Vermont State Auditor

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# Report to the Governor and the General Assembly

# *State & Local Spending on Public Safety*

1/25/2017 • Office of the Vermont State Auditor • Non-Audit Report 17-01

## Mission Statement

The mission of the Vermont State Auditor's Office is to hold government accountable. This means ensuring taxpayer funds are spent effectively and efficiently, and that we foster the prevention of waste, fraud, and abuse.


***Principal Investigator***

*Christoph M. Demers*


## Non-Audit Inquiry

This is a non-audit report. A non-audit report is a tool used to inform citizens and management of issues that may need attention. It is not an audit and is not conducted under generally accepted government auditing standards. A non-audit report has a substantially smaller scope of work than an audit. Therefore, its conclusions are more limited, and it does not contain recommendations. Instead, the report includes information and possible risk-mitigation strategies relevant to the entity that is the object of the inquiry.

## Introduction

This report reviews statewide public safety appropriations and expenditures, national and state trends in public safety, and offers brief commentary as context for individual departments.

The State Auditor's Office (SAO) initiated this inquiry to provide a contextualized view of aggregate public safety spending over time in the State of Vermont. For the purposes of this analysis, SAO defines public safety as the efforts of any government agency, department, or sub-unit whose mission relates directly to ensuring the safety and security of Vermont residents. Therefore, this analysis includes a wide spectrum of State organizations, ranging from the Department of Public Safety (DPS) to the Enhanced 9-1-1 Board (for a full list see Appendix 1). This report is not an audit, makes no judgments about state spending, and does not offer recommendations.

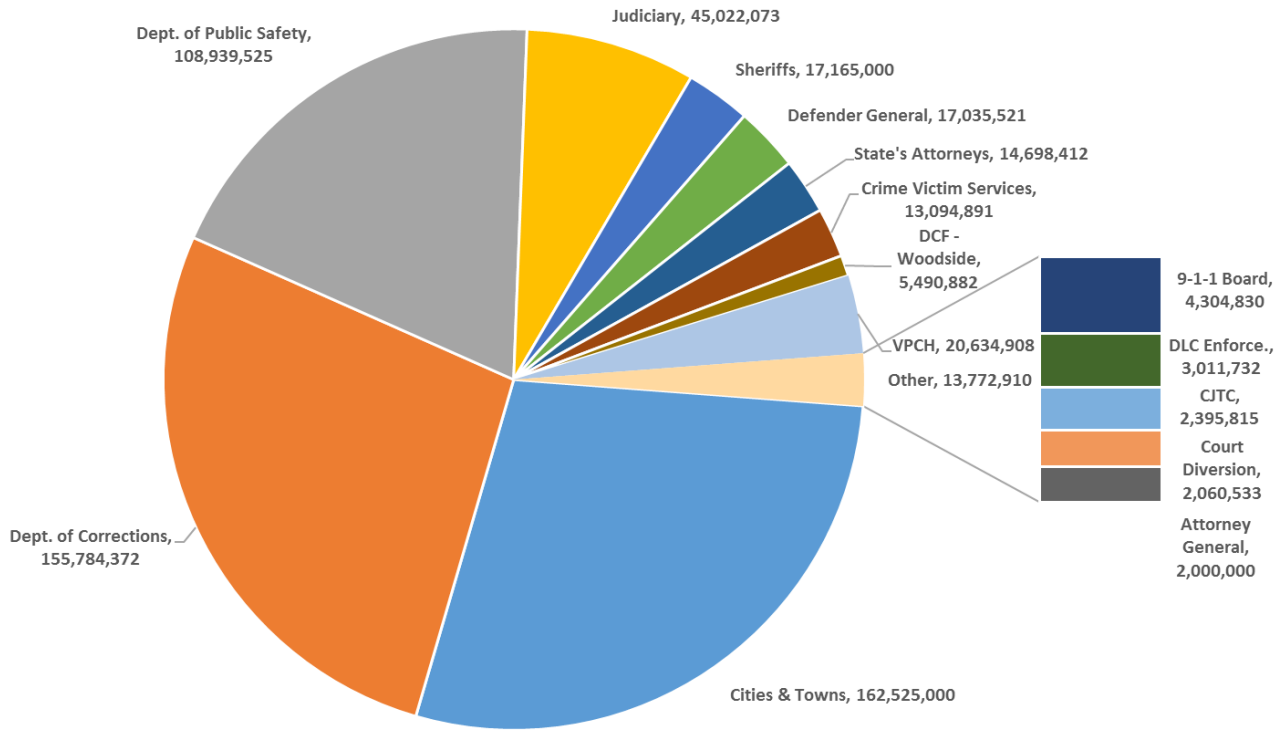
## Highlights

1. In Fiscal Year (FY) 2017, Vermont is scheduled to spend $574 million for public safety. Major public safety components include $162 million spent by cities and towns across the state, $109 million for the Department of Public Safety, $156 million for the Department of Corrections, $45 million for Judiciary, $17 million by Sheriffs, $17 million for the Defender General, and $14 million for the State's Attorneys.[1]
2. State-only appropriations for public safety entities have risen from an inflation-adjusted $252 million in 2001 to an expected $381 million in FY2017, a 51% increase or a 2.6% compound annual growth rate. This total excludes federal funding sources as well as local public safety spending by cities and towns.
3. Discussions with public safety entities indicate that changes in appropriations have been driven largely by increases in labor costs and caseloads.
4. A SAO literature review found that crime rates have decreased nationally since the mid-1990s, while justice system spending has increased on all levels. Spending on public safety now accounts for a higher share of government budgets than it did 30 years ago.
5. Available data indicate that while there are year-to-year fluctuations, crime has remained relatively flat in Vermont. Data from the Vermont Crime Information Center indicates that the number of incidents reported to law enforcement and the number of arrests did not change significantly between 2005 – 2012 (latest year available with reliable data).

1 Data for public safety spending by cities and towns is from 2014, the latest year available from Census State and Local Government Finances. It is likely that spending has increased since then.

# Public Safety Spending in Vermont

## Chart 1: Vermont FY 2017 Expected Public Safety Expenditures, $574 Million




Figures are FY17 appropriations except for Sheriffs and Cities & Towns.

Chart 1 includes the various components of the $574 million dollars in public safety appropriations or expenditures expected for fiscal year 2017.[2] [3] State of Vermont public safety appropriations (excluding federal funding sources and cities and towns) have steadily increased, rising from an inflation-adjusted $252 million in FY2001 to an expected $381 million in FY2017, a 51 percent increase, or a 2.6 percent compound annual growth rate (CAGR).[4] [5] The graph and charts below show inflation-adjusted changes in aggregate State appropriations over time, and

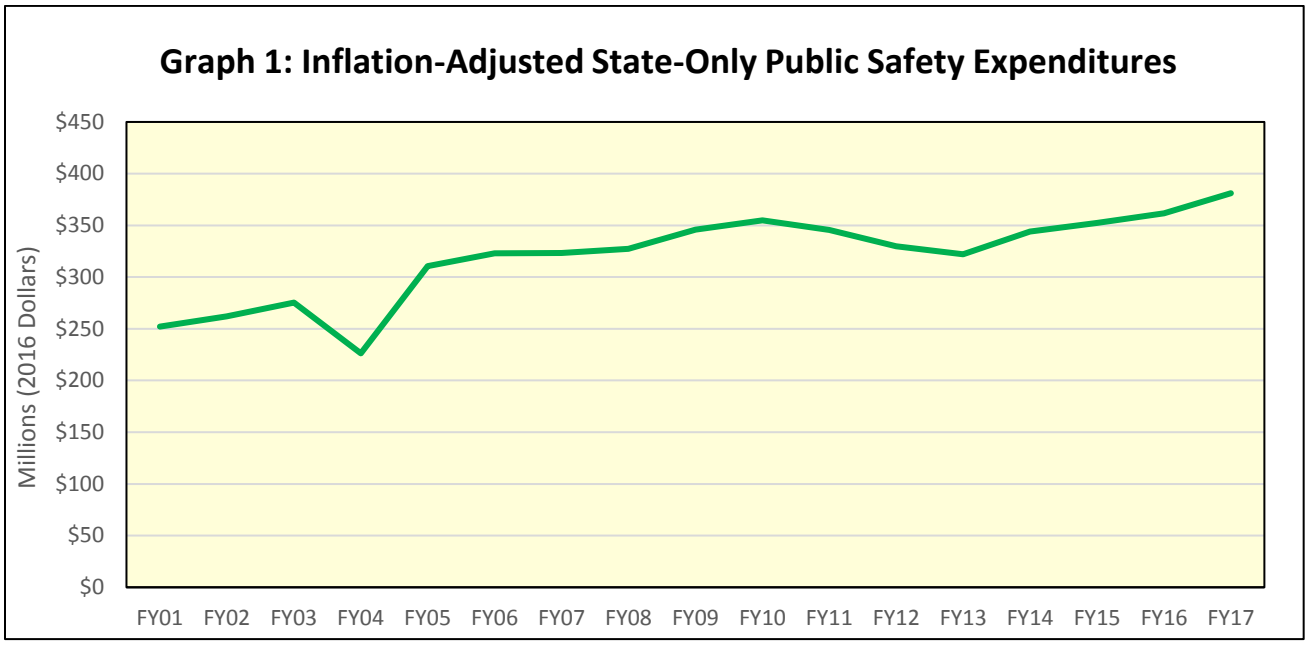
2 VPCH shown in pie chart above refers to the Vermont Psychiatric Care Hospital.

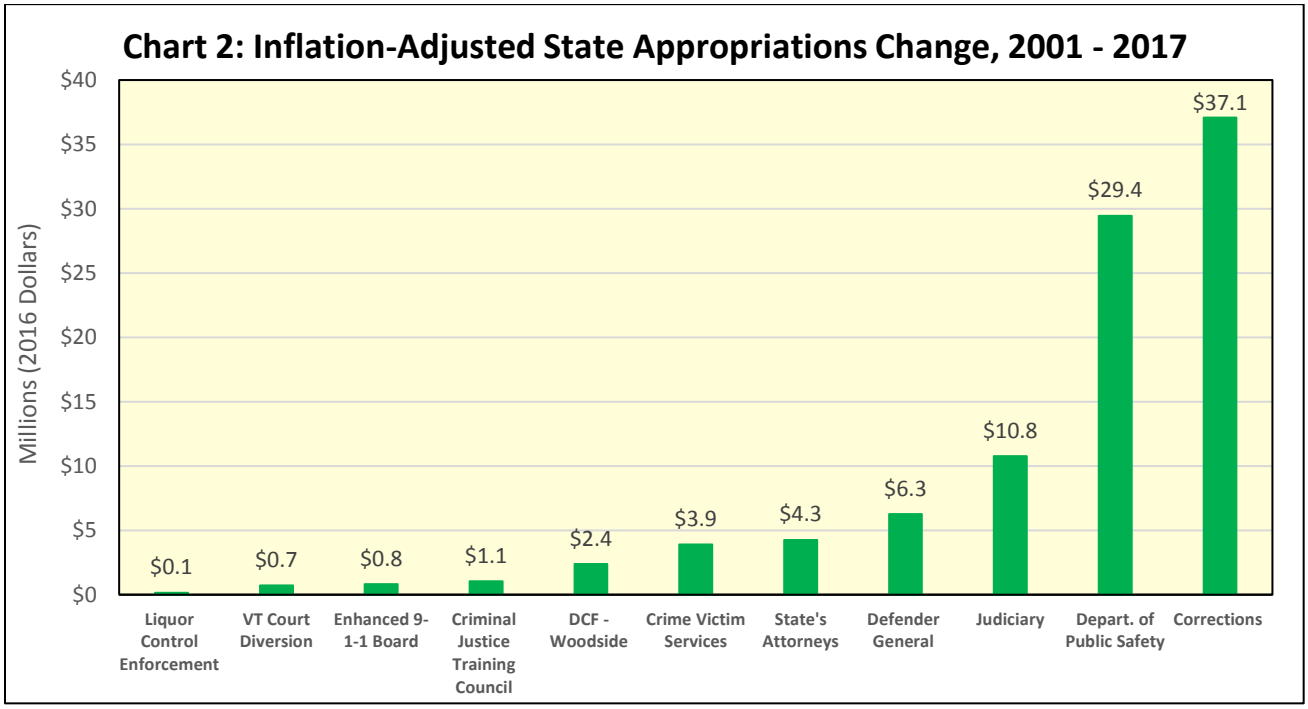
3 Graph 1 and Chart 1 calculated from aggregated appropriations budgets from the Vermont Legislative Joint Fiscal Office, available here. Expenditures are adjusted for inflation using BEA implicit price deflator, which is the ratio of the current-dollar value and its corresponding chained-dollar value, multiplied by 100.

4 Ibid.

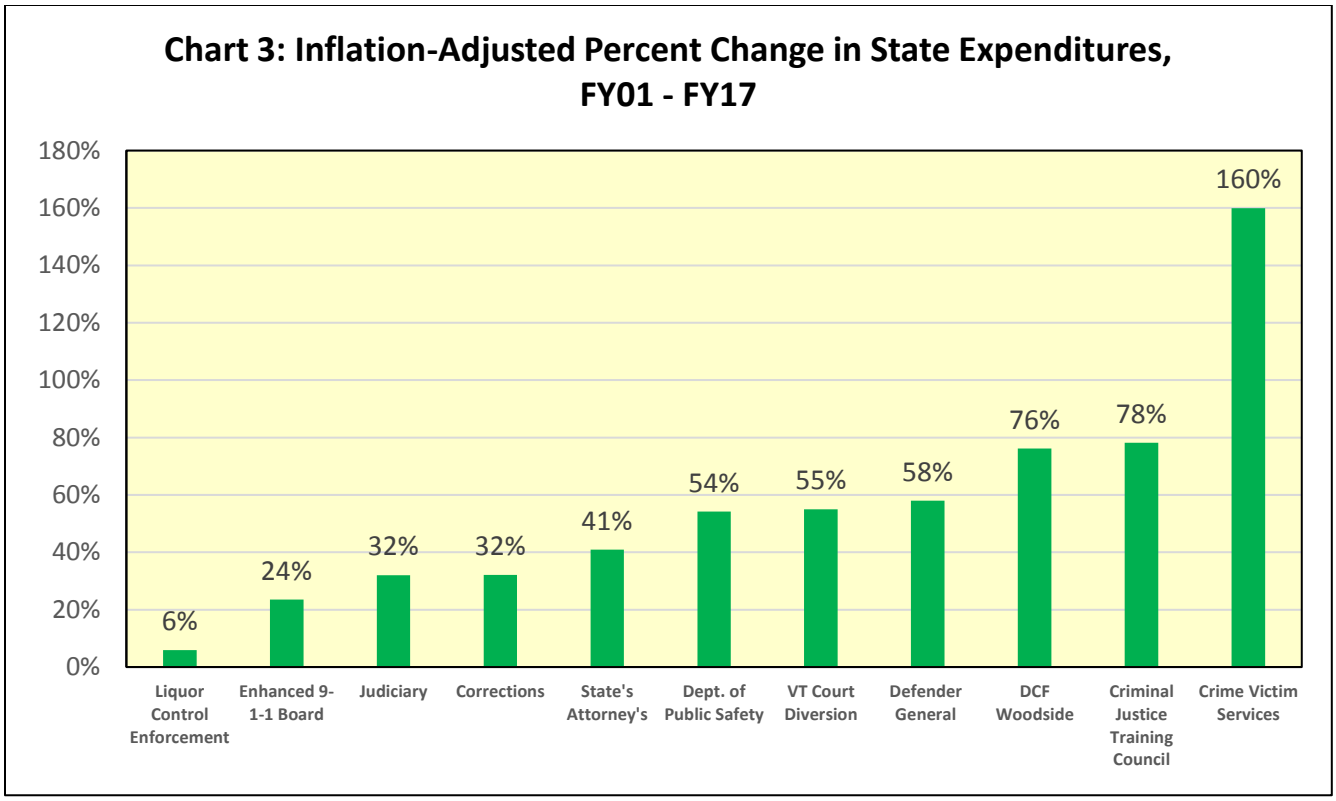
5 The scope of this analysis did not allow for a more detailed review of interdepartmental funds. Some interdepartmental funds may originate from public safety entities included in this analysis, while other interdepartmental funds may originate from entities not included in this analysis.

inflation-adjusted changes in appropriations by entity.[6] Causes of the spending increases are discussed later in this report. We make no judgments about the magnitude or effectiveness of these expenditures.

