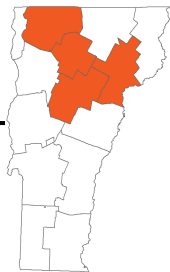**csgjusticecenter.org/subscribe**

APPENDIX

Vermont Reported Crime Trends by County, 2014 to 2018

County and Percent → Change in Total Crime

Crimes Against Society
Crimes Against Persons
Crimes Against Property

Addison -25%

- 129 → 60 -53%
- 105 → 115 +10%
- 555 → 415 -25%

Bennington +6%

- 135 → 117 -13%
- 243 → 276 +14%
- 866 → 920 +6%

Caledonia +18%

- 81 → 75 -7%
- 189 → 221 +17%
- 577 → 708 +23%

Chittenden -5%

- 423 → 388 -8%
- 601 → 911 +52%
- 4,620 → 4,044 -12%

Essex

- 1 → 4
- 15 → 29

Franklin +44%

- 93 → 281 +202%
- 223 → 394 +77%
- 975 → 1,188 +22%

Grand Isle -39%

- 1 → 5 0%
- 16 → 16
- 118 → 61 -48%

Lamoille +64%

- 27 → 29 +7%
- 30 → 100 +233%
- 212 → 312 +47%

Orange -72%

- 53 → 9 -83%
- 56 → 30 -46%
- 335 → 87 -74%

Orleans +4%

- 63 → 57 -10%
- 122 → 165 +35%
- 550 → 544 -1%

Rutland -15%

- 138 → 106 -23%
- 317 → 359 +13%
- 1,302 → 1,029 -21%

Washington +21%

- 474 → 460 -3%
- 199 → 472 +137%
- 1,242 → 1,389 12%

Windham +6%

- 265 → 189 -29%
- 292 → 293 0%
- 1,204 → 1,382 +15%

Windsor -6%

- 287 → 174 -39%
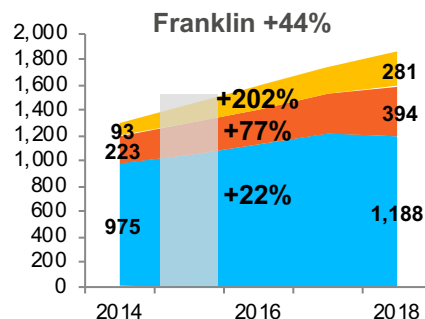- 272 → 319 +17%
