

VT Department of Corrections

INTERIM REVISION MEMO

TO: All Staff
FROM: Andrew A. Pallito, Commissioner
RE: Interim Procedure Memo on #371.26 Reintegration Furlough
DATE: June 30, 2011
Cc: Lisa Menard, Dale Crook

Effective July 1st 2011, any inmate sentenced to less than 365 days for an “eligible misdemeanor” is eligible (see below) for Reintegration Furlough. This is based on a change in statute that is reflected in a new Emergency Rule #11-E02 *Granting Reintegration Furlough*, which is also effective July 1st 2011.

The Interim Procedure Memo dated 4/19/10 is still in effect. Staff should refer to the original #371.26 Reintegration Furlough directive dated 5/6/2006, and the Interim Procedure dated 4/19/10, and apply the following process.

During the 5 day classification of newly sentenced inmates, the assigned Facility CSS will screen all inmates sentenced to determine if they qualify for an eligible misdemeanor and are sentenced to less than 365 days. If the inmate meets those criteria, then the Reintegration Furlough review process will start using the RF survey tool. If the field approves release, they are eligible to be released. These inmates approved for RF **do not** have to serve half of their sentence.

Expanded Reintegration Furlough:

Those inmates sentenced to less than 365 days to an “eligible misdemeanor” as defined in 28 VSA § 808 d, and who pose a low risk to public safety or victim safety, may be furloughed anytime during their sentence. For purposes of 28 V.S.A. §§ 808a-808c, “eligible misdemeanor” