



State of Vermont
Department of Corrections
103 South Main Street
Waterbury, VT 05671-1001
www.doc.state.vt.us

[phone] 802-241-2442
[fax] 802-241-2565

Agency of Human Services

Department of Corrections Memorandum

TO: ALL STAFF

FROM: Andrew A. Pallito, Commissioner

DATE: April 7, 2011

RE: *CHANGE IMPACTING COMMUNITY RESTITUTION PROGRAM ROM*

Cc: *Keith Tallon, Lisa Menard, Dale Crook, John Murphy*

Recent legal scrutiny of our Return on Mittimus (ROM) process has resulted in the following change of practice. Current mittimus language notwithstanding, effective immediately (04.07.11) the following process will be utilized in responding to offenders sentenced to the Community Restitution Program who have a "work crew" failure and have been returned to a correctional facility.

- Within four (4) business days of their return to jail (day one being the first full business day after the return), the offender will be provided with an administrative due process hearing per directive 410.02 *Violations of FR, CR, PAF*.
- At any point prior to the hearing a returned offender may be offered a graduated sanction in the following manner:
 - 1st return - up to 5 days to serve (credit for time served mandatory)
 - 2nd return - up to 10 days to serve (credit for time served mandatory)(Rejecting a graduated sanction will result in a due process hearing.)
- A 3rd return will result in a due process hearing without the offer of a graduated sanction. In the case of a finding of guilt, a local case staffing will determine whether to revoke furlough.
- In all cases, a finding of *not guilty* through a due process hearing will result in the immediate release of the offender.
- If the offender maxes out or is returned to the community before four (4) business days, there is no need for the administrative due process hearing to be held.