- 886 → 863 -3%
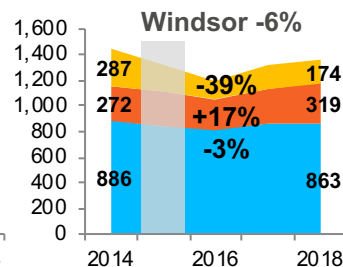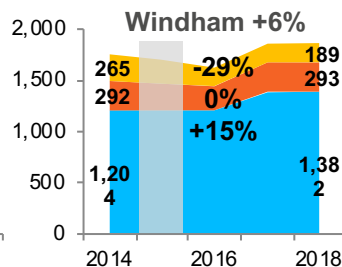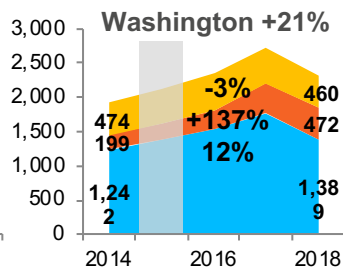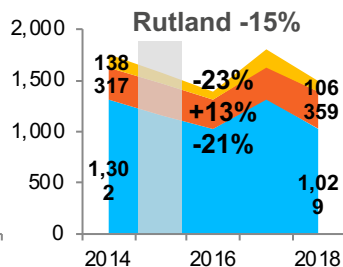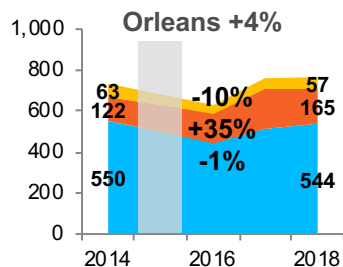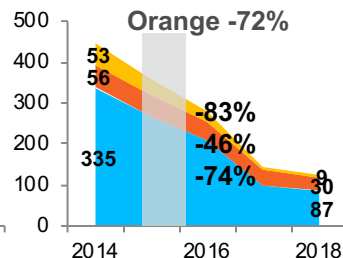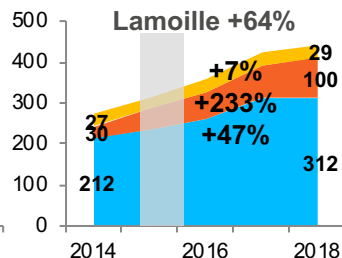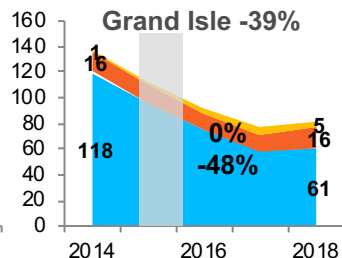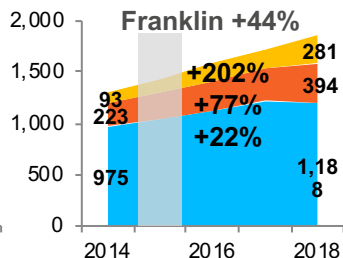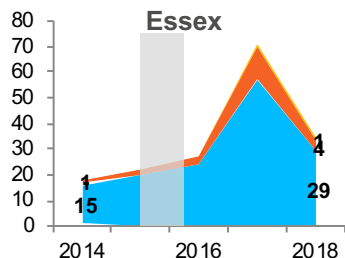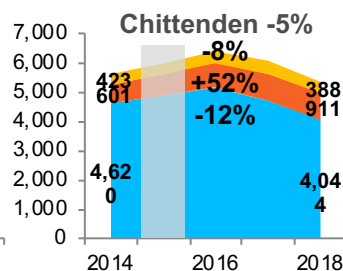
Counties with Larger Increases in Total Crime

Percent Change in Total Crime →

Crimes Against Society

Crimes Against Persons

Crimes Against Property

Franklin +44%

93	+202%	281
223	+77%	394
975	+22%	1,188

2014 — 2016 — 2018 (y-axis: 0 to 2,000)

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)
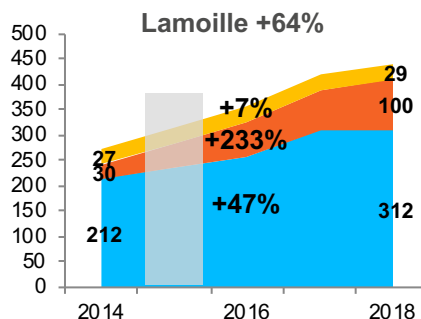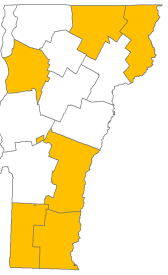
Caledonia – Increase of 156 total crimes
Increases in Shoplifting (35), Aggravated Assault (27), Fraud (21), Vandalism (19)

Caledonia +18%

81	-7%	75
189	+17%	221
577	+23%	708

2014 — 2016 — 2018 (y-axis: 0 to 1,400)

Lamoille +64%

27	+7%	29
30	+233%	100
212	+47%	312

2014 — 2016 — 2018 (y-axis: 0 to 500)

