

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Directive: 371.08

Subject: Classification Of Offenders Convicted Of Listed Offenses

Effective Date: 12/30/02 **Review and Re-Issue Date:**

Supersedes: 3/1/02 **APA Rule Number:**

Recommended for approval by: Richard Turner, Director/Correctional Services		Authorized By: Steven Gold, Commissioner	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

- 1.1. Title 28, V.S.A., Chapter 1 -Section 1(a-c) – Section 2a, Chapter 3 - Section 101 (1), Section 102 (c) (1) (3) (4) (5) (8), Chapter 6, Chapter 11 – Section 701, Section 701a, Section 701b, Section 702, Section 703, Section 706, Section 721 – 726, Section 808, Title 13, V.S.A., Chapter 165, Section 5301

2. Purpose:

- 2.1. Consistent with Title 28, V.S.A., § 1(b) and with the goal of providing Vermont’s citizens safety from violent crime and Title 28, V.S.A., §808(b) regarding conditional re-entry at the minimum term, this directive:
 - 2.1.1 Applies evidence-based and validated assessment procedures to determine risk and program needs of offenders convicted of statutorily listed crimes and other violent crimes that the Department of Corrections has determined that meet the rational that established the listed offenses;
 - 2.1.2 Develops a strategy to manage these offenders to limit their risk of violence to the community.

3. Applicability/Accessibility

- 3.1. All individuals and groups affected by the operation of the department may have a copy of this directive.

Directive 371.08 Classification Of Offenders Convicted Of Listed Offenses

4. Directive

4.1 It is the intention of this directive to provide a classification process, which incorporates evidence-based correctional practices into the assignment of offenders with one or more active convictions for listed offenses to one of three program management levels. The levels determine institutional expectations, program requirements and release criteria based on risk assessment and override considerations. Classification of offenders that are not convicted of a listed offense are not herein described. They are considered Level A offenders and will be handled separately in the Offender Classification Manual.

4.2 Designation of an offender to one of three levels shall be the responsibility of CSS staff. This should be accomplished in accordance with the classification manual, as early in the process as realistically possible to enable casework staff and other stakeholders to develop case plans which reflect the terms of this directive

4.3 Classification Grid for Offenders Convicted of Listed Offenses

	Level Criteria	Institutional Performance Expectations	Program Requirements	Release Decisions * Refer to Directive 371.15
Level A	LSI Score = 0-23	<ul style="list-style-type: none"> · performance of work assignments · completion of educational plan 	None in the institution. Program needs to be addressed in community.	Conditional re-entry on minimum.
Level B	LSI Score = 24-47 OR LSI Score = 0-23 And any of the following Sex offense with RRASOR = 2 – 6 Static-99 = 3 – 12 VASOR = 41 – 125 Or Domestic Violence	<ul style="list-style-type: none"> · performance of work assignments · completion of educational plan 	Required participation in correctional programming per Directive 371.12	Conditional re-entry on minimum, if program participation is consistent with Directive 371.12
Level C	LSI Score = 24-47 VRAG Score = 7 – 9 Meets criteria described in Directive 371.10	<ul style="list-style-type: none"> · Offender must demonstrate exemplary behavior over an extended period of time · Offender must fully address the criminogenic risk and need areas <p>Refer to Directive 371.11</p>	Institutional program completion at level deemed consistent with public safety. Refer to Directive 371.11	<ul style="list-style-type: none"> · Central case staffing at minimum and each subsequent two year interval to update case plan. · Release approved by Commissioner or Director of Correctional Services.

Directive 371.08 Classification Of Offenders Convicted Of Listed Offenses

- 4.4 Over-rides: If the CSS chooses to classify outside of the grid (sec. 4.3), this will be done through a central case staffing. Some of the reasons for over-ride consideration are: prior supervision history, medical status, cases that have been reduced by plea agreement but the affidavit clearly reflects a higher level may be warranted, or those cases that are listed but non-violent/not in need of mandatory needs reducing programs. Additionally cases that score on the “cusp” of a level on the LSI, e.g. 21-23 or 24-26. These cases will be referred to the LSI coordinators for further review.
- 4.5 Level A offenders participation in correctional treatment: These offenders may participate in programs if so motivated and if space permits. However, criminogenic need areas will be addressed in community based programs post-release, and they will be held accountable for satisfactory completion of these programs as a condition of their release. Responsible living within the institution, including education and work assignments, shall be the primary focus of case planning for this group.
- 4.6 Level B offenders are the priority group for correctional programming within the institution. These offenders will be released on their minimum release date, if they have participated satisfactorily in their designated program(s), consistent with the requirements of Directive 371.12. Correctional programming will continue in the community.
- 4.7 Case planning for Level C offenders will generally focus on long term confinement. Due to the nature of their offenses, victim harm and high risk profile these inmates must demonstrate long-term behavioral and psychological stability, commitment to change, and completion of significant treatment goals prior to any release consideration. In these cases, the burden of demonstrating these objectives lies with the offender, and the Department will use the maximum release date, less six months, as the reference for case planning purposes.

5. Training Method

- 5.1. It is the responsibility of Superintendents at facility and field sites to ensure that all CSS staff are fully trained in the application of this directive. HRD will develop case planning training curricula to support this directive.

6. Quality Assurance Processes

- 6.1. The Director of Classification will conduct annual audits of this directive at each CCSC and facility. The Director will identify report compliance issues and report to the Director of Correctional Services.

7. Financial Impact:

- 7.1 The financial impact will be based on individual offenders. Listed offenders who complete treatment are thought to have reduced recidivism rates. Additionally, referring those offenders who score level B to treatment programs in the facility and those that score level A to community based treatment enhances the use of resource allocations.

Directive 371.08 Classification Of Offenders Convicted Of Listed Offenses

8. References

8.1 Title 28 V.S.A.

9. Responsible Director and Draft Participants

Ray Flum, Director of Classification