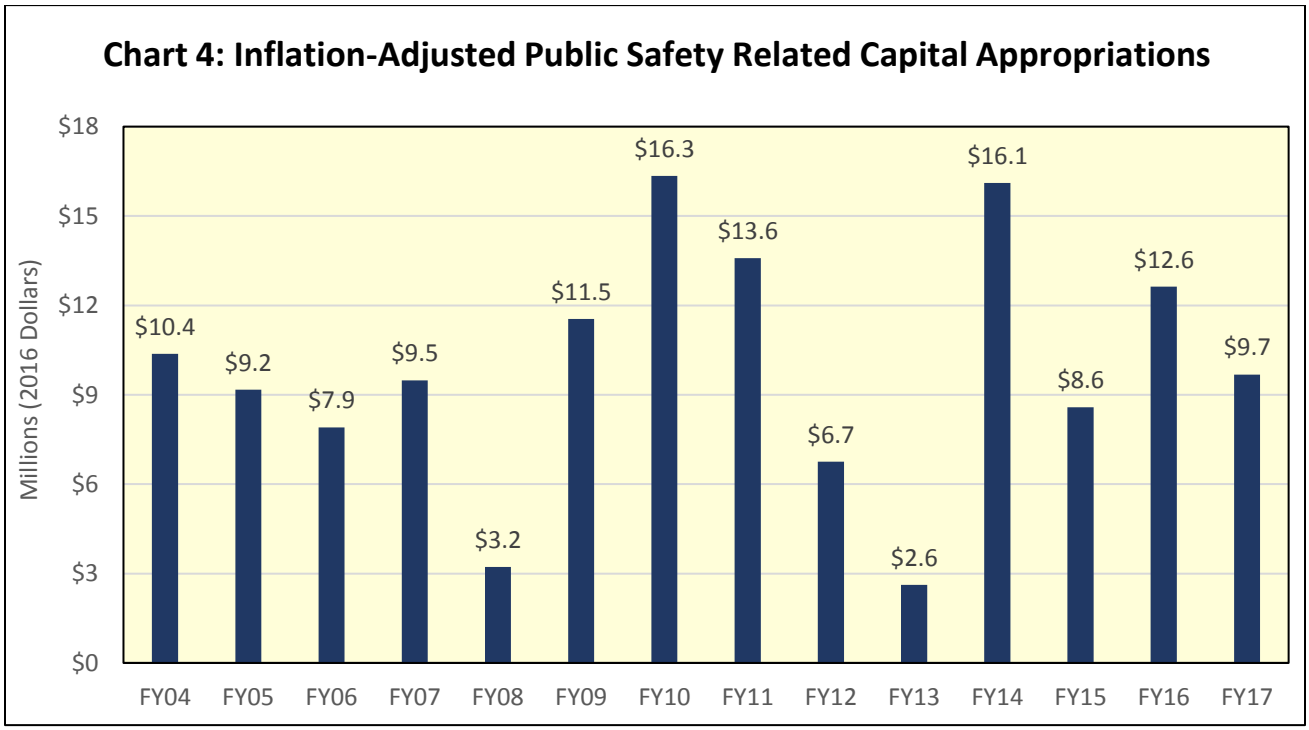



6 Note that 2004 saw a one-time $50 million federal grant to the Department of Corrections, explaining the significant General Fund appropriations decrease in 2004 in the graph below, see Fiscal Year 2004 Appropriations Act here.




Capital appropriations are another component of the cost of public safety. These appropriations consist of a wide range of capital projects, and include forensic lab renovations, state police barracks construction, Department of Corrections (DOC) security upgrades, and general security updates to state facilities, among others.



From 2004 – 2017, inflation-adjusted annual totals for capital appropriations ranged from $2.6 – $16.3 million. Over the 14-year period (and adjusted for inflation), the State appropriated $138 million for capital projects related to public safety.[7]

## Trends in Crime and Spending

The following section reviews broad public safety trends and is derived from a wide-ranging literature review, as well as analyses of data from the Census Bureau, FBI Uniform Crime Reports, and the Bureau of Justice Statistics.

In the 1980s and early 1990s crime rose in the United States. Then crime rates began to fall: between 1994 and 2013 the violent crime rate fell over 48 percent, while the property crime rate fell nearly 29 percent.[8] While national crime statistics highlight broad trends, they can obscure important differences between geographic areas. For example, the Bureau of Justice Statistics reports rates of violent and property victimization by geographic locations. In 2015, when compared to urban locations, rural areas had a 47% lower violent crime victimization rate and a 34% lower property crime victimization rate.[9] Such geographic differences are important when considering largely rural states like Vermont.

Decreases in crime have been attributed to a broad range of changes in the United States. Research suggests that certain social, economic, and environmental factors have played a significant role in the decrease in crime. Such factors are wide-ranging, and may include an aging population, changes in income, consumer confidence, and a decreased consumption of alcohol.[10] [11] [12] In addition, studies indicate that data-driven policing approaches that detect patterns of crime, known as CompStat, have also played a significant role in crime reduction, especially in urban areas.[13] Importantly, research suggests that while incarceration can reduce crime, it has had little impact on the downward trend in violent crime over the last 25 years.[14] [15]

Declining crime rates across the United States have not been accompanied by decreased spending on the justice system by federal, state, and local governments, as spending has increased nationwide. Public safety spending now accounts for a higher share of government

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7 Calculated from 2004 – 2017 capital appropriations budgets from the Vermont Legislative Joint Fiscal Office, available here.

8 See Crime in the United States 5 and 10 year UCR Trends, available here.

9 See: Bureau of Justice Statistics, National Crime Victimization Survey (NCVS), 2014 and 2015, available here.

10 Roeder, Eisen, Bowling, "What Caused the Crime Decline?" *Brennan Center for Justice at New York University School of Law,* 2015, available here.

11 Baumer, Eric, "An Empirical Assessment of the Contemporary Crime Trends Puzzle: A Modest Step Toward a More Comprehensive Research Agenda," Understanding Crime Trends, *National Academies Press,* 2008.

12 Blumstein and Rosenfeld, "Factors Contributing to U.S. Crime Trends, Understanding Crime Trends, *National Academies Press,* 2008.

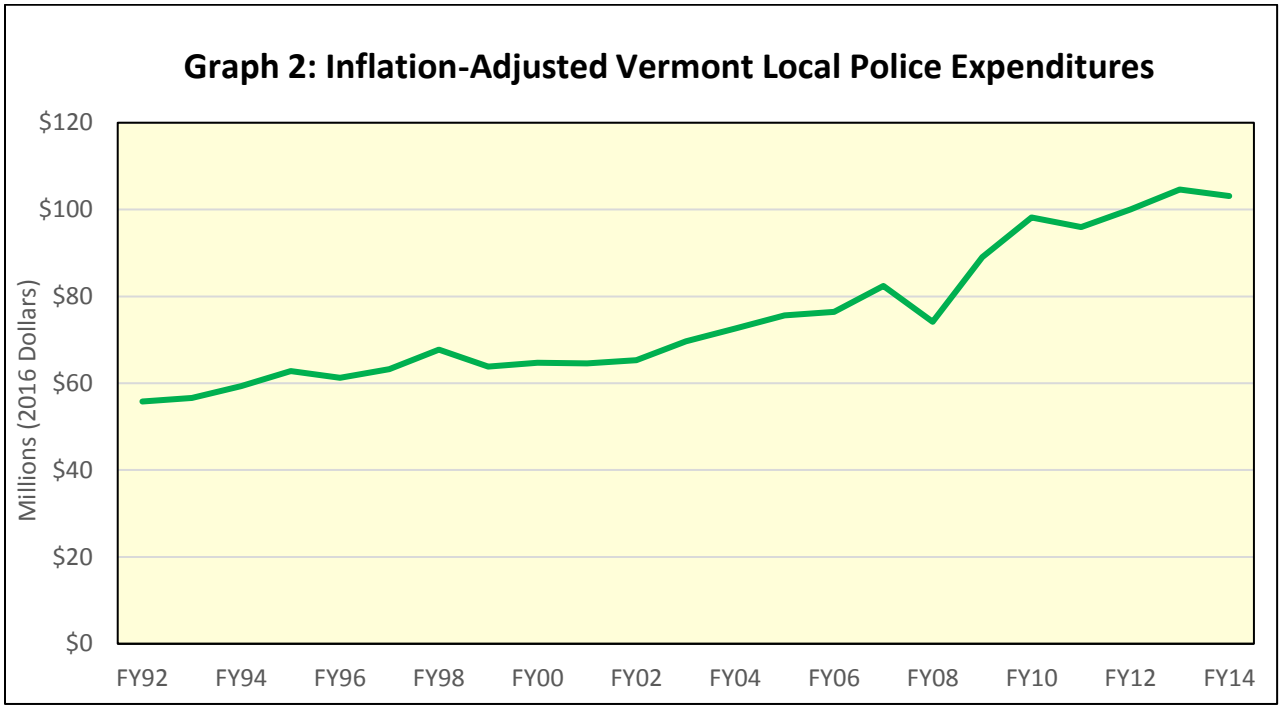
13 Roeder, Eisen, Bowling, "What Caused the Crime Decline?" available here.

14 Roeder, Eisen, Bowling, "What Caused the Crime Decline?" available here.

15 Raphael, Steven, and Stoll, Michael, "A New Approach to Reducing Incarceration While Maintaining Low Rates of Crime," The Hamilton Project, Brookings, 2014, available here.

budgets nationwide than 30 years ago, as aggregate spending on other publicly funded activities has not increased at a similar rate.[16] [17] Nationally, federal, state, and local governments' spending exceeds $265 billion per year on their respective justice systems, with $126 billion spent on police protection, $58 billion spent on judicial and legal components, and $81 billion spent on corrections.[18]

Spending on police services by Vermont localities matches the national pattern. In 1992, local Vermont governments spent $55.9 million in inflation-adjusted dollars on police. By 2012, that spending had nearly doubled to just over $100 million.[19]




The well-documented increase in opioid use over the past decade has placed new strains on law enforcement, courts, social service, and other government organizations.[20] State and local governments have had to commit significant resources to manage the growing problem: While

16 Read: "Economic Perspectives on Incarceration and the Criminal Justice System," Executive Office of the President of the United States, 2016, available here.

17 Mitchel, Michael and Leachman, Michael, "Changing Priorities: State Criminal Justice Reforms and Investments in Education," Center on Budget and Policy Priorities, 2014, available here.

18 Kyckelhahn, Tracey, "Justice Expenditure and Employment Extracts, Table1 fiscal 2012, preliminary" Bureau of Justice Statistics, 2012. Available here.

19 See: Census State and Local Government Finances data, available here. Inflation-adjusted dollars. Data on local police spending for 2015 – 2017 is not yet available, because of lengthy lead times for publishing data reports at the Census, however, spending during the previous two decades shows a clear upward trend. Census statistics for local police spending are not available for 2001 and 2003; the average of the previous and following year is used as an estimate.

20 Seelye, Katharine, "Heroin Epidemic Increasingly Seeps Into Public View," The New York Times, March 2016, available here.

estimates vary, research suggests that all illicit drug cost the (including opioids) U.S. criminal justice system over $60 billion a year. Non-prescription use of opioids specifically cost an approximate $7.7 billion, paid mostly by state and local governments.[21] [22] The increase in opioid use over the last decade is often linked to increases in crime, especially in Northeast areas including Vermont.[23] [24] Few comprehensive studies have examined the relationship between drug use and crime rates, although some have indeed linked increase drug use to a higher likelihood to commit property and violent crimes.[25]

A further component of the national rise in justice system spending stems from a higher number of adults in the United States under correctional supervision. In 1990, the number of adults under the supervision of correctional systems (which includes probation, parole, other community supervision, and incarceration) stood at an estimated 4.35 million, with 1.15 million of those incarcerated.[26] Nationwide, states spent an inflation-adjusted $35.8 billion on corrections. Both total corrections-supervised and incarcerated populations rose steadily throughout the 1990s and early 2000s, peaking in 2007 at 7.34 million and 2.29 million, respectively.[27] Over the same period, inflation-adjusted state corrections expenditures reached $50.2 billion. However, by the end of 2014, the total correctional and incarcerated populations had shrunk to 6.85 million and 2.22 million, respectively, and state expenditures shrunk slightly to $48 billion.[28] Despite the decline since 2007, the total correctional and incarcerated populations in 2014 remained 57 percent higher and 94 percent higher, respectively, than in 1990.

Along with reduced crime rates, the decline in incarcerated population since 2007 has been attributed to significant sentencing reforms on both federal and state levels.[29] [30] [31] Federal legislation has included the Fair Sentencing Act of 2010, which eliminated mandatory minimum sentences for possession of crack and eliminated the sentencing disparity between crack and

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21 See: Executive Office of the President, Office of National Drug Control Policy, "How Illicit Drug Use Affects Business and the Economy, available here.

22 See: Florence, Curtis, et al., "The Economic Burden of Prescription Opioid Overdose, Abuse, and Dependence in the United States, 2013," Medical Care, October 2016.

23 Seelye, Katharine, "Heroin in New England, More Abundant and Deadly," The New York Times, July 2013.

24 See: Discussion of heroin epidemic and violent crime, in "Documenting and Explaining the 2015 Homicide Rise: Research Directions," U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, June 2016. Available here.

25 "Illicit Drug Use and Criminal Behavior, A Literature Review,"

26 Statistics for persons under correctional supervision in this section from: Bureau of Justice Statistics, "Estimated Number of Persons Supervised by U.S. Adult Correctional Systems, by Correctional Status, 1980 – 2014," available here.

27 Ibid.

28 State government corrections funding statistics from Bureau of Justice Statistics, "State Corrections Expenditures," available here, and from Census State and Local Government Finance, available here.

29 See: Bureau of Justice Statistics, "Correctional Population in the United States," available here.

30 See: Bureau of Justice Statistics, "Trends in Admissions and Releases," available here.

31 For state-level reforms, see: "Smart Reform Is Possible," American Civil Liberties Union, August 2011, available here.

powder cocaine.[32] The Justice Department has attempted to limit lengthy incarceration periods for non-violent offenders, for example by producing new guidelines regarding plea negotiations and triggering of mandatory minimum sentences.[33] [34] Furthermore, reductions may be partially attributed to legislative actions taken by at least 31 states intended to ensure that justice systems focus on public safety in a cost-effective manner.[35] Importantly, many of the reforms have focused on prioritizing prison space for serious and repeat offenders, and investing some of the savings in alternatives to incarceration for low-level offenders, as well as efforts to reduce recidivism.[36] Vermont, too, has implemented several sentencing and corrections reforms, including sending some juvenile offenders to family court rather than criminal court, term-limited probation, and efforts to reduce recidivism (see Department of Corrections section for further discussion).[37]

While the violent crime rate in the United States spiked in the late 1980s and early 1990s, the Vermont violent crime rate did not see a similar spike: it decreased slightly from 1985 to 1994, and then remained relatively steady, with some fluctuation, from 1995 – 2004. The property crime rate decrease in Vermont from 1985 to 2004 mirrored the national trend, and dropped from a reported 3,740 per 100,000 in 1985 to 2,343 per 100,000 in 2004.[38] Beginning in 2005, Vermont crime collection and reporting methodologies changed (see footnote), and the graphs below show violent and property crime rates for Vermont and the United States, respectively, from 2005 – 2012.[39] From 2005 – 2012, the violent crime rate in Vermont remained significantly lower than the U.S. average, but did increase from 126 violent crimes per 100,000 in 2005 to 142.6 per 100,000 in 2012, an overall 13 percent increase. However, as seen in Graph 3, the Vermont violent crime rate fluctuated over the 2005 – 2012 period, changing by over ten percent three times, and fluctuated significantly over the 1985 – 2004 period, as well. From

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32 See: Justice Department summary of Fair Sentencing Act of 2010 reforms, available here.