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

Washington +21%

474	-3%	460
199	+137%	472
1,242	12%	1,389

2014 — 2016 — 2018 (y-axis: 0 to 3,000)
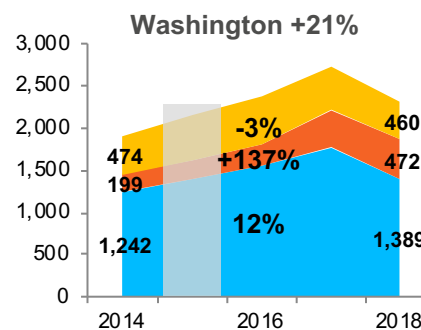
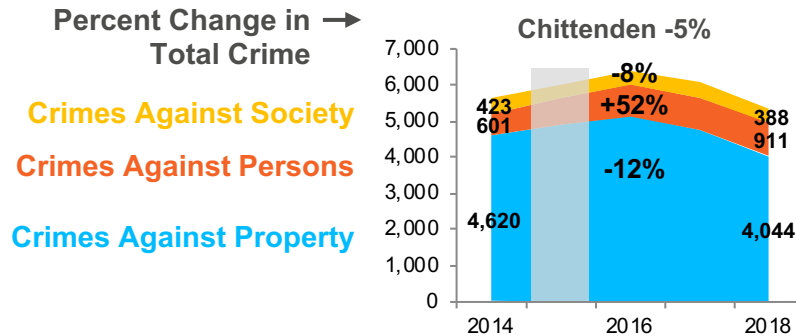**Washington – Increase of 406 total crimes**
Increases in many crimes: Simple Assault (117), Intimidation (60), Larceny – Other (51), Vandalism (49), Aggravated Assault (42), Rape (36), Counterfeiting/ Forgery (34), Credit Card Fraud (25) Decreases in Theft From Building (-38), Drug/Narcotic Violations (-39)

Counties with Relatively Stable Total Crime

Percent Change in → Total Crime

Crimes Against Society

Crimes Against Persons

Crimes Against Property

Chittenden -5%

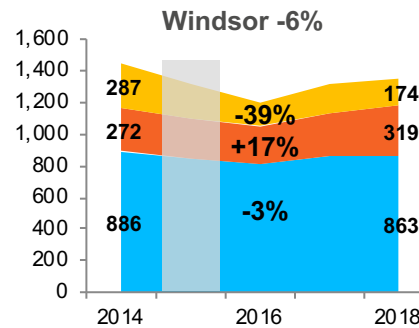Values: 2014 — 423, 601, 4,620; 2016 — -8%, +52%, -12%; 2018 — 388, 911, 4,044

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).

Essex

Values: 2014 — 1, 15; 2018 — 1, 4, 29
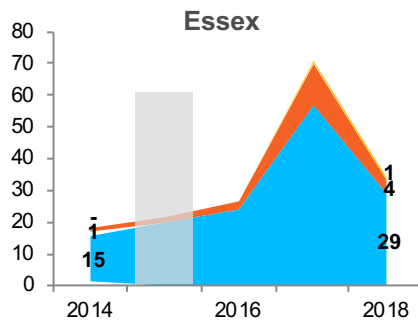
Essex – Increase of 18 total crimes

Windsor -6%

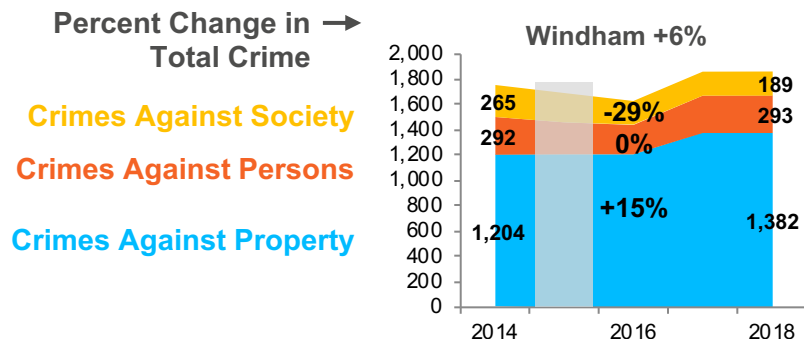Values: 2014 — 287, 272, 886; 2016 — -39%, +17%, -3%; 2018 — 174, 319, 863

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)

