

**Directive 424.06 Parole Board Process For Offenders On Supervised Community Sentence**

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

**Directive: 424.06**

**Subject:** Parole Board Process For Offenders On Supervised Community Sentence

**Effective Date:** November 1, 1995      **Review and Re-Issue Date:**

**Supersedes:** NEW      **APA Rule Number:**

<b>Recommended for approval by:</b>		<b>Authorized By:</b>	
_____	_____	_____	_____
<b>Signature</b>	<b>Date</b>	<b>Signature</b>	<b>Date</b>

**1. Authority:**

**1.1.** Pursuant to VSA Title 28, Chapter 6, Supervised Community Sentence.

**2. Purpose:**

**2.1.** This Directive identifies areas in the statute that requires the Department of Corrections to support the Parole Board in carrying out the intent of the statute and outlines methods that the Department will follow to meet these obligations.

**2.2.** While supervision of offenders on Supervised Community Sentence (SCS) resides with the Department of Corrections, the statute gives the Vermont Parole Board authority in three areas related to the supervision of offenders on this legal status:

**2.2.1** Duration

**2.2.1.1** Within the limits of the imposed sentence, the Board determines how long offenders are on Supervised Community Sentence. When offenders on SCS reach the minimum sentence imposed by the court, the Board may discharge them from SCS, continue them on SCS or place them on parole pursuant to Title 28, V .S.A., Chapter 7.

**2.2.2** Authority to Revoke Supervised Community Sentence Status

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**2.2.2.1** For offenders charged by the Department with violating the terms of their supervised community sentence, the Board has the authority to revoke their SCS status for violating conditions of their SCS contract. The Board may also issue a warrant for arrest when requested by the Department.

### **2.2.3 Review of Condition Modification**

**2.2.3.1** Offenders may appeal to the Parole Board any Department modification of their SCS conditions if it: (1) substantially changes their plan, (2) affects their liberty without good cause, or (3) is clearly unreasonable.

## **3 Applicability/Accessibility**

**3.1** Anyone may have a copy of this Directive.

## **4 Directive:**

### **4.1 Department Responsibility to Parole Board**

**4.1.1** Since offenders on Supervised Community Sentence are in the custody of the Department of Corrections, the Parole Board relies on the Department to:

**4.1.1.1** Notify the Board when an offender is placed on SCS;

**4.1.1.2** Advise the Board when offenders on SCS reach their minimum sentence;

**4.1.1.3** Prepare a report that describes an offender's progress while on SCS and recommend that the Board discharge the offender from SCS, continue the offender on SCS or place the offender on parole;

**4.1.1.4** Submit requests to discharge offenders the Board has kept on SCS after reaching their minimum sentence that the Department now believes has met all the obligations of SCS;

**4.1.1.5** File a report to the Board when they believe an offender on SCS has violated the conditions of his/her agreement;

**4.1.1.6** Explain to the Board why they substantially modified the conditions of an offender's Supervised Community Sentence;

**4.1.1.7** Notify victims when offenders who victimized them are scheduled for hearings before the Board.

**4.1.2** In order to meet the requirements listed above, the Department will establish and adhere to procedures in the following administrative areas:

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- 4.1.2.1** Notification of offender admission to SCS;
- 4.1.2.2** Initial and Subsequent Review Hearings before the Board for offenders on SCS;
- 4.1.2.3** Modifications of SCS conditions;
- 4.1.2.4** Requests to discharge an offender from SCS; and
- 4.1.2.5** Violations of SCS conditions.
- 4.1.2.6** Victim Notification

### **4.1.3 Notification of Admission to SCS:**

- 4.1.3.1** When an offender is placed on SCS, a copy of the SCS mittimus, the conditions of SCS, and the Intermediate Sanction Report must be given to the Parole Board. CCSC and CRSU managers and supervisors will develop local procedures to ensure that this happens.

### **4.1.4 Initial and Review Hearings Before the Parole Board:**

- 4.1.4.1** VSA Title 28, Chapter 6, requires the Vermont Parole Board to review all offenders sentenced to Supervised Community Sentence when they reach their minimum sentence. If the Parole Board continues an offender on Supervised Community Sentence at his/her minimum sentence, it will review the offender's case at least every 6 months. The Department has three administrative responsibilities to the Board in preparation for these hearings:

- 4.1.4.1.1** To notify the Board when an offender reaches his/her initial eligibility or is eligible for subsequent six month reviews.
- 4.1.4.1.2** To prepare a report that outlines the offender's progress on SCS, and contains a recommendation for (a) discharge from SCS, (b) continuation on SCS, or (c) parole;
- 4.1.4.1.3** To ensure that the Department's recommendation is represented at the hearing. (See SCS Manual.)

### **4.1.5 Modifications of SCS:**

- 4.1.5.1** VSA Title 28, Chapter 6, also gives the Department authority to add, delete or modify the conditions of an offender on Supervised Community Sentence. Chapter 6 also gives the offender an opportunity to ask the Board to review additions, deletions

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or r modifications of his/her supervised community sentence which: (1) substantially change r the plan, (2) substantially alter the limits on the offender's liberty without good cause, or (3) are clearly unreasonable. (See SCS Manual.)

### **4.1.6 Potential Discharge from Supervision:**

**4.1.6.1** If the Board continues the offender on SCS at the initial review, the Department may request that the Board discharge the offender from SCS at any time during his/her sentence.

**4.1.6.2** The Director of Correctional Services will develop procedures for use by all field offices to request discharge from SCS. The procedures will identify criteria for recommending termination and include a format to be followed to request termination. (See SCS Manual.)

### **4.1.7 Violation of SCS:**

**4.1.7.1** The Director of Correctional Services will establish procedures to be used in all field sites to (a) file violation report memos, (b) arrest an offender on SCS whom the CSS believes has violated SCS conditions, and (c) summon an offender to appear before the Board. (See SCS Manual.)

### **4.1.8 Victim Notification:**

**4.1.8.1** The Department views victim notification under this directive as being a responsibility of the county's victim advocate. Procedures established will require notification of the victim advocates as the primary way of discharging its responsibilities under this directive. Procedures for direct communication with the victim may be established where advisable and appropriate.

**4.1.8.2** The Director of Correctional Services will develop procedures to be used in all field sites to ensure that victims are notified when the offender on SCS has a scheduled hearing before the Parole Board. The procedures will reflect the notion that the county victim's advocates require notification of the offender's appearance before the Board. They may also establish procedures to notify the victim directly if appropriate. The procedures will be contained in a manual that outlines the Parole Board procedures related to the SCS law.

### **4.1.9 Roles and Responsibilities**

#### **4.1.9.1 The Director of Correctional Services:**

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**4.1.9.1.1** Will ensure that directives are developed in order for the Department to discharge its legal responsibilities under the statute, and will direct the process of establishing a Parole Board Procedures Manual for Supervised Community Sentence.

**4.1.9.2 The Area Manager:**

**4.1.9.2.1** Will ensure that managers and supervisors establish and follow local procedures that comply with this Directive

**4.1.9.3 CCSC Superintendent/CRSU Supervisor:**

**4.1.9.3.1** Will (1) develop local procedures called for in this directive; (2) train staff in this directive and local procedures to support it; (3) ensure that staff adhere to the requirements of this Directive and of the local procedures derived from this Directive.

**5 Training Method**

**5.1**

**6 Quality Assurance Processes**

**6.1**

**7 Financial Impact:**

**8 References**

**9 Responsible Director and Draft Participants**

**DIRECTIVE**