33 "Department Policy on Charging Mandatory Minimum Sentences and Recidivist Enhancements in Certain Drug Cases," Office of the Attorney General, August 2013, available here.

34 Guidance Regarding §851 Enhancements in Plea Negotiations, Office of the Attorney General, September 2014.

35 LaVigne, Nancy et al., "Justice Reinvestment Initiative State Assessment Report," Urban Institute, January 2014, available here.

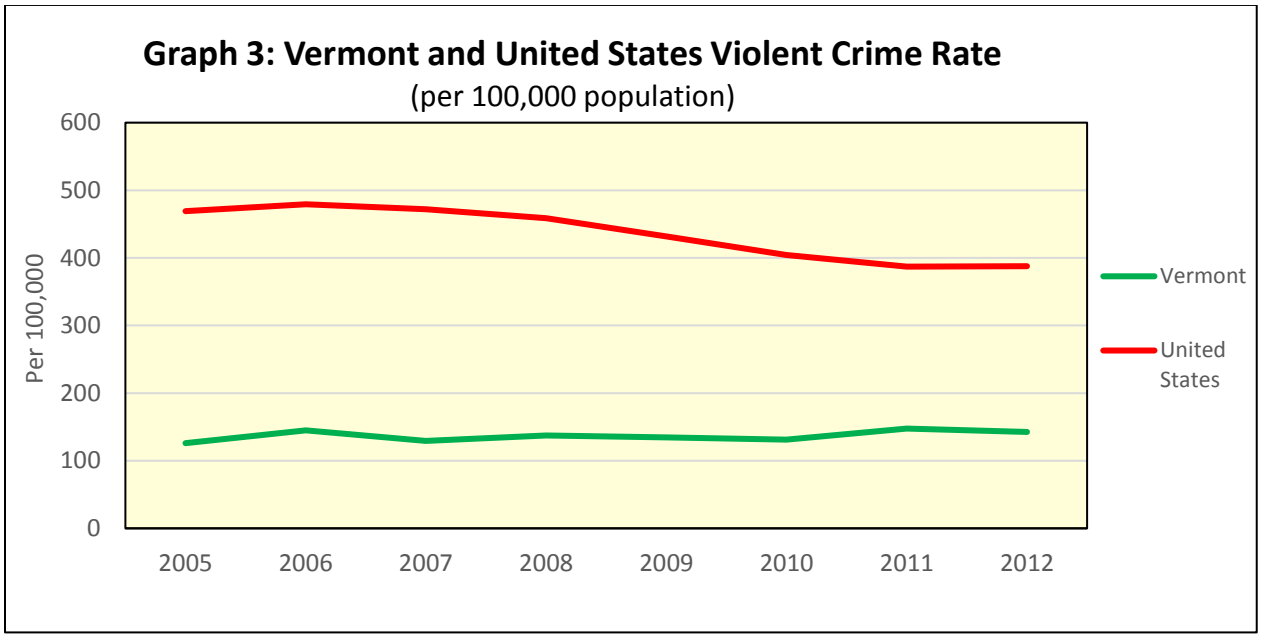
36 Ibid.

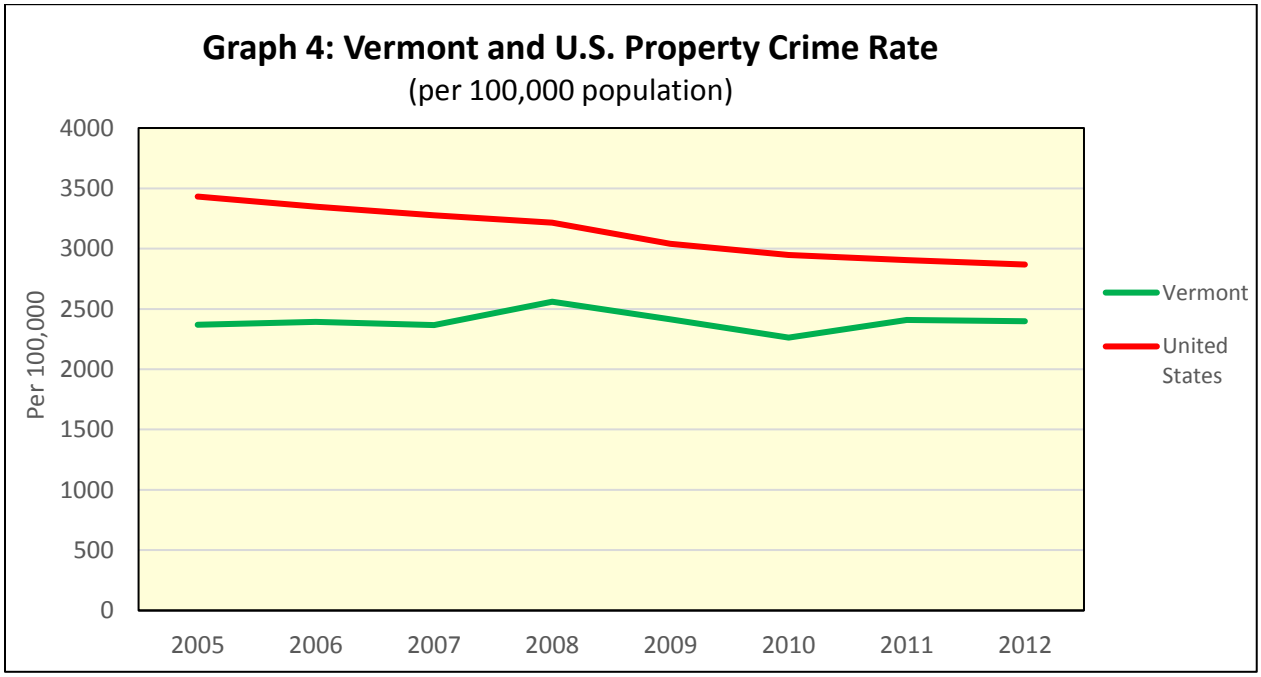
37 Read Act 153 and Act 41.

38 SAO analysis based on data from the FBI Uniform Crime Reporting Program, available here.

39 Vermont and United States Violent Crime Rate and Property Crime rate data available here. Note that over the 2001 – 2015 period, crime reporting and collections systems have changed in their methodology, and there may be differences in the number of crimes included in crime rate calculations. While research suggests that the changes result in small differences, SAO presents violent crime and property trends in multiple charts to reflect changes in collection and reporting methodology implemented in 2005. Furthermore, DPS's Vermont Crime Information Center (VCIC) 2013 and 2014 Vermont Crime Report note a decrease in the number of incidents reported to the state program as some Vermont law enforcement agencies converted to new records management systems. Therefore, it is highly probable that not all incidents are represented in the data available for 2013 and 2014, and therefore we have not included those years in the Graph 3 and Graph 4. For further discussion of changes in crime collection and reporting methodology, see read, here, here.

2005 – 2012, while the U.S. property crime rate declined significantly, the Vermont property crime rate remained flat, increasing by just over 1 percent.



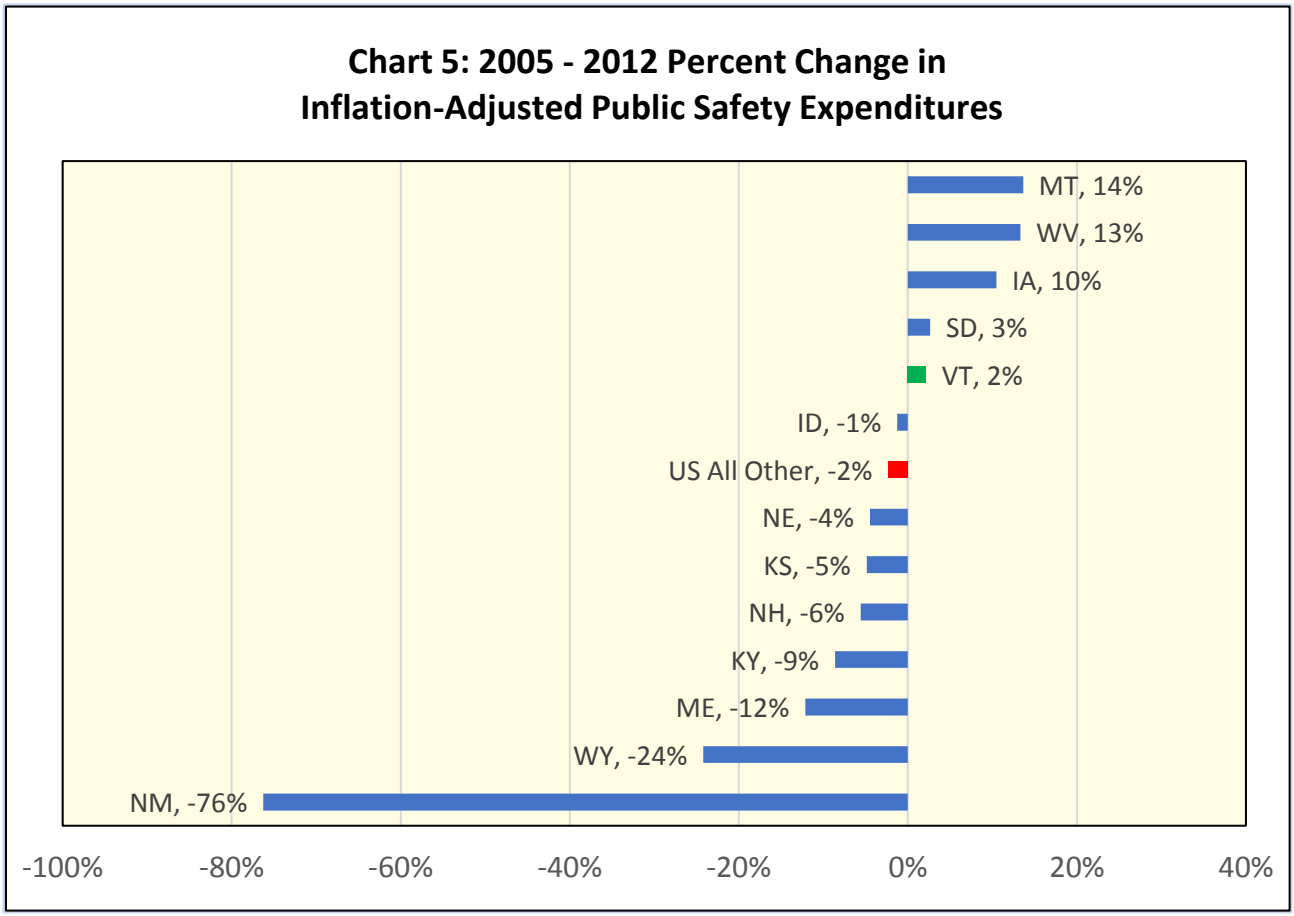




The charts below show crime rates and public safety spending for Vermont, various states, and an aggregation of all states not shown, labeled United States, All Other.[40] These charts do not

40 See: Census State & Local Government Finances, 2004 – 2013, available here, and FBI Uniform Crime Reporting, Crime in the United States Offense Tables, available here. Census public safety spending does not include all the entities included in Graphs 1 and Chart 1, explaining the difference between Census and SAO percentage change. Furthermore, crime collection and reporting methodologies may not be identical across states and may change over time.

"rank" Vermont in comparison to other states, as doing so can create misleading perceptions about differing geographies, which can be affected by variations in demography, economic conditions, and law enforcement resources, among other factors.[41] To avoid ranking, Charts 6 and 7 show percentage change rather than crime rates. States were chosen by population density, as well as proximity to Vermont (New Hampshire and Maine).

These data show no strong correlation between public safety expenditures and violent and property crime rates for the selected geographies. Increased, decreased, or relatively level public safety spending was not correlated with an increase, decrease, or stable level of violent or property crime. Overall, the United States experienced a 2.3 percent decrease in public safety spending, while its violent and property crime rates dropped by over 17.5 and 16.7 percent, respectively. Vermont's public safety expenditures grew 2.1 percent from 2005 – 2012, while the violent crime rate increased by 13 percent and property crime increased by 1 percent.




41 Read: Uniform Crime Reporting Statistics: Their Proper Use, available here.

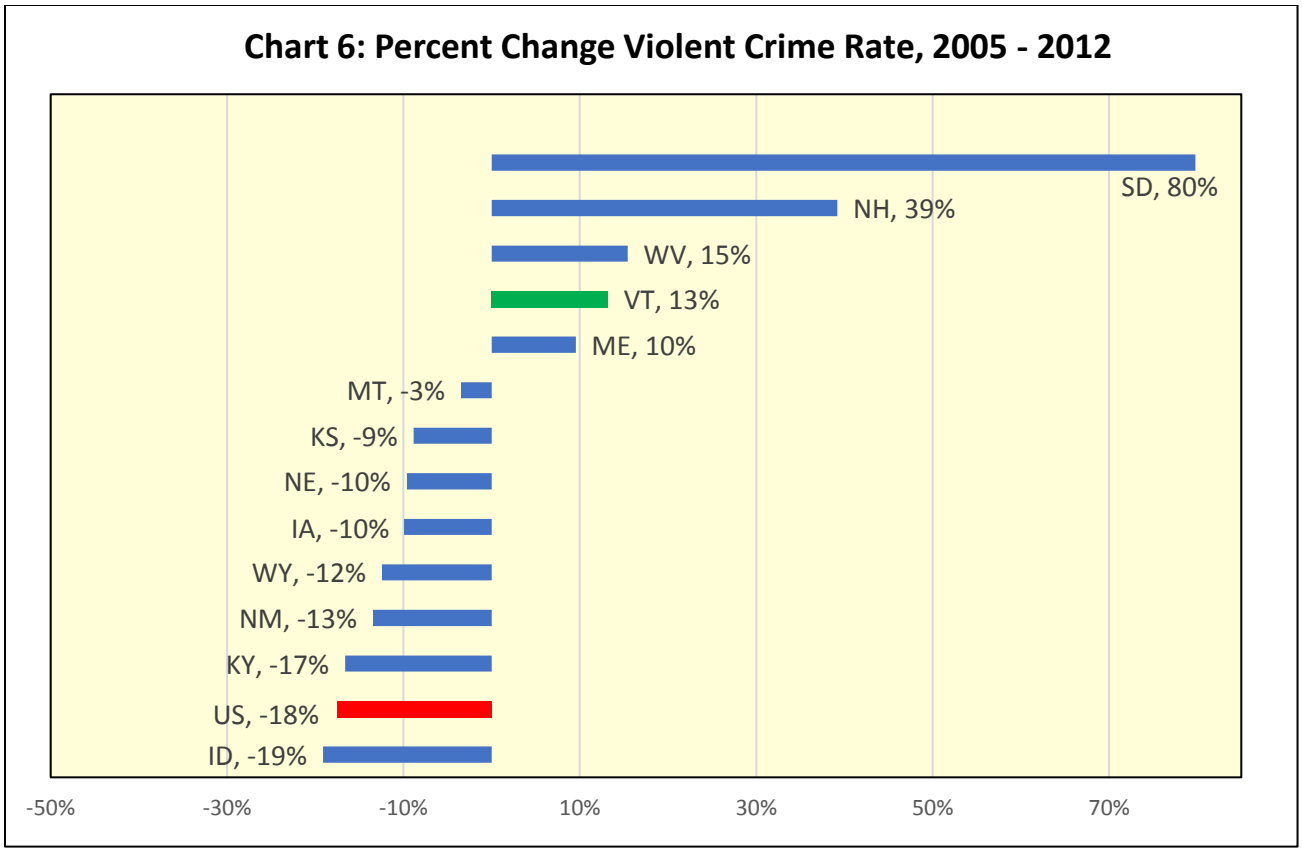


Chart 6: Percent Change Violent Crime Rate, 2005 - 2012
SD, 80%
NH, 39%
WV, 15%
VT, 13%
ME, 10%
MT, -3%
KS, -9%
NE, -10%
IA, -10%
WY, -12%
NM, -13%
KY, -17%
US, -18%
ID, -19%
-50%
-30%
-10%
10%
30%
50%
70%