Counties with Relatively Stable Total Crime

Percent Change in → Total Crime

Crimes Against Society

Crimes Against Persons

Crimes Against Property

Windham +6%

(chart)
- 2014: 265, 292, 1,204
- 2016: -29%, 0%, +15%
- 2018: 189, 293, 1,382
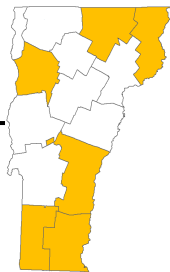
Windham – Increase of 103 total crimes
Increase in some property crimes like Fraud (104), Credit Card Fraud (67), Impersonation (45), Shoplifting (23)
Decreases in Theft From Building (-25), Larceny – Other (-29), Drug/Narcotic Violations (-31), Vandalism (-39), Weapon Law Violations (-48)

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

Bennington +6%

(chart)
- 2014: 135, 243, 866
- 2016: -13%, +14%, +6%
- 2018: 117, 276, 920
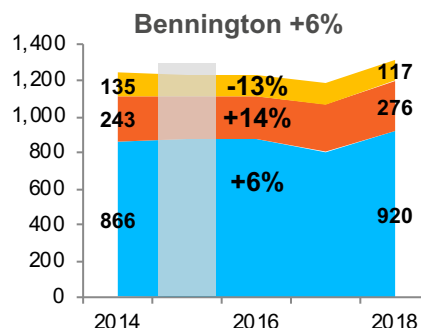
Orleans – Increase of 31 total crimes
Aggravated Assaults up by 36

Orleans +4%

(chart)
- 2014: 63, 122, 550
- 2016: -10%, +35%, -1%
- 2018: 57, 165, 544

Counties with Decreases in Total Crime

Percent Change in → Total Crime

Crimes Against Society

Crimes Against Persons

Crimes Against Property

Addison -25%

Chart (2014–2018):
- 129 / 105 / 555 (2014)
- -53%
- +10%
- -25%
- 60 / 115 / 415 (2018)

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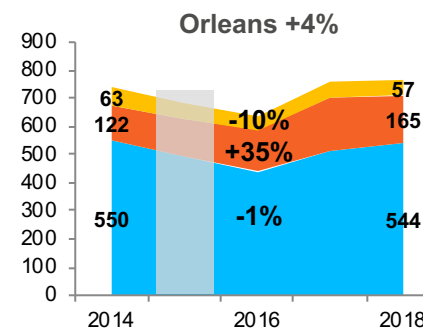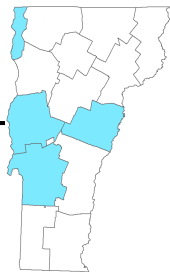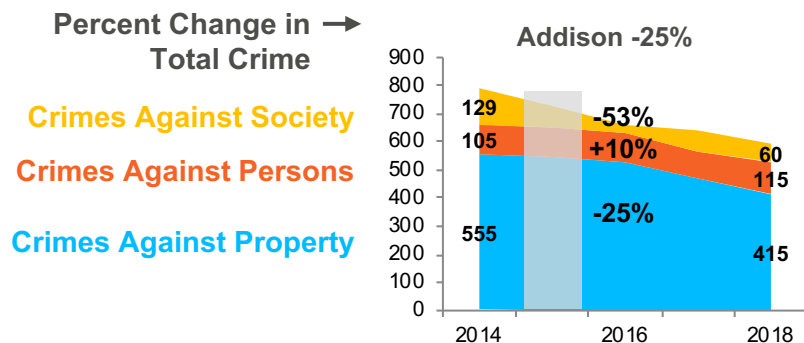Small increase in Person Crimes a combination of Simple Assault (7), Aggravated Assault (5), and Intimidation (5); Decreases in Theft From Motor Vehicle (-24), Burglary (-28), Drug Equipment Violations (-40), Drug/Narcotic Violations (-41), Larceny – Other (-105)

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?

