

<p align="center"><b>STATE OF VERMONT</b> <b>AGENCY OF HUMAN SERVICES</b> <b>DEPARTMENT OF CORRECTIONS</b></p>	<p><b>Title:</b></p> <p align="center"><b>PAROLE REVIEWS AND RECOMMENDATIONS</b></p>		<p align="right"><b>Page 1 of 5</b></p>
<p><b>Chapter:</b></p> <p align="center"><b>Classification and Case Planning</b></p>	<p align="center"><b># 371.25</b></p>	<p><b>Supersedes:</b> #371.25, <i>Parole Reviews and Recommendations</i></p>	
<p><b>Attachments, Forms &amp; Companion Documents:</b></p> <p>None</p>			
<p><b>Local Procedure(s) Required:</b> No  <b>Applicability:</b> All staff (including contractors and volunteers)  <b>Security Level:</b> "B" – Anyone may have access to this document.</p>			
<p><b>Approved:</b></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div data-bbox="170 766 646 903" style="width: 30%;">   <hr style="width: 100%;"/> <p><b>Andrew A. Pallito, Commissioner</b></p> </div> <div data-bbox="803 829 1031 903" style="width: 30%; text-align: center;"> <p><b><u>August 19, 2013</u></b> <b>Date Signed</b></p> </div> <div data-bbox="1161 829 1453 903" style="width: 30%; text-align: center;"> <p><b><u>September 30, 2013</u></b> <b>Date Effective</b></p> </div> </div>			

**PURPOSE**

The purpose of this administrative directive is to establish schedules for Parole Board interviews and reviews, as well as, guidelines for recommendations for parole.

**POLICY**

It is the policy of the Department to supervise offenders in the least restrictive setting consistent with public safety. It is also the policy of the Department to recommend appropriate and eligible offenders for parole at their minimum release date. Parole is a legal status that enables the Department to provide services and supervision, commensurate with the offender’s risk, and severity of offense. The Department’s policy is to encourage all offenders to attend their parole board hearings in person.

**AUTHORITY**

28 V.S.A § 353, 362, 403, 501, 502, and 725

**REFERENCE**

The Vermont Parole Board Manual; Administrative Directives, #371.02, *Facility Case Management*; #371.05, *Offender Case Planning (OCP)*; #371.08, *Classification of Offenders Convicted of Listed Offenses*; #371.13, *Pre-Approved Furlough*; #371.15, *Conditional Re-entry*; #371.26, *Reintegration Furlough*; #418.01, *Offender Out of State Movement and The Interstate Compact*.

**DEFINITIONS**

Case Plan Compliant: An Offender is case plan compliant when they 1) articulate the risks and needs correlated with their offense behavior and articulate some capacity to comprehend the impact of that behavior on their victims and community, 2) are actively engaged in the activities and behavioral expectations contained within their case plan, 3) are demonstrating an ongoing and sustained effort to achieve the stated case plan goals.

Central Case Staffing: A review of pertinent offender case plan information by a committee of central executives and the local staff involved in that case, in order to make classification decisions that requires consultation with and decision-making by staff from multiple disciplines.

Conditional Re-entry: A furlough by which a sentenced offender is released to the community under supervision at or beyond their minimum release date.

Furlough: A legal status for an offender under the custody of the Commissioner of Corrections serving all or part of their incarcerative sentence in the community outside a correctional facility. This includes offenders on pre-approved furlough (PAF), conditional re-entry (CR), reintegration furlough (RF), treatment furlough (TF) and medical furlough (MF).

Parole: The release of an inmate to the community by the Parole Board before the end of the inmate's sentence, subject to conditions imposed by the Board and subject to the supervision and control of the Commissioner of Corrections.

Pre-approved Furlough (PAF): The legal status in which an inmate is sentenced to serve a term of imprisonment, but is placed by a court onto furlough prior to the minimum release date to participate in such programs administered by the Department.

Reintegration Furlough (RF): A furlough by which a sentenced offender is released to the community under supervision prior to their minimum release date.

Supervised Community Sentence (SCS): A court-imposed sentence of incarceration to be served in a community setting subject to the rules of the Commissioner of Corrections. These offenders are under the jurisdiction of the Parole Board.

**PROCEDURAL GUIDELINES****A. Eligibility for Initial Parole Review**

1. Offenders are eligible for Parole consideration after serving their minimum sentence.
2. Offenders receiving a zero minimum sentence are eligible for parole consideration within 12 months after commitment to the Commissioner of Corrections.

**B. Referral and Recommendation for Parole Review**

1. Incarcerated inmates, offenders sentenced to Supervised Community Sentence (SCS), Reintegration Furlough (RF), and Preapproved Furlough (PAF) who are nearing their

minimum release date are required to have an initial parole review. Staff will submit the initial summary at least 30 days before the hearing date.