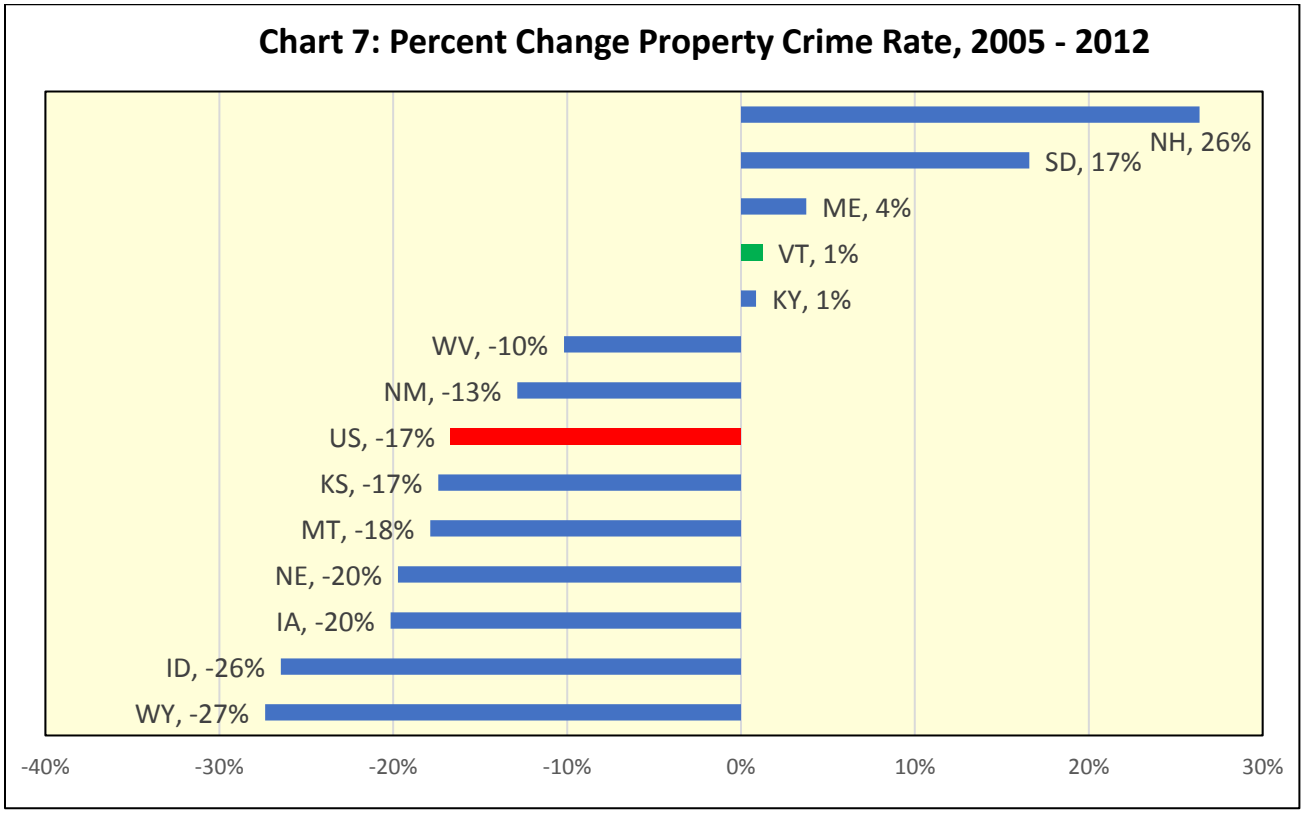
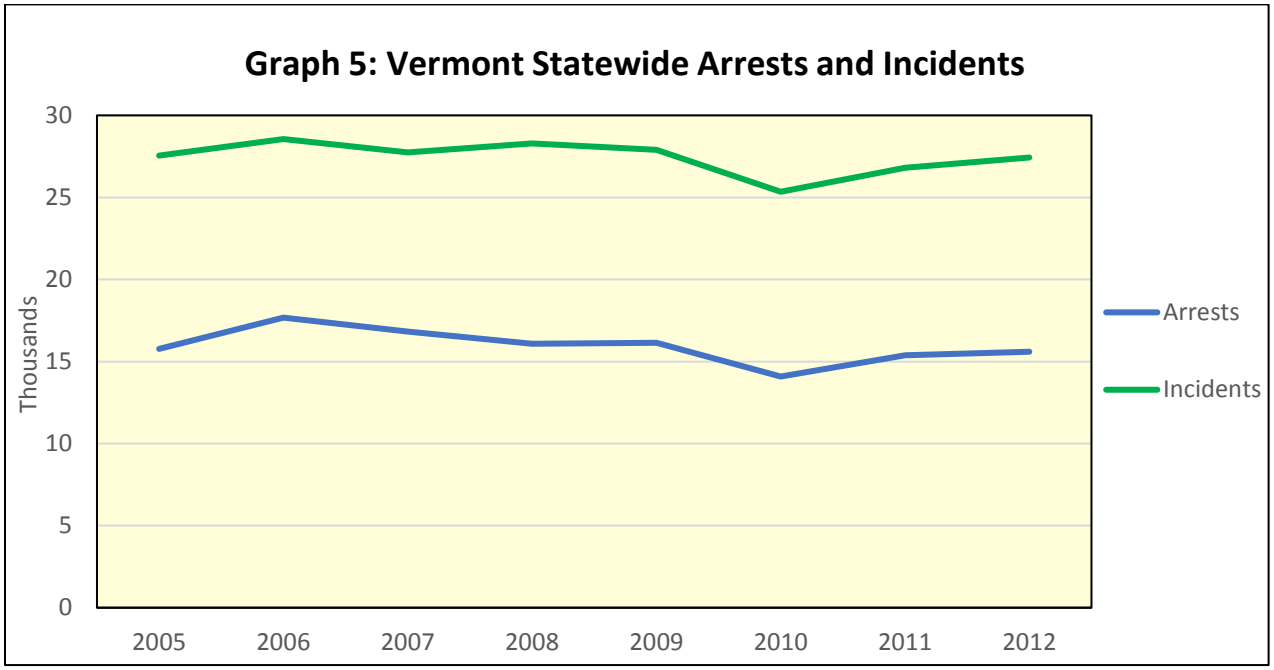


Chart 7: Percent Change Property Crime Rate, 2005 - 2012
NH, 26%
SD, 17%
ME, 4%
VT, 1%
KY, 1%
WV, -10%
NM, -13%
US, -17%
KS, -17%
MT, -18%
NE, -20%
IA, -20%
ID, -26%
WY, -27%
-40%
-30%
-20%
-10%
0%
10%
20%
30%

The graphs below show statewide incidents and arrests reported from 2005 – 2012, retrieved from the Department of Public Safety's Vermont Crime Information Center (VCIC), the State's repository for various criminal record information systems.[42] While data from 2013 – 2015 is available through this database, the VCIC's 2013 and 2014 Vermont Crime Report notes a significant decrease in the number of incidents reported, as some law enforcement agencies converted to new records management systems. Therefore, it is highly probable that not all incidents are included in the data available for 2013 and 2014, so we have not included those years in the graphs below.[43] Such gaps in crime data are unfortunate, as they make it more difficult in the short-term for law enforcement officials, policy makers, and interested citizens to analyze and understand crime trends.

Notwithstanding significant annual variations, the number of incidents reported to and arrests made by law enforcement agencies statewide were almost identical in 2012 as they were in 2005.




42 For more information, see: Department of Public Safety Vermont Crime Information Center.

43 More information about Vermont crime statistics available here.

## A Closer Look: Vermont Entities with Public Safety Responsibilities

The following section presents changes in appropriations for numerous entities in the public safety sphere, as well as relevant contextual information derived from legislative and departmental reports, and through SAO correspondence with departments.

Many of the departments stated that some of the changes in their budgets stemmed from increases in labor costs. Various factors contribute to labor cost changes: salary adjustments negotiated as part of collective bargaining agreements, step advancements, promotions, and changes in health care costs, among others.[44] While appropriations changes shown are adjusted for inflation, which includes changes in labor costs, it is possible that labor cost to the State of Vermont have outpaced inflation.

Most classified employees defined in this report as entities with public safety responsibilities fall under the collective bargaining agreements made between the State of Vermont and Vermont State Employees' Association, Inc.[45] Average employer paid benefits (which includes health insurance, retirement contributions, dental insurance, FICA, and workers' compensation premiums) increased from FY01 to FY17 by just over $10,000 per classified employee after adjusting for inflation.[46] Note that while these trends are averages for the total State workforce and they may affect each entities' budget differently.

### Department of Corrections

The Vermont Department of Corrections operates as a unified department to manage offenders throughout their terms of custody, across incarceration and field supervision.[47] According to DOC, new prisons were opened in 1993, 1994, 2000, and 2003.[48] Despite the new facilities, the number of persons flowing into the system exceeded its capacity. In response, the State began contracting with other states and private corporations to meet demand.

Inflation-adjusted State DOC appropriations grew from $115 million in 2001 to $152 million in 2011, a 32 percent increase over the period. However, since 2011 appropriations have remained flat, with slightly less than $152 million in state appropriations for FY17.[49]

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44 Read: FY2016 State of Vermont Workforce Report, available here.

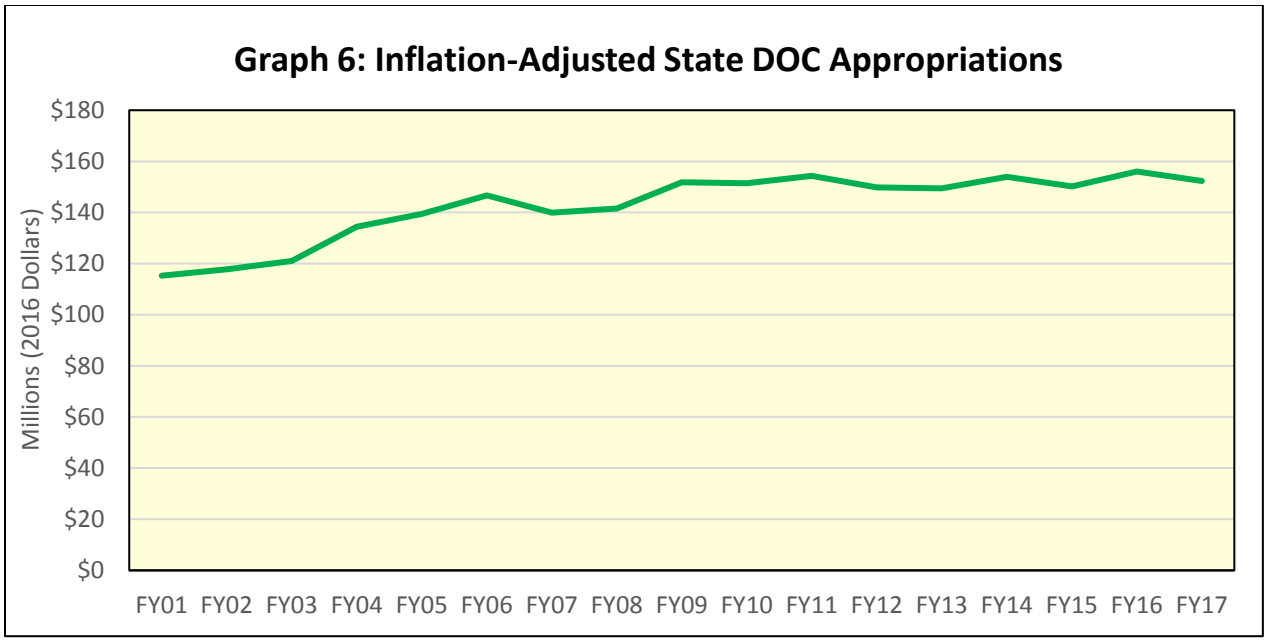
45 For more contextual information about compensation structure changes, see State of Vermont Human Resources Workforce Reports, available here, and Collective Bargaining Agreements between the State of Vermont and the Vermont State Employees' Association, Inc., available here.

46 SAO calculations from State of Vermont Workforce Reports. Total benefits cost per employee 2016: $29,875, total inflation adjusted cost per employee 2007: $19,658. Workforce Reports available here.

47 See: Vermont Department of Corrections Annual Report.

48 Ibid.

49 Note that 2004 saw a one-time $50 million federal grant to DOC, from the federal Jobs and Growth Tax Relief Reconciliation Act of 2003. According to the Vermont Fiscal Year 2004 Appropriations Act, had the amount paid to Vermont been less than $50 million, General Fund




The flat spending pattern over the last six years can be partially explained by a decrease in the number of Full Time Equivalent employees (FTEs) at DOC since 2007. From 2001 to 2007, the number of FTEs grew from 932 to 1128. Since 2007, the number of FTEs has declined to 1038, but remains 106 higher than in 2001 (increase from 932 to 1038).[50] [51]

Furthermore, fluctuations in DOC appropriations have been driven by changes in the incarcerated population. A 2006 Council of State Governments analysis projected that if incarceration growth continued at the same pace as it had over the previous decade, the State would have over 2,500 incarcerated persons by June 2015.[52] In the intervening years, the legislature passed various reforms dealing with term-limited probation, furlough, and the notable "War on Recidivism Act."[53] [54] The 2011 War on Recidivism Act included a measure that more accurately defined recidivism, as well as provisions meant to reduce recidivism among non-violent, low-risk offenders. Vermont's incarcerated population dropped significantly, from a peak of 2,248 in 2010 to 1,892 in June of 2015, although the average annual population remained slightly higher, at 1,997.[55] In addition, there has been a dramatic decrease in the number of persons on probation. After peaking at 9,802 in 2003, the number of persons on

appropriations were to be increased by the amount of the difference. The federal grant is included in the state appropriations graph above but no additional federal funding is included. See Fiscal Year 2004 Appropriations Act here.

50 The number of FTEs declined over the 2007 – 2011 period, however, State of Vermont Workforce Reports show that from 2007 – 2015 DOC inflation-adjusted overtime costs increased 31 percent, to $5.68 million in 2015.

51 From Vermont Department of Human Resources Workforce Reports, available here.

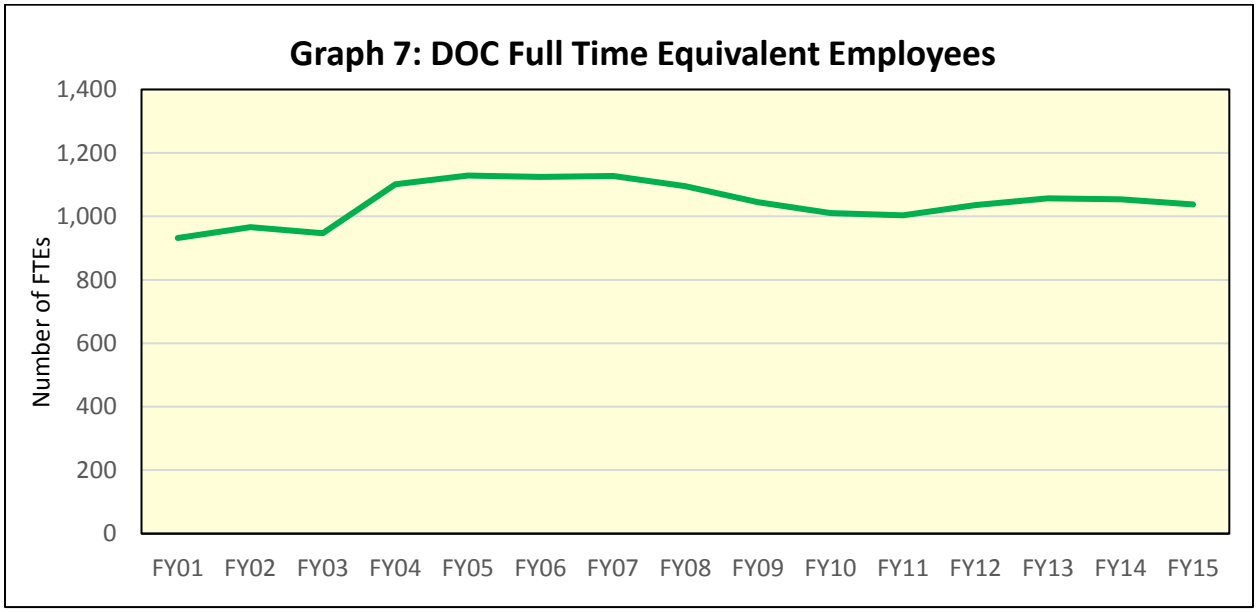
52 Read: Recent and Projected Growth in the Vermont Prison Population, available here.

53 See: An act relating to effective strategies to reduce criminal recidivism, available here.

54 See: Vermont Department of Corrections Annual Report.

55 Ibid.

probation dropped 50 percent to 4,869 in 2015. The decrease in the number of persons on probation may be partially attributed to various reforms passed by the legislature since 2003, such as Act 145 in 2003 limiting probation terms for persons convicted of misdemeanors, and Act 157 in 2010, which aimed to reduce the number of nonviolent prisoners, probationers and detainees.[56] The annual per capita cost for incarceration is significant, and in 2015 totaled $62,224 for all instate facilities.[57] Health care costs make up a substantial share of the per inmate cost: a 2014 study found that in FY11 Vermont had the second highest health care costs among the states, at just over $11,000 per inmate, which is 11 percent higher than in 2007 when adjusted for inflation.[58] As the study notes, relatively higher costs are not necessarily an indicator of waste, and lower costs are not necessarily an indicator of efficiency.[59]

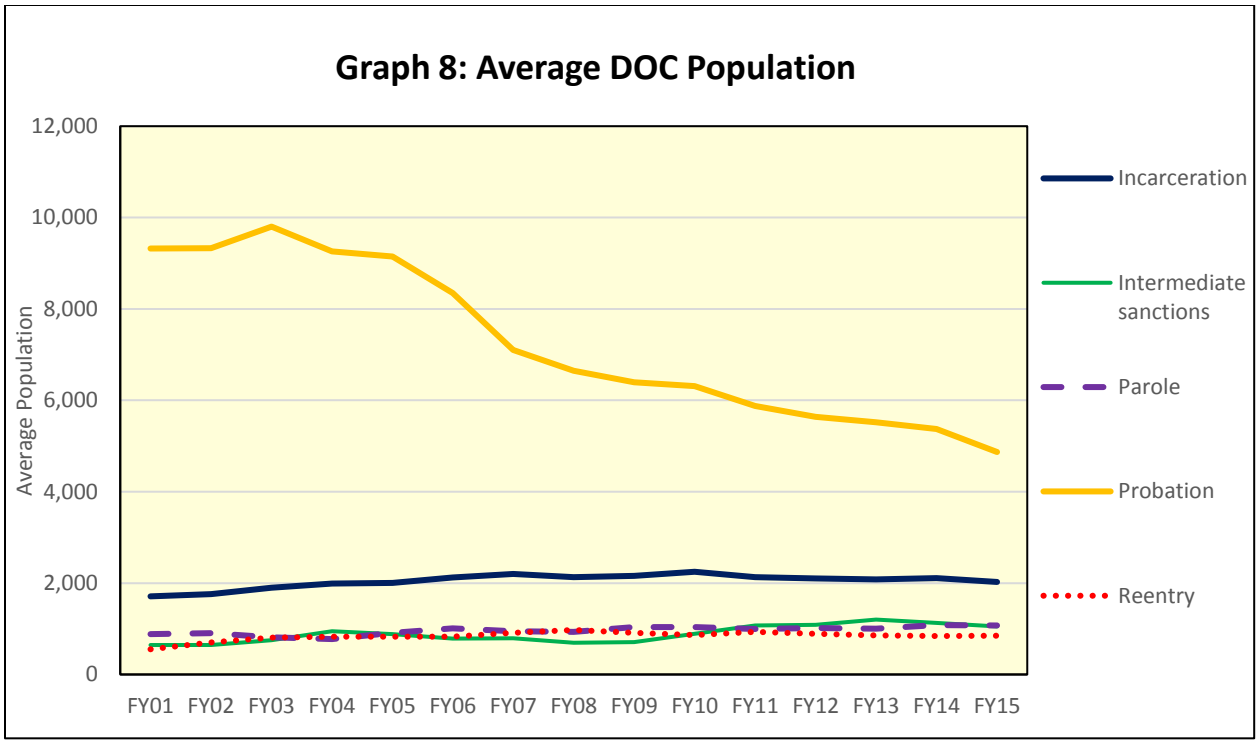


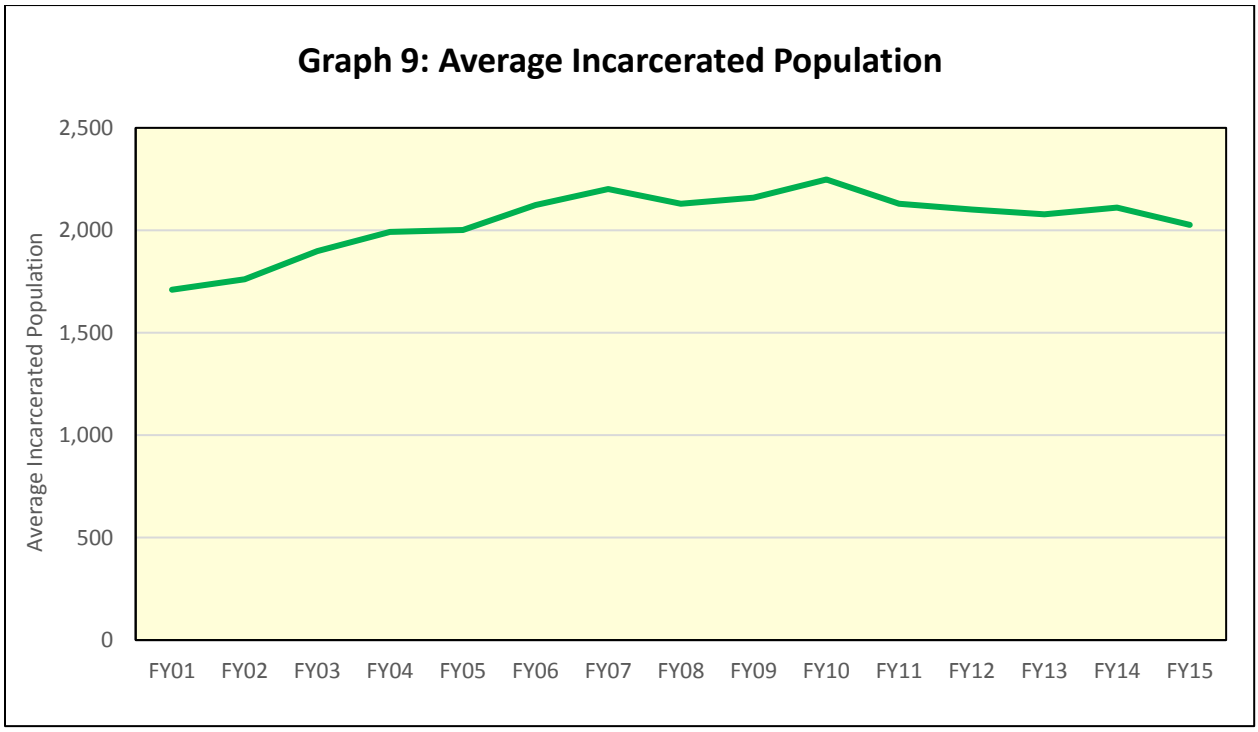

56 See: Act 145, Act 157 and 28 V.S.A. § 205.

57 See: 2015 Department of Corrections Annual Report, available here.

58 See: "State Prison Health Care Spending: An Examination," The Pew Charitable Trusts, 2014, available here.

59 Ibid.


Graph 8: Average DOC Population
Average Population
12,000
10,000
8,000
6,000
4,000
2,000
0
FY01 FY02 FY03 FY04 FY05 FY06 FY07 FY08 FY09 FY10 FY11 FY12 FY13 FY14 FY15
Incarceration
Intermediate sanctions
Parole
Probation
Reentry


Graph 9: Average Incarcerated Population
Average Incarcerated Population
2,500
2,000
1,500
1,000
500
0
FY01 FY02 FY03 FY04 FY05 FY06 FY07 FY08 FY09 FY10 FY11 FY12 FY13 FY14 FY15

## Department of Public Safety

The Department of Public Safety (DPS) is organized into several divisions: Vermont State Police (VSP), Vermont Emergency Management & Homeland Security, Criminal Justice Services, Administration, and Fire Safety. Department of Public Safety state appropriations have increased from $54.4 million in FY01 to $83.8 million in FY17, a 54.2 percent increase over the period. The increase can partially be attributed to significant changes in the structure and scope of DPS' work.[60] DPS now oversees more programs than it did in FY01, including:

- the Blood and Breath Alcohol program, transferred from the Department of Health to DPS in FY13;
- the Marijuana Registry program, added under legislative mandate, and in FY12 expanded to include in the statewide dispensary program;
- the Precious Metal Dealers Licensing program added in FY15; and
- the Division of Fire Safety to DPS, which in FY17 has a budget of $8.7 million.

DPS has adopted new technologies including data management systems, communications technologies and upgrades, Fingerprint Identification systems, License Plate Readers, among others. Furthermore, the scope of some programs have increased due to changes in statutory requirements, including the Criminal History Record Check and fingerprint-supported background check programs.

DPS has a total of 572 full-time equivalent employees, with the VSP representing a majority with 327 sworn members and 90 emergency communication dispatchers and civilian support staff (see Graph 11 below).[61] Some of the appropriations increase can be explained by the addition of 51.5 FTE sworn members and 36 civilian employees since FY2001. The VSP provide coverage to 212 of the state's 257 towns and villages, or 46 percent of the state population on a full-time basis.[62] Adjusted for inflation, VSP appropriations have increased from $45 million in 2001 to $59.7 million in 2017, a 32 percent increase overall. Over the past decade, the State Police has undergone significant changes:

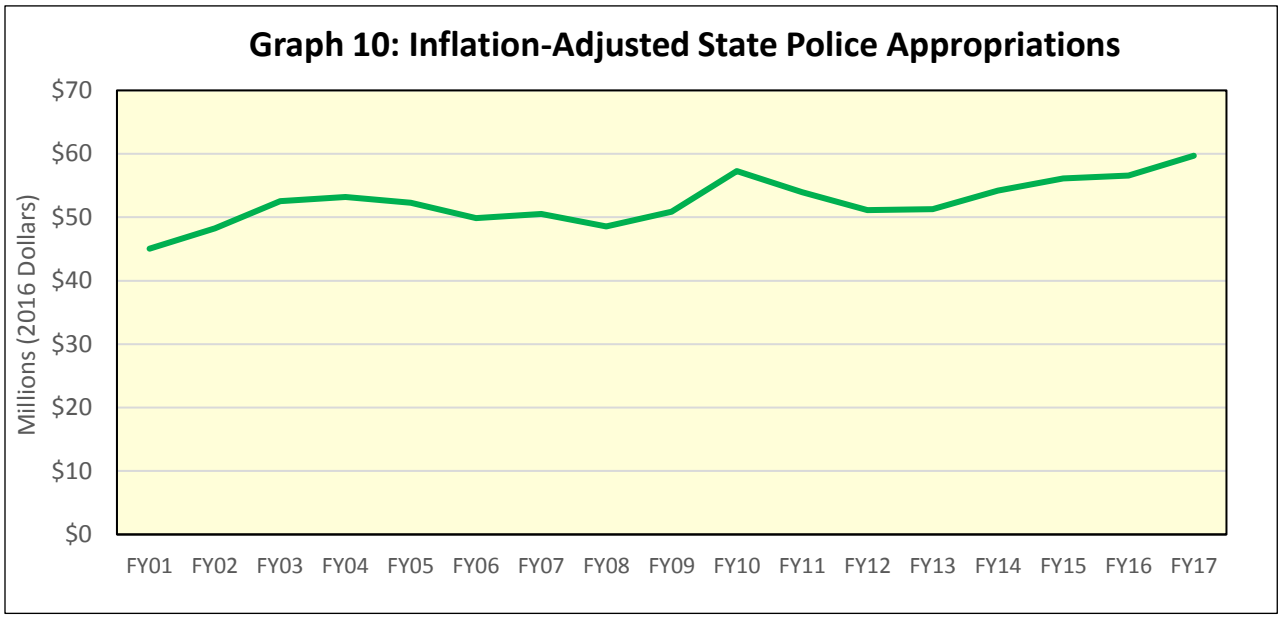
- The number of State Police Special Teams has doubled from six to twelve, having added: Clandestine Laboratory Enforcement Team, Crash Reconstruction Team, Crime Scene Search Team, Crisis Negotiation Unit, Critical Incident Dispatch Team, Member's Assistance Team; and
- The creation of specialized investigative units, including: Major Crimes Unit, Special Investigation Units, Computer Crime Unit, VT Intelligence Center, and the Drug Diversion Unit.

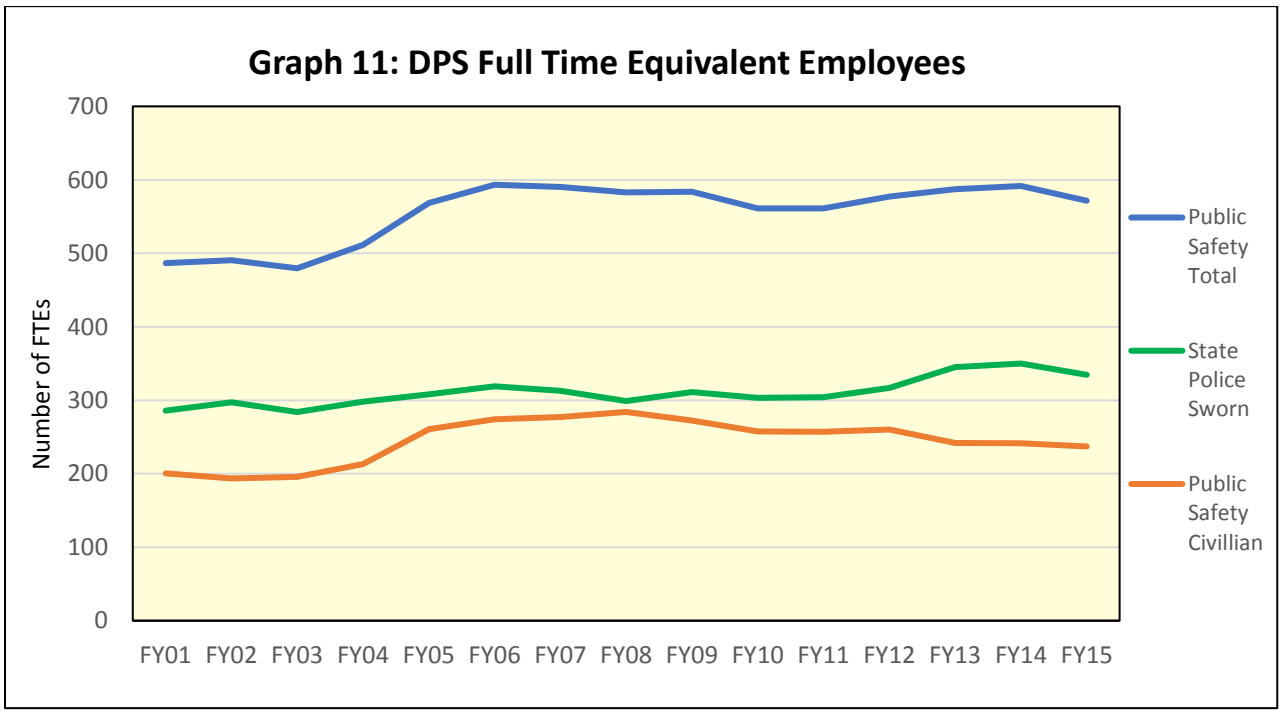
60 This section derived from SAO correspondence with the Department of Public Safety.