Grand Isle -39%

Chart (2014–2018):
- 1 / 16 / 118 (2014)
- 0%
- -48%
- 5 / 16 / 61 (2018)
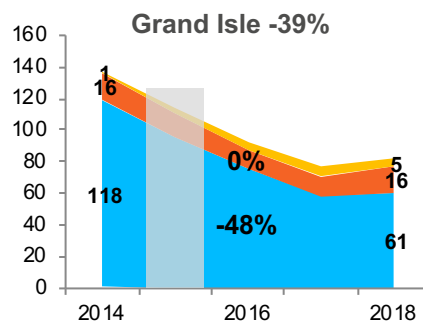
Grand Isle – Decrease of 53 total crimes
Decrease in Burglary (-29)

Rutland -15%

Chart (2014–2018):
- 138 / 317 / 1,302 (2014)
- -23%
- +13%
- -21%
- 106 / 359 / 1,029 (2018)
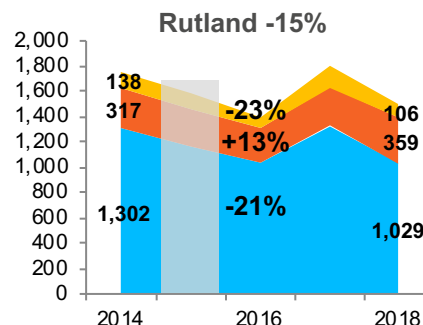
Rutland – Decrease of 263 total crimes
