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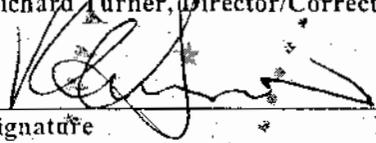
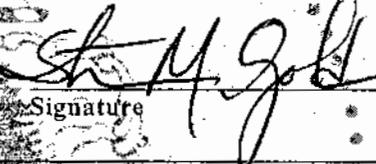
STATE OF VERMONT  
AGENCY OF HUMAN SERVICES  
DEPARTMENT OF CORRECTIONS

Directive: 407.03

Subject: Unauthorized Absence From Furlough Or Conditional Re-Entry

Effective Date: Review and Re-Issue Date:

Supersedes: 407.03 APA Rule Number:  
Dated 07/17/00

Recommended for approval by: Richard Turner, Director/Correctional Services	Authorized By: Steven Gold, Commissioner/Corrections
	
7-18-03 Date	7/20/03 Date
Signature	Signature

1. Authority:
  - 1.1 Authority for this directive is derived from Title 13, § 1501 (B), T 28, § 808 (d) Policy 407 "Escapes," and "Statewide Warrant Policy" approved by the VCIC 2002.
2. Purpose:
  - 2.1 This directive assists decision-makers in the identification of offenders, on furlough, pre-approved furlough or conditional reentry, to be placed on escape status after they are determined to have evaded supervision and are missing. This directive does not apply to offenders sentenced to community resolution on pre-approved furlough status.
3. Applicability/Accessibility:
  - 3.1 This directive is to be disclosed to Department of Corrections and law Enforcement employees only.
4. Directive:
  - 4.1 The CCSC Superintendent or designee makes all decisions concerning escape status of an offender on furlough, pre-approved furlough or conditional reentry, to include waiving the 24 hour time frame, with good cause, consistent with DOC directives on risk to the general public. The Superintendent shall assure that victims who request notification are notified of staff's inability to locate an offender on furlough, pre-approved furlough or conditional reentry.

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4.2.



4.3 Criteria for filing Escape paperwork prior to request for Return on Mittimus:

- If there is credible information that a person on furlough, pre-approved furlough or conditional reentry has fled the state, the offender is considered to have escaped.
- If Corrections staff receive information that the offender has made unauthorized contact with their victim and that offender cannot be located, escape paperwork will be filed immediately.
- The offender is considered to be a direct risk to public safety.

4.3.1 Institute the escape notification procedures outlined in directive 26.04, Media Notification of Escapes.

4.3.2 Complete an affidavit outlining the circumstances leading to the determination that the offender has escaped

4.3.3 Send the affidavit and supporting information (pictures, I.D. face sheet, mittimus) directly to the state's Attorney

4.3.4 Send an informational copy to the local State Police Barracks, for entry into NCIC.

4.3.5 PAS the offender out on to escape status and make a note on the sentence comp so that the offender does not continue to receive credit while on escape status.

4.3.6 Notify the victim of listed offenses or any victims requesting notification.

4.4.



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*4.5 Return to Custody on Mittimus Request.*

- 4.5.1 In the event the offender has not been located after 24 hours, Corrections staff shall issue a *Return to Custody on Mittimus Request*, which will then be carried on the State Warrant Database.
- 4.5.2 With the Return to custody request staff will include; copy of mittimus, face sheet, most recent photo and a copy of offender's schedule.
- 4.5.3 As per local protocols, request a Be On the Lookout (BOL) be issued

4.6 Listed Offenders:

4.6.1

- 4.6.1.1 File Escape affidavit with the State Attorney.
- 4.6.1.2 Enter the escapee into NCIC per local Procedure.
- 4.6.1.3 Institute the escape notification procedures outlined in Directive 26.04, Media Notification of Escapes.
- 4.6.1.4 Complete an affidavit outlining the circumstances leading to the determination that the offender has escaped (see Attachment B).
- 4.6.1.5 Send the affidavit and supporting information (pictures, I.D. face sheet, mittimus) directly to the State's Attorney
- 4.6.1.6 Send an informational copy to the local State Police Barracks.
- 4.6.1.7 PAS the offender out to escape status and make a note of the escape on the time comp so that offender does not continue to receive credit for the time that he/she is on escape status.

4.7 Non- Listed Offenders

4.7.1

**5. Training Method**

- 5.1 Each site will designate an escape coordinator. This person will be trained at a central level and then coordinate training locally. Training will include affidavit writing and establishing time frames. This method of training will help to ensure consistency around the state. The Assistant Director of Correctional Services will be responsible for the central training.

**6. Quality Assurance Processes**

**7. Financial Impact:**

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**8. Responsible Director and Draft Participants**

The Assistant Director of Correctional Services is responsible for implementation and quality assurance for this directive. Draft participants; Lisa Menard, Greg Hale, Michael Beyor, Joey Holmes.

## Appendix A

If in response to a query to the State Warrant Database, a law enforcement official determines that a *Return to Custody on Mittimus Request* has been issued, the law enforcement official shall take the subject into custody as if a warrant had been issued for the subject's arrest. If the offender has been convicted of a listed offense and there is a victim notification in the file the victim will be notified that the request has been made. Additionally, the victim will be notified when the subject is taken into custody.

CCSC staff shall issue a *Return to Custody on Mittimus Request* (see attachment A) by forwarding a request form and a copy of the mittimus to the Holding Station in the county where the escape occurred or from which the subject missing. The sentence computation will also be attached.

Upon receiving the *Return to Custody on Mittimus Request* and a copy of the mittimus, the Holding Station will request that VCIC enter the request into the state Warrant Database.

The *Return to Custody on Mittimus Request* shall be entered into the State warrant Database using a format, which will clearly distinguish this request from warrant entries.