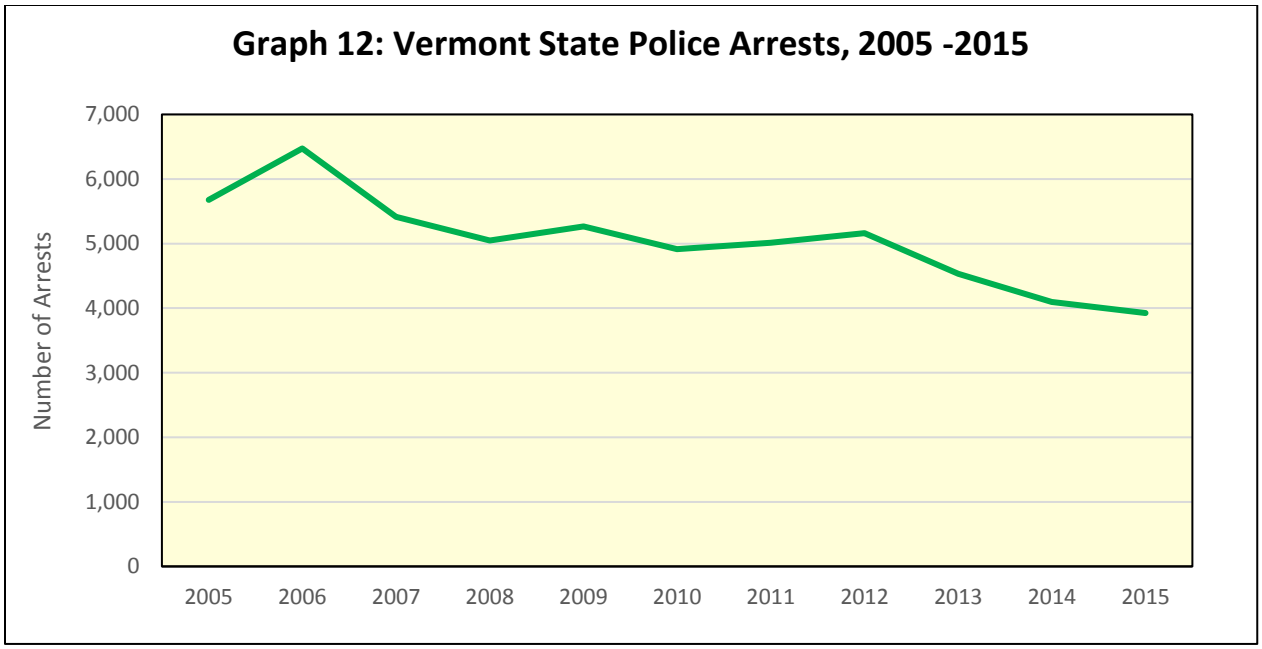
61 See Vermont Human Resources Department Workforce Reports, available here.

62 See the Department of Public Safety Budget Report, available here.

VSP has experienced significant programmatic changes since 2005 (earliest year available), and there has been a significant decrease in the number of arrests made by the VSP: From 2006 - 2015 arrests decreased by 39.4 percent (see Graph 12).

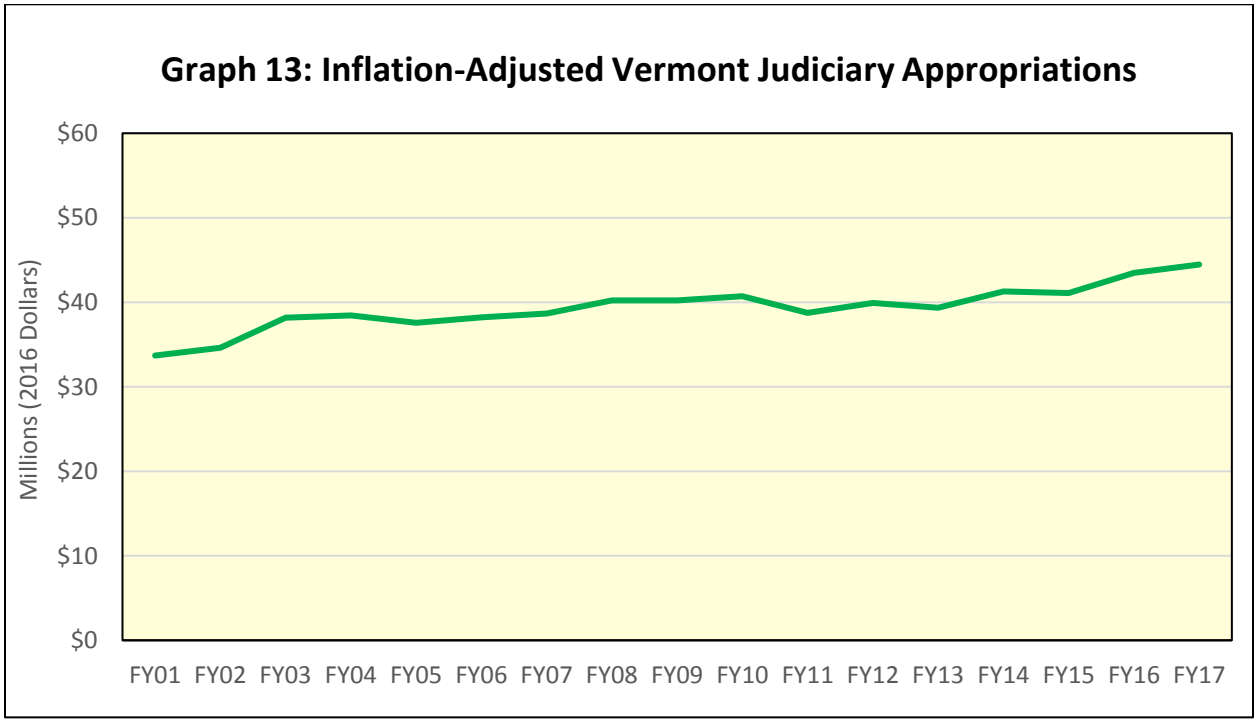





## Judiciary

From FY01 to FY17, total inflation-adjusted Judiciary appropriations rose from $33.7 million to $44.5 million a 38 percent increase, but not all of Judiciary's responsibilities relate to public safety (see below).



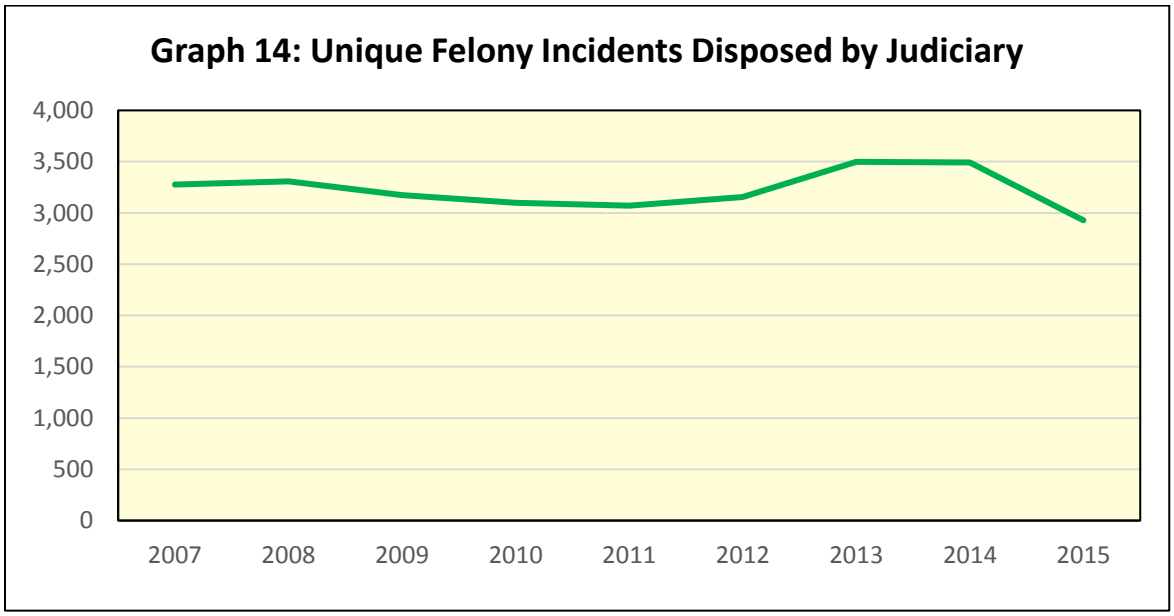

While appropriations have increased, some of Judiciary's activities do not necessarily relate to public safety, including much of the work of the Supreme Court, the Probate Division, and the

Civil Division. However, there are many cases outside of the criminal courts that relate to public safety. For example,

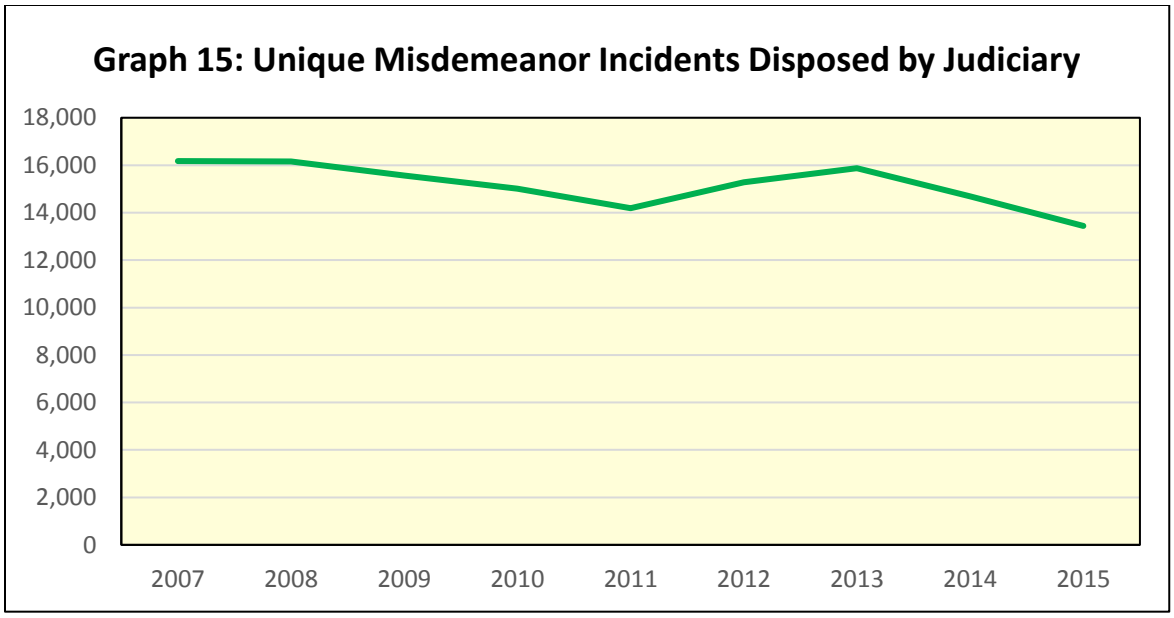
- the Civil Division resolves disputes that may be related to personal safety, such as granting temporary restraining orders;
- the Family Division handles cases related to abuse and neglect of juveniles, as well as relief from domestic abuse; and
- the Environmental Division rules on cases related to environmental enforcement and related public health issues.

Employees that might handle public safety-related cases in the divisions listed above likely also work on cases that do not relate to public safety. To accurately divide Judiciary's resources into public safety and non-public safety section would require an extensive study of Judiciary employees' work, which falls outside the scope of this analysis.

The graphs below show that while Judiciary's appropriations have grown, the number of cases disposed have not increased since 2007. Judiciary points to annual cost drivers, especially labor. In addition, SAO notes that a decline in the number of charges disposed does not necessarily indicate a reduction in Judiciary's workload. For example, statutory changes or changes in the mix of cases handled by Judiciary may affect the amount and allocation of resources.[63]




63 Data for number of Judiciary cases disposed provided by the Crime Research Group.




The graphs above show misdemeanor and felony incidents disposed from 2007 – 2015, rather than the time frame SAO examined for funding, because reliable data for this level of detail is not available for prior years.

Table 1 below compares changes in appropriations and cases disposed from 2007 – 2015.[64] For a more detailed breakdown of changes in Judiciary's caseloads, see Appendix 2.

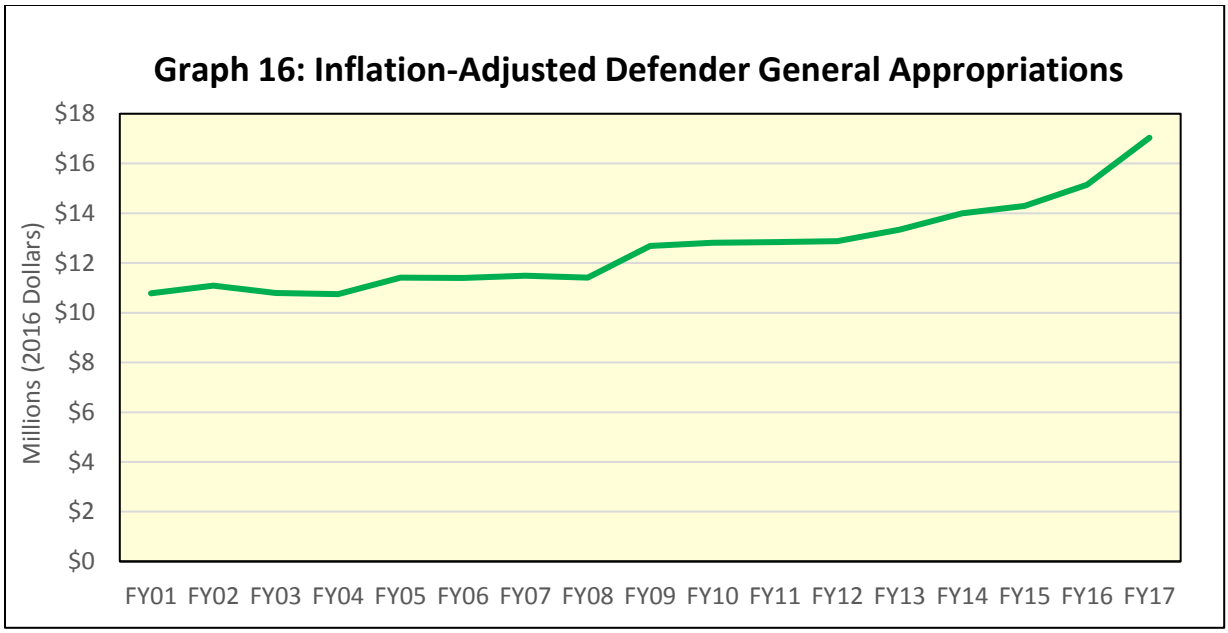
**Table 1: Change in Appropriations and Cases Disposed, 2007 - 2015**

| Category | Percent Change |
|---|---|
| Funding (2016$) | 6.3% |
| Total Criminal | -11.7% |
| Unique Felonies | -10.6% |
| Unique Misdemeanors | -16.9% |

## Defender General

The Office of the Defender General provides constitutionally required representation to needy persons charged with serious crimes, to children who are the subject of juvenile proceedings, to parties involved in juvenile proceedings, to children in the custody of the Department for Children and Families, and to persons in the custody of the Department of Corrections. Since 2001, appropriations for the Office of the Defender General have increased 58 percent.