Increases in Intimidation (44), Aggravated Assault (28), Fraud (25); Decreases in Drug/Narcotic Violations (-32), Simple Assault (-39), Theft From Building (-51), Burglary (-56), Larceny – Other (-158)

Orange -72%

Chart (2014–2018):
- 53 / 56 / 335 (2014)
- -83%
- -46%
- -74%
- 9 / 30 / 87 (2018)

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:
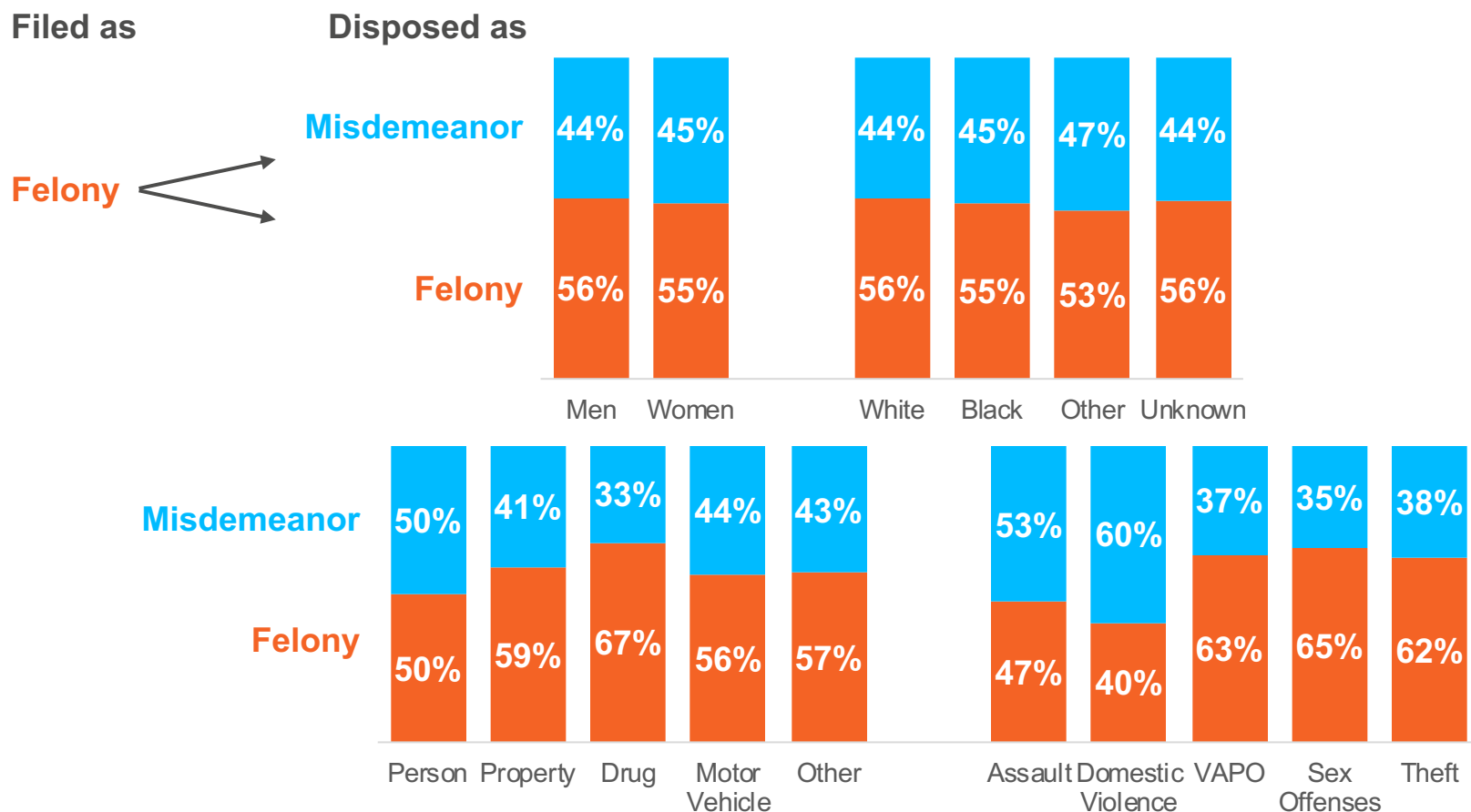
Filed as