Copies of the *Return to Custody on Mittimus Request* will not be released by Holding Stations until the furlougee is in custody. The original will remain with the Holding Station until it is executed.

After the furlougee has been taken into custody, the arresting agency may request that the Holding Station fax them a copy of the *Return to Custody on Mittimus Request*

If a fax copy of the warrant was used to arrest the furlougee, the Holding Station will remove the original *Return to Custody on Mittimus Request* from their files and return it to the DOC.

The Holding Station will transmit a cancel message to VCIC to remove the *Return to Custody on Mittimus Request* from the State Warrant Database. VCIC when then remove it.

Appendix B

## RETURN TO CUSTODY ON MITTIMUS REQUEST

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### INSTRUCTIONS TO HOLDING STATION:

This Return on Mittimus Request is being made pursuant to the Statewide Warrant Policy, Section 10, which authorizes the entry into the Statewide Warrant Database of defendants in the custody of the Department of Corrections who are on escape/missing status from a community placement. A mittimus is on file with the Department of Corrections for this defendant. A copy of the mittimus is attached to this form. As such this Return On Mittimus Request is the equivalent of a Vermont Arrest Warrant and should be entered without delay into the Statewide Warrant Database using VLETS Form 254. Enter the Return on Mittimus Request in the same manner that any warrant would be entered. However the following fields should be entered using this format:

OFF/ ESCAPE  
CRT/ DOC  
DKT/ NA  
ORI/ DOC  
REASON FOR ENTRY/CANCEL/ ROM ISSUED

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### INSTRUCTIONS TO ARRESTING OFFICER

If in response to a query to the State Warrant Database, a law enforcement officer determines that a *Return To Custody On Mittimus Request* has been issued for a defendant and the *Return To Custody On Mittimus Request* is still active, the law enforcement officer shall take the subject into custody as if a warrant had been issued for the subject's arrest.

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TO: \_\_\_\_\_  
(Holding Station)

FROM: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
(Department of Corrections Office)

The following subject is on escape/missing status from a Department of Corrections community placement.

The escape occurred from: County: \_\_\_\_\_

Name: \_\_\_\_\_  
(Last) (First) (Middle)

DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Year) (Month) (Day)

Last Known Address:

\_\_\_\_\_ # Street City

Department of Corrections staff member making request:

\_\_\_\_\_  
(Print Name) (Signature) (Date/ Time)

**NOTE: THIS REQUEST WILL NOT BE PROCESSED BY THE HOLDING STATION UNLESS A COPY OF THE DEFENDANT'S MITTIMUS IS ATTACHED.**

**CANCEL**

**RETURN TO CUSTODY ON MITTIMUS REQUEST**

TO: \_\_\_\_\_  
(Holding Station)

FROM: \_\_\_\_\_ Telephone #: \_\_\_\_\_  
(Department of Corrections Office)

The *Return To Custody on Mittimus Request* which was previously filed with your agency for the following subject should be cancelled and should be withdrawn from the State Warrant Database.

The escape occurred from: County: \_\_\_\_\_

Name:

\_\_\_\_\_  
(Last) (First) (Middle)

DOB: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(Year) (Month) (Day)

Reason For Cancellation: \_\_\_\_\_

Department of Corrections staff member making request:

\_\_\_\_\_  
(Print Name) (Signature) (Date/Time)

Appendix C

AFFIDAVIT

STATE OF VERMONT  
\_\_\_\_\_ COUNTY, S.S.

NOW COMES (Name of Officer) Affiant, being duly sworn and on oath, deposes and says:

1. I am in the employ of the State of Vermont Department of Corrections. I am a Community Correctional Officer. As part of my duties, I supervise individuals on Probation, Parole, Supervised Community Sentence, Pre-Approved Furlough and Conditional Re-Entry status as authorized by the Vermont Department of Corrections. I work out of the \_\_\_\_\_ Community Correctional Service Center located at \_\_\_\_\_.
2. (Name of Offender)(DOB) is on Conditional Re-Entry status as authorized by the Vermont Department of Corrections. Effective sentence date is (Date). (Last name of Offender) is currently being supervised for the following offenses:
3. On (Date) (Full Name of Offender) signed a Conditional Re-Entry Agreement. Condition 6 states "I shall reside in a place approved by the CSS." Any change of residence or need for change of residence is to be immediately reported to the Department of Corrections. (Last name of Offender)'s approved D.O.C. residence is (full address to include city and state). Condition 12 of this agreement states "I will abide by any curfew imposed by the CSS. My curfew is (curfew range)." This means that (Last name of Offender) is to be at (his/her) residence between the hours of (curfew range) and no where else. On the third page of the CR Agreement there is a notice which states "While on furlough status PAF, CR, or FR, you are subject to being charged with the crime of escape in accordance with Title 13, chapter 35, Section 1501 if: 1. You are attempting to elude or evade supervision, or 2. You leave the state without permission. Also on this page reads "My signature below is indication that I have had the conditions read and explained to me and I understand them." This agreement is made in accordance with VSA 28, Section 808a6.
4. This is where your report goes in sequential order.
5. On (Date and time) this officer has checked the FSU machine and logbook and no messages have been left by (Last name of Offender). Also, to the best of this officer's knowledge, (Last name of offender) has not made any attempts to contact this office nor has (he/she) been apprehended by any law enforcement agencies.
6. Based on the above true information, I believe (Name of Offender) (DOB) has committed the offense of escape under Title 13 section 1501.

Dated at \_\_\_\_\_, Vermont this the \_\_\_\_\_ day of \_\_\_\_\_ 2003.

Affiant, \_\_\_\_\_

Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_ 2003.

\_\_\_\_\_  
Notary Public

Appendix D