64 Data for number of Judiciary cases disposed provided by the Crime Research Group.



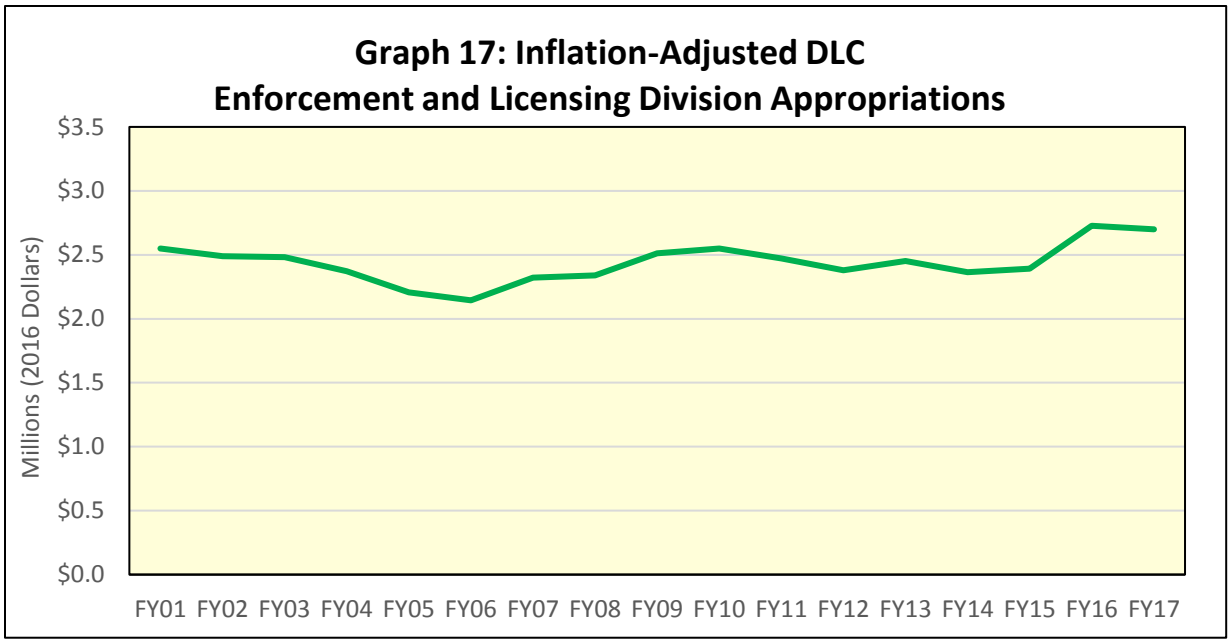

According to the Defender General, after a decade of caseload stability, there was a 21 percent increase in juvenile cases from FY 2013 – FY 2015.[65] Juvenile cases can be complicated and require considerable resources. Furthermore, the change in appropriations can partially be explained by increased demand for and costs of third-party providers due to changes in the law. For example, changes in sex crime laws result in more psychosexual evaluations.[66]

65 Office of the Defender General, Fiscal Year 2017 Budget: Caseload, Performance and Cost Per Case, available here.

66 From December 2016 correspondence with the Defender General.

## Vermont Department of Liquor Control: Enforcement and Licensing

The Vermont Department of Liquor Control (DLC) Enforcement and Licensing section is charged with investigating possible violations of liquor laws and regulations, and carrying out law enforcement activities related to such matters. Funding for the Enforcement and Licensing Division has varied considerably over the years and is now 26% higher than the low point in FY 2006.




DLC indicated that much of the growth in appropriations could be attributed to increases in labor costs. In addition, the department has entered reimbursement contracts for DUI patrols, FDA compliance contracts, Teenage Alcohol Awareness Party Patrols (START) and Stonegarden, a homeland security grant.[67]

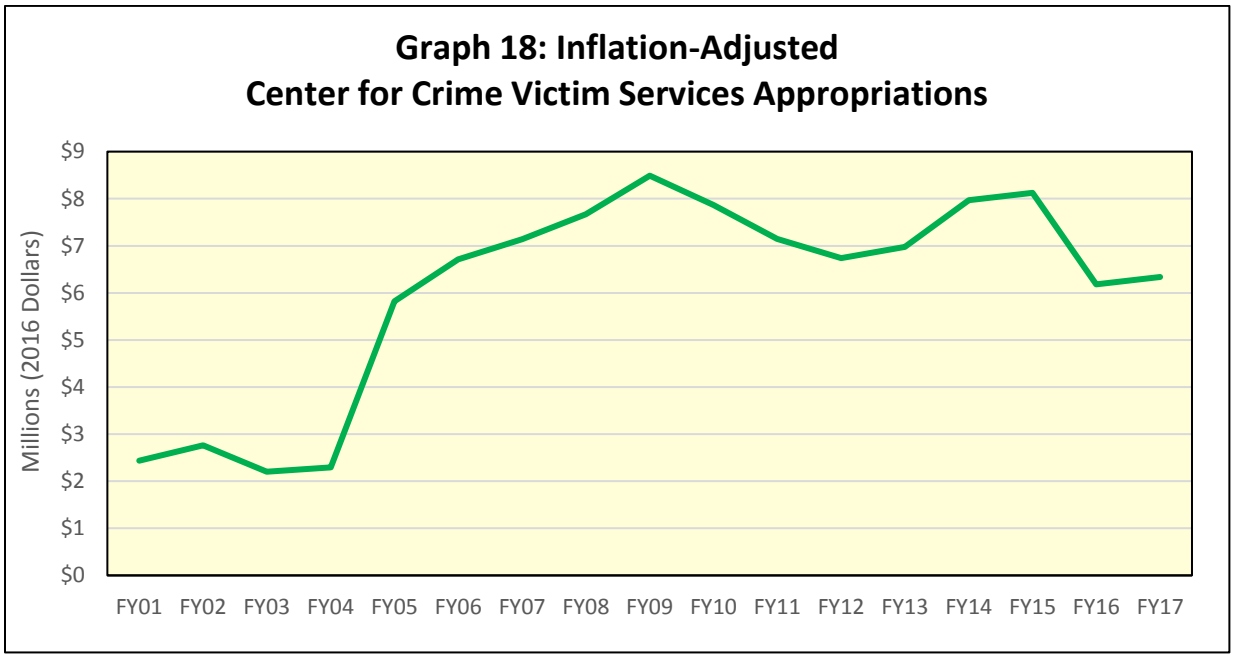
## Center for Crime Victim Services

The Center for Crime Victim Services (CVS) is a state statutory entity which administers three state special funds and several state and federal grant programs intended to provide support and services to crime victims. Most of CVS' revenues are paid directly to victims in the form of victims' compensation claims or restitution advancements, or are allocated to other state agencies and non-profits across the state.[68] While most of their revenues are paid out to victims or allocated to state entities or non-profits, we show all state appropriations for CVS here.

67 From December 2016 correspondence with the Defender General.

68 From SAO correspondence with the Center for Crime Victim Services.

From FY04 to FY09, inflation-adjusted state appropriations for CVS increased from $2.8 million to $8.5 million. After peaking in FY09, inflation-adjusted appropriations have fluctuated, before staying relatively flat between FY16 and FY17.




## Enhanced 9-1-1 Board

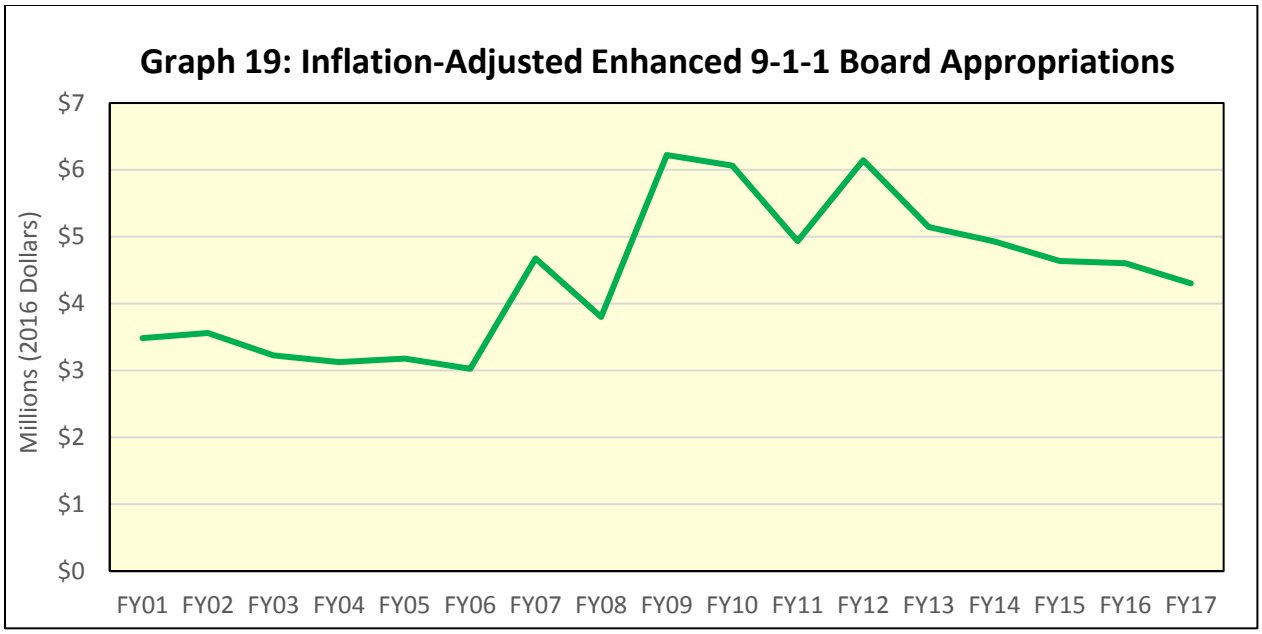
From 2001 – 2005, 9-1-1 Board appropriations remained steady, even decreasing slightly when adjusted for inflation. In FY 2006, the 9-1-1 Board incurred costs related to the implementation of a new statewide system, which increased both one-time and recurring operational costs.[69] In FY 2009, the Board's appropriation increased by $800,000 because what had been a pass-through appropriation from the Department of Public Safety became a 9-1-1 Board budget line item.[70] Furthermore, in 2012 the Board implemented a new system that increased annual contract costs $493,807 and incurred one-time costs of $865,000. In FY 2013, to avoid continued spikes in the Board's budget, it began to incorporate expected system replacement costs into its annual budget. .[71] From 2013 – 2017, the Board's budget has decreased 16 percent (see Graph 19 below). The $300,000 appropriations decrease from FY16 – FY 17 was the result of a legislatively mandated reduction in staffing by one FTE, as well as other budget savings.[72]

69 From SAO correspondence with the Enhanced 9-1-1 Board.

70 Ibid.

71 See: Enhanced 9-1-1 Board Fiscal Year 2013 Legislative Handout, available here.

72 See: Enhanced 9-1-1 Board Fiscal Year 2017 Budget Request, available here.




## Woodside Juvenile Rehabilitation Center

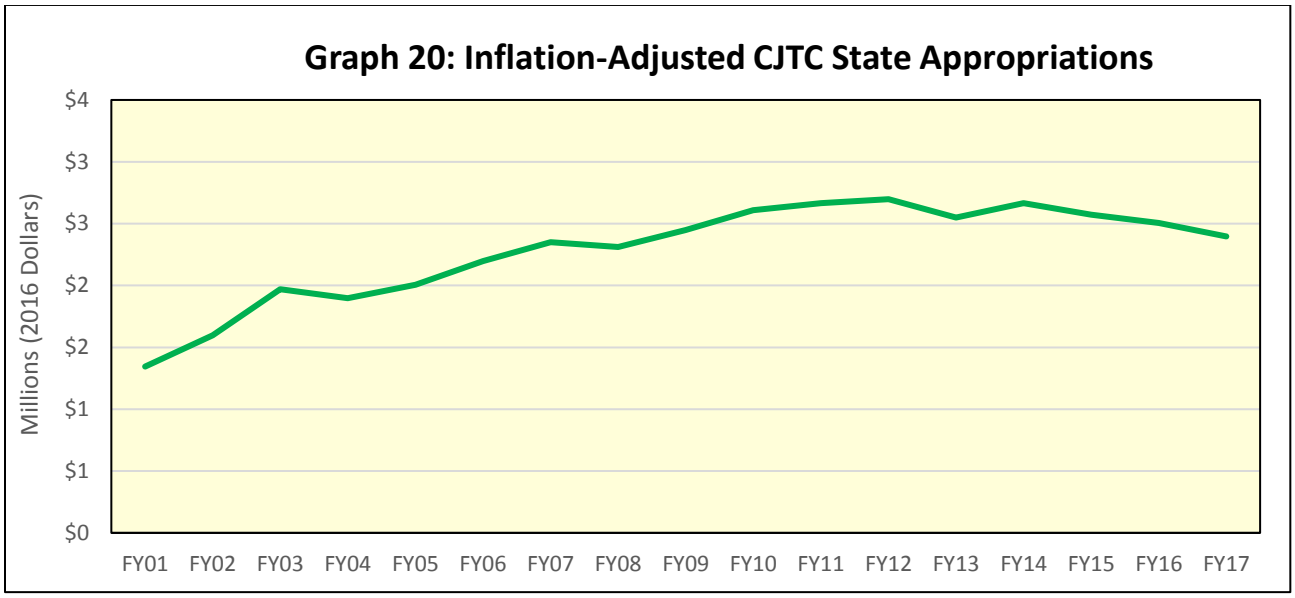
Woodside is Vermont's only secure residential treatment facility for youth between the ages of 10 and 18 who have been charged or are adjudicated as delinquents, and it provides comprehensive psychiatric, educational, rehabilitative, family, vocational and other specialized treatment services.[73] Inflation-adjusted State appropriations for Woodside have risen from $3.12 million in 2001 to $5.49 million in 2017, a 76 percent increase. In 2011, Woodside expanded from a detention unit with in-house treatment to be a full-service alternative to hospitalization. In addition, to maintain eligibility for funding through the Global Commitment Fund, Woodside was required to increase its clinical staff and services. However, in October 2016 the state learned that the Centers for Medicare and Medicaid Services' (CMS) now defines Woodside residents as inmates of public institutions, and therefore services to residents are no longer eligible for federal Medicaid funding. DCF is exploring strategies to maintain the appropriate level of services for residents.

## Criminal Justice Training Council

The Vermont Criminal Justice Training Council's (CJTC) mission is to enhance public safety and promote law enforcement excellence by establishing policies, certification standards, training, and resources in criminal justice to meet the needs of Vermont communities. Anyone that seeks to become a police officer in Vermont must be certified by the CJTC. From FY01 – FY17, CJTC appropriations increased by $1.05 million (78 percent). The decrease from FY14 to FY17 can partially be attributed to various changes in the CJTC's budget: elimination of an FTE,

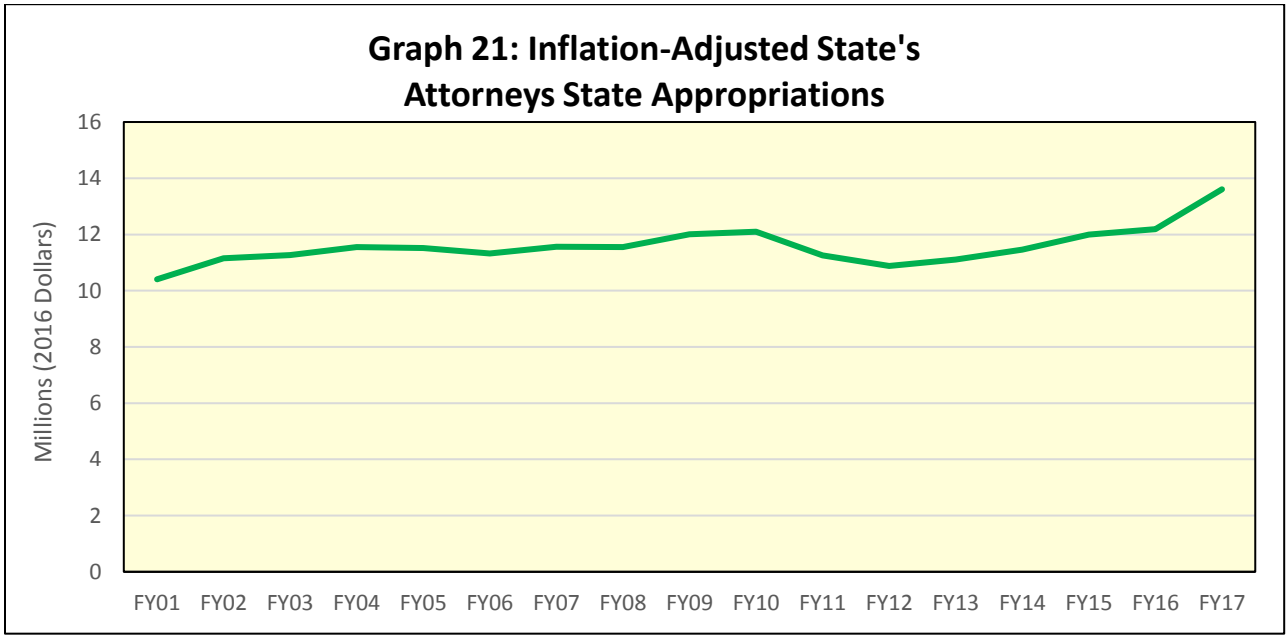
73 From SAO correspondence with Department of Children and Families.

significant changes in third party contracted services, and a reduction in the fee for space charge, as well as other reductions.[74]




## Vermont State's Attorneys

State's Attorneys prosecute criminal cases, representing the people of the State of Vermont in criminal cases handled in state courts, in child protection matters, and in some civil and quasi-civil cases.[75] Since FY01, inflation-adjusted State's Attorneys state appropriations have increased from $10.4 million to $13.6 million in FY17, a 31 percent increase.