Disposed as

Felony

Misdemeanor

	Men	Women		White	Black	Other	Unknown
Misdemeanor	44%	45%		44%	45%	47%	44%
Felony	56%	55%		56%	55%	53%	56%

Misdemeanor

Felony

	Person	Property	Drug	Motor Vehicle	Other		Assault	Domestic Violence	VAPO	Sex Offenses	Theft
Misdemeanor	50%	41%	33%	44%	43%		53%	60%	37%	35%	38%
Felony	50%	59%	67%	56%	57%		47%	40%	63%	65%	62%

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
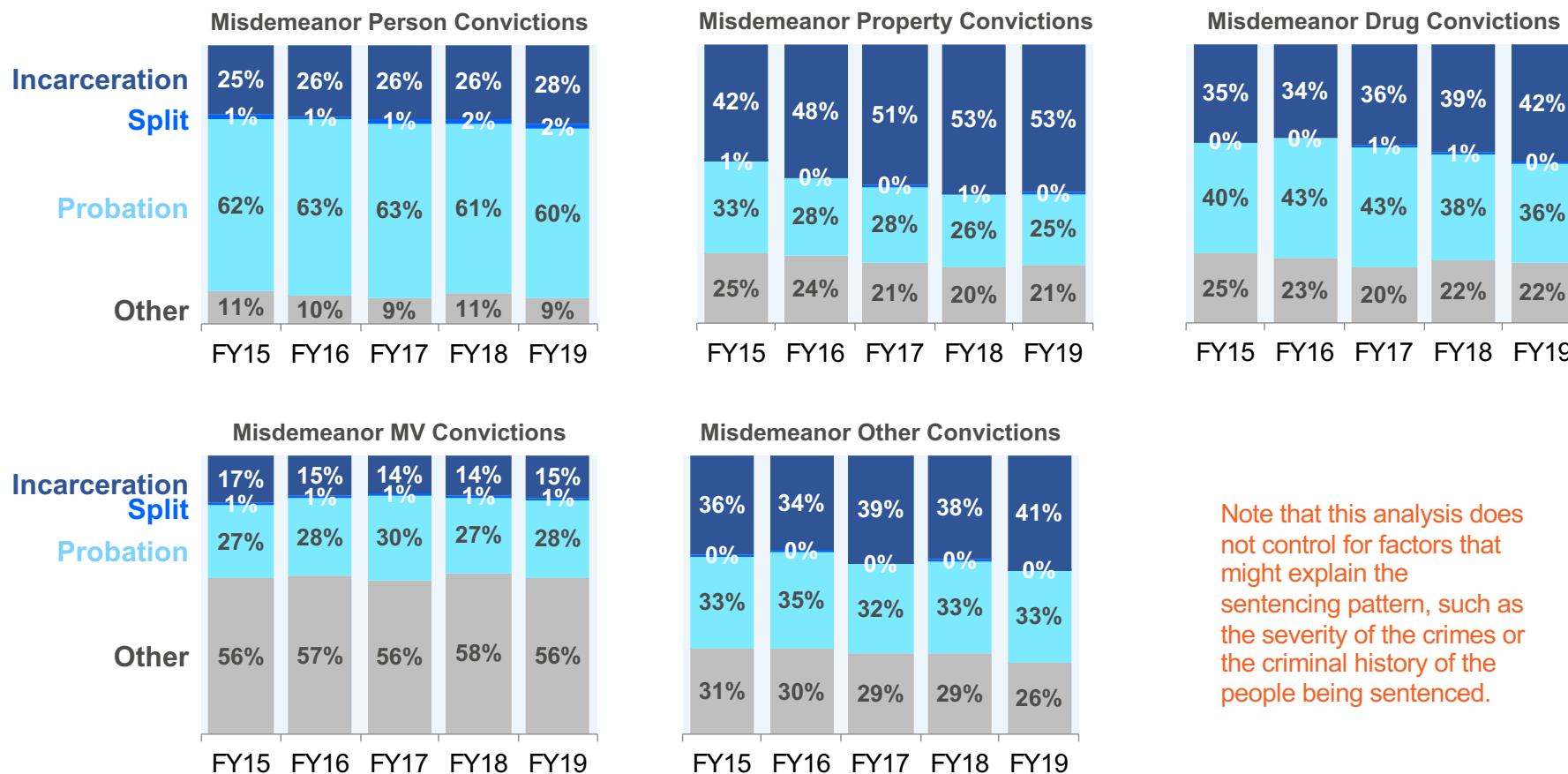
Misdemeanor Person Convictions

	FY15	FY16	FY17	FY18	FY19
Incarceration	25%	26%	26%	26%	28%
Split	1%	1%	1%	2%	2%
Probation	62%	63%	63%	61%	60%
Other	11%	10%	9%	11%	9%

Misdemeanor Property Convictions

	FY15	FY16	FY17	FY18	FY19
Incarceration	42%	48%	51%	53%	53%
Split	1%	0%	0%	1%	0%
Probation	33%	28%	28%	26%	25%
Other	25%	24%	21%	20%	21%

Misdemeanor Drug Convictions

	FY15	FY16	FY17	FY18	FY19
Incarceration	35%	34%	36%	39%	42%
Split	0%	0%	1%	1%	0%
Probation	40%	43%	43%	38%	36%
Other	25%	23%	20%	22%	22%

Misdemeanor MV Convictions

	FY15	FY16	FY17	FY18	FY19
Incarceration	17%	15%	14%	14%	15%
Split	1%	1%	1%	1%	1%
Probation	27%	28%	30%	27%	28%
Other	56%	57%	56%	58%	56%