2. The Department will recommend eligible offenders for parole if they meet the following criteria:
  - i. Furlough (CR/RF/PAF)
    - a. Non-listed offenders - if for the last 90 consecutive days on any furlough status:
      - Have not been returned to a correctional facility for a violation of furlough conditions; where the offender is found guilty, waives their due process, or agrees to a graduated sanction.
      - Have not received a graduated sanction;
      - Is in compliance with their case plan (see definition of case plan compliant).
    - b. Listed offenders (non sex offenders) if for the last 180 consecutive days on any furlough status:
      - Have not been returned to a correctional facility for a violation of furlough conditions; where the offender is found guilty, waives their due process, or agrees to a graduated sanction.
      - Have not received a graduated sanction ;
      - Is in compliance with their case plan (see definition of case plan compliant).
  - ii. Supervised Community Sentence - Offenders on Supervised Community Sentence (SCS) will be recommended for discharge upon reaching their minimum if they have successfully completed all conditions imposed by the court and compliant with community supervision on their SCS sentence.
3. The Department will recommend offenders serving a sentence in a correctional facility for parole at their minimum if they meet the below criteria:
  - i. Score moderate or less on DOC's risk assessment;
  - ii. Is in compliance with their case plan (see definition of case plan compliant);
  - iii. Has made successful progress in treatment, if required; and
  - iv. Has exhibited appropriate institutional behavior that includes no convictions for any Major "A" disciplinary infraction or any disciplinary infraction (major or minor) which was the result of violence against persons or destruction of property in the preceding twelve (12) months.

If an inmate meets all of the above, but are either identified as a Release Sensitive Notification case, or are required to register as a sex offender (to include previous convictions), the case must have the approval of the central office review team.

4. All offenders serving a sentence for a sex offense must receive approval from the central case staffing team before a positive parole recommendation can be submitted. The CSS should request a central case staffing in the following cases:
  - i. The offender is being recommended to be paroled out of state; or

- ii. Any time after the completion of the intensive portion of their community treatment and with the approval of the local sex offender treatment team.
5. The Department will recommend eligible offenders to be paroled to an out of state placement through the Interstate Compact for Adult Offender Supervision (ICAOS) if the offender is accepted by the receiving state.
6. The Department will recommend offenders to be paroled to another state or Federal authority in cases where another state or Federal authority has filed a detainer with the Department. In these cases the central case staffing team must approve the recommendation before a positive parole recommendation can be submitted.

### **C. Subsequent Consideration for Parole**

Once an offender has been reviewed and denied by the Parole Board at his or her minimum release date, the field CSS should follow the guidelines from section B 2 above, if the offender is on furlough. If the offender is incarcerated, the facility CSS should follow the guidelines from section B 3 above. If the offender does not meet the guidelines in section B 2 or B 3, the offender still must be reviewed, by the Parole Board at the intervals listed below.

1. If the offender is serving a maximum sentence of less than fifteen (15) years:
  - i. The board shall review the offender's record once every twelve (12) months;
  - ii. The board shall conduct an interview of the offender at the request of the Department;
  - iii. Upon written request of the offender, the board shall conduct an interview, but no more than once every two-year period.
2. If the offender is serving a sentence with a maximum of 15 years or more:
  - i. The board shall review the offender's record once every two years;
  - ii. The board shall conduct an interview of the offender at the request of the Department;
  - iii. Upon written request of the offender, the board shall conduct an interview, but no more than once in any two-year period.
3. If the offender on furlough is not paroled at this time, the Department will review the offender for parole consideration every 90 days for non-listed offenders and 180 days for listed offenders, unless directed otherwise by the Parole Board, or statute. The parole officer will seek guidance from the Parole Board at the initial and ongoing hearing about what needs to be addressed and when to bring the offender back to the board for a review. A review for this purpose will be to determine if the offender has remedied the conditions precluding parole.

### **D. Staff responsibilities**

1. For facility cases, the case-co managers will work together in the development of the parole summary and recommendations of supervision in accordance with administrative directive #371.02, *Facility Case Management*.

2. The CSS is required to submit the parole packet at least 30 days before the hearing date. If the case was transferred to a different site within 30 days of when the parole packets are due, it is the responsibility of the CSS from the sending site to prepare the parole summary.

#### **E. Waivers**

1. Waivers may be issued only when an offender indicates an unwillingness to accept parole or declines to be interviewed by the board.
2. Staff will encourage all eligible offenders to meet with the parole board and promote supervision in the least restrictive environment.

#### **TRAINING**

1. It is the responsibility of the Directors of Field Services and Director of Facilities Operations to review this directive with District Managers, Superintendents, and Supervisors during their monthly meeting.
2. Local Managers will be responsible to review this directive at their sites.

#### **QUALITY ASSURANCE**

1. All District Managers and Superintendents are responsible for compliance with this directive.
2. Measures from the directive will be incorporated into the monthly quality assurance central reporting process to include but not necessarily limited to:
  - i. Average release recommendation rate to the VT Parole Board by site and statewide.
  - ii. Compliance with parole eligibility requirements according to statute (minimum and statutory reviews) by site and statewide.
  - iii. Compliance with parole eligibility requirements according to DOC Standards ( to the degree possible) by site and statewide
  - iv. Percent of offenders paroled by risk level- provided annually from the VT Parole Board (based on Board's validated assessment tool).
  - v. Parole outcomes and dispositions (Deferred, Detainers, Granted, Waived, etc.) by site and statewide.