74 See FY14, FY15, FY16, and FY17 CJTC budget requests, available here.

75 State's Attorneys Fiscal Year 2017 Budget Presentation, available here.

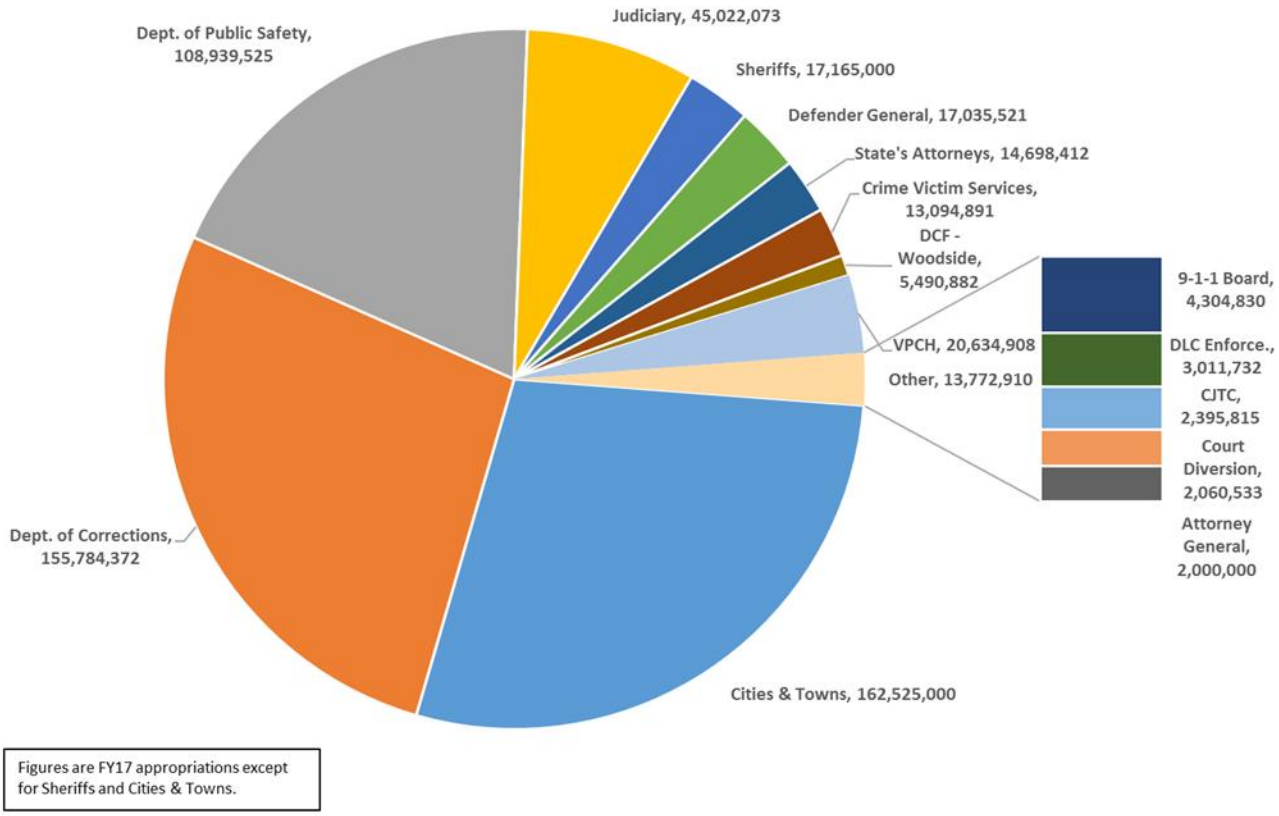
## Vermont Department for Children and Families (DCF)

Although we did not include the following budget data in Chart 1 on page 1, DCF's Families Services Division (FSD) has a clear public safety mission. According to the DCF, most of the programs and services provided by the FSD focus on child safety and abuse prevention. Programs and grants include funding for family preservation, foster parents, children and family supports, subsidized adoption, and residential programs. In total, FSD has a budget of over $112 million.[76]

76 Source: December 2016 correspondence with the Department for Children and Families.

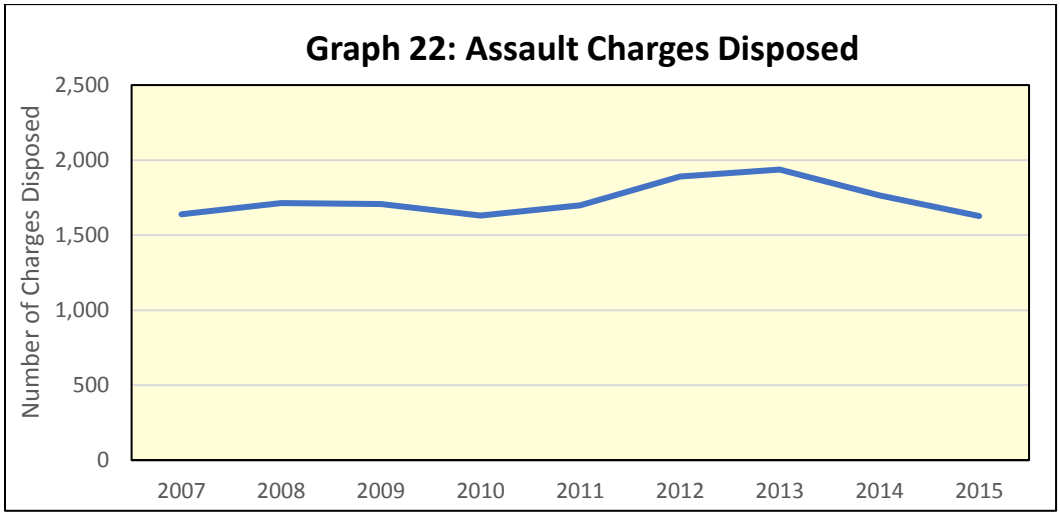
## Appendix 1: Composition of Public Safety Spending Totals

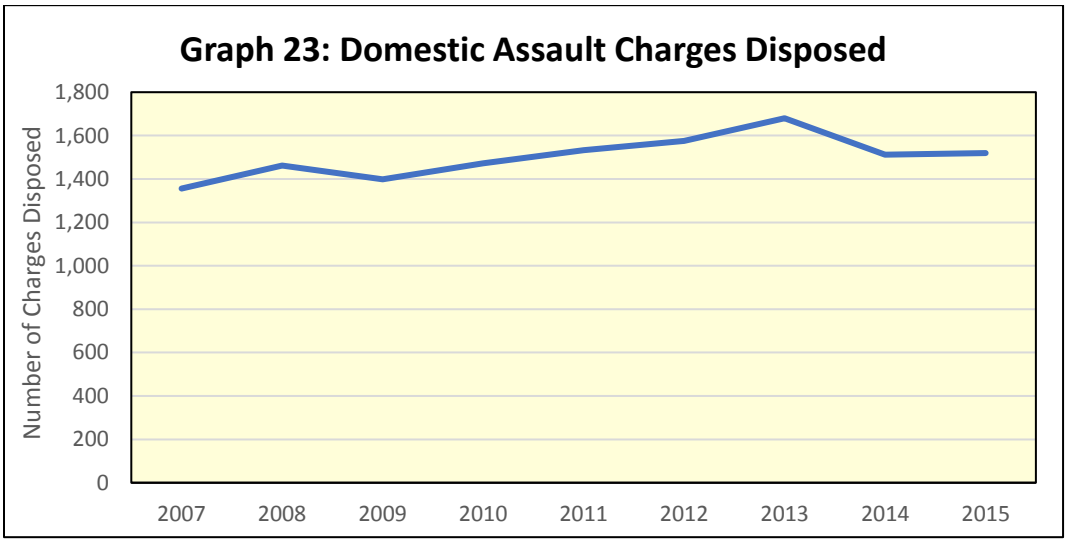
### Chart 1: Vermont FY 2017 Expected Public Safety Expenditures, $574 Million



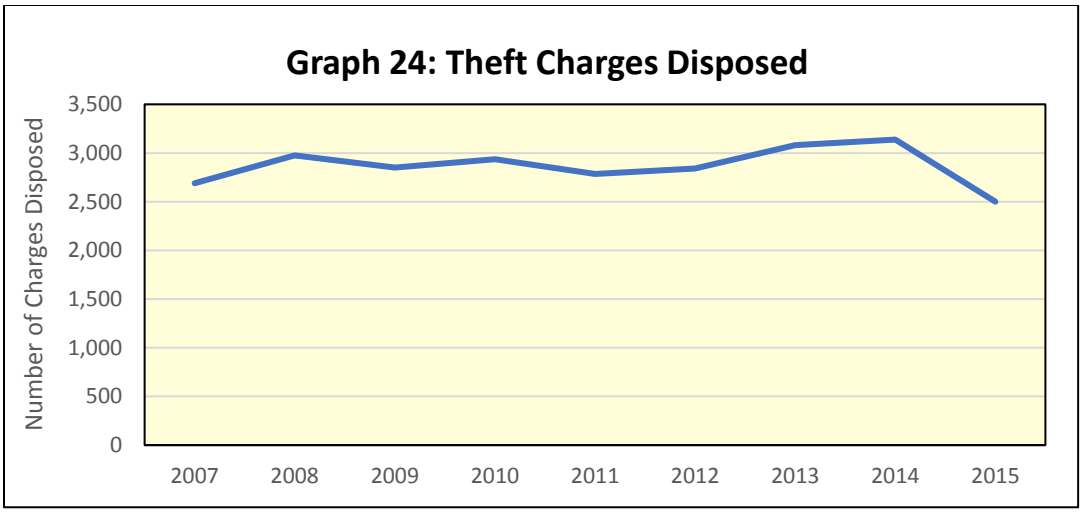

| Entities Included in Public Safety Spending and Appropriations Total FY01- FY17 | |
|---|---|
| Attorney General | Fire Training |
| Vermont Court Diversion | Fire Safety |
| Center for Crime Victim Services | Public Safety - Homeland Security |
| State's Attorneys - Special Investigative | Telemarketing Fraud |
| State's Attorneys | Ad Hoc Counsel |
| Sheriffs | Governor’s Highway Safety Program |
| Sheriff Business Services Expenses | Vermont Fire Service Training Council |
| Defender General - Public Defense | DCF Woodside Rehabilitation Center |
| Defender General - Assigned Counsel | Public Safety Administration |
| Criminal Justice Training Council | Public Safety Emergency Management |
| Liquor Control - Enforcement & Licensing | Corrections |
| Enhanced 9-1-1 Board | Cities and Towns |
| Judiciary | Vermont Psychiatric Care Hospital |
| State Police | Vermont State Hospital |
| Criminal Justice Services | DMV Enforcement |

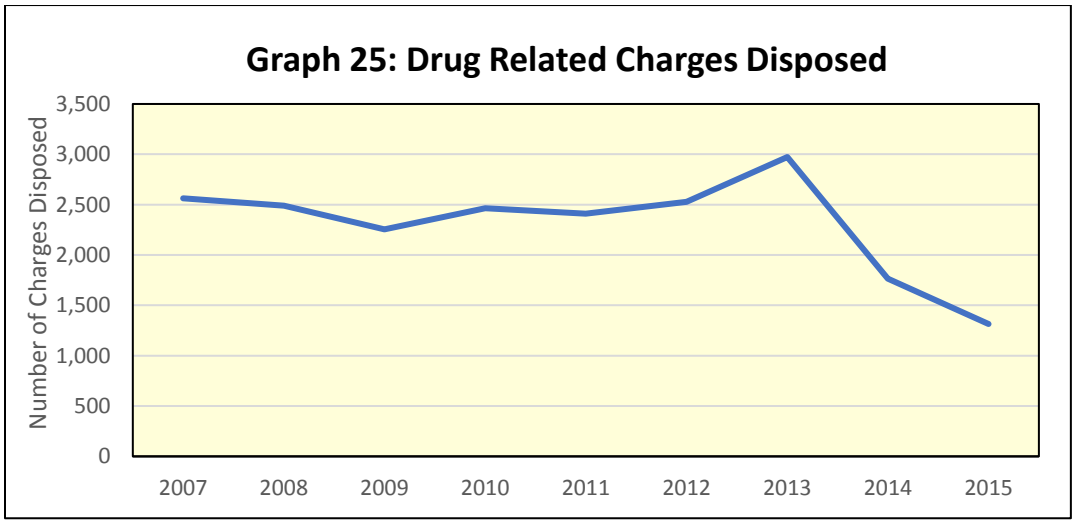
## Appendix 2: Judiciary Charges Disposed (Felony and Misdemeanor) [77]

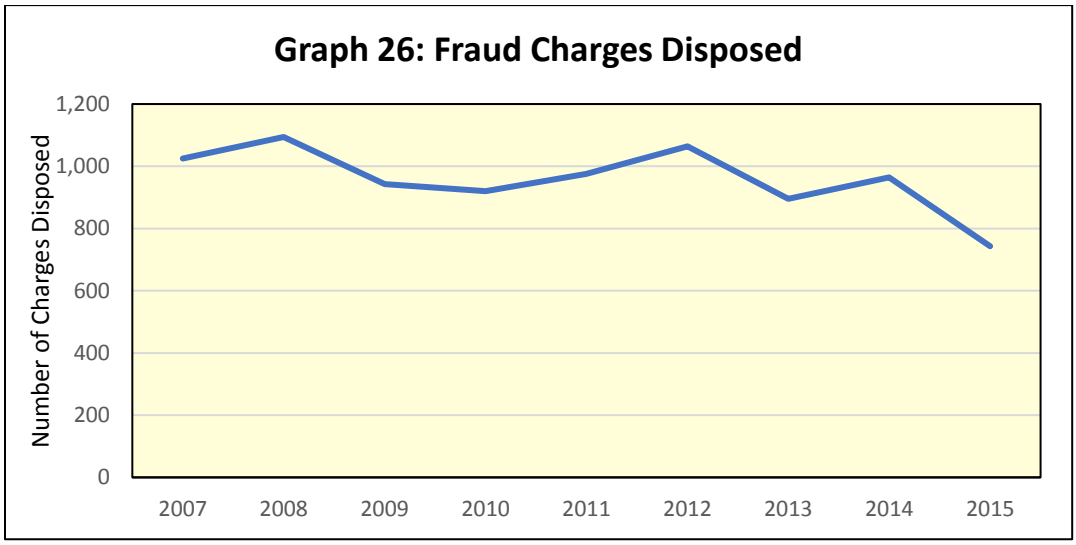



77 Judiciary data sets provided by the Crime Research Group.


Graph 24: Theft Charges Disposed
Number of Charges Disposed
3,500
3,000
2,500
2,000
1,500
1,000
500
0
2007
2008
2009
2010
2011
2012
2013
2014
2015


Graph 25: Drug Related Charges Disposed
Number of Charges Disposed
3,500
3,000
2,500
2,000
1,500
1,000
500
0
2007
2008
2009
2010
2011
2012
2013
2014
2015


Graph 26: Fraud Charges Disposed
Number of Charges Disposed
1,200
1,000
800
600
400
200
0
2007
2008
2009
2010
2011
2012
2013
2014
2015