Misdemeanor Other Convictions

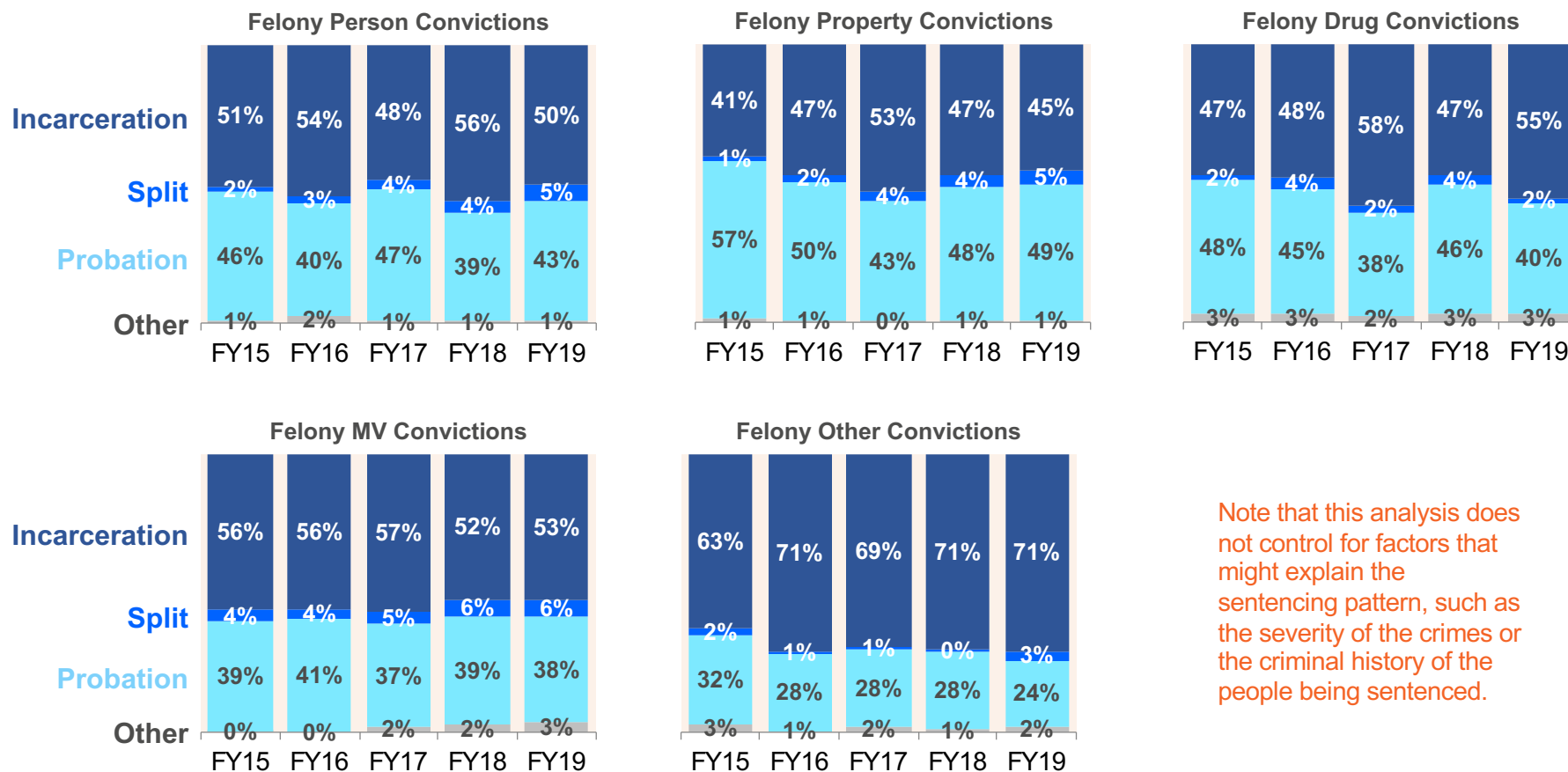|	FY15	FY16	FY17	FY18	FY19
Incarceration	36%	34%	39%	38%	41%
Split	0%	0%	0%	0%	0%
Probation	33%	35%	32%	33%	33%
Other	31%	30%	29%	29%	26%

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 sentencing patterns by offense type over the last five years don't reveal any clear trends.

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

Felony Person Convictions

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

Felony Property Convictions

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

Felony Drug Convictions

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

Felony MV Convictions

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

Felony Other Convictions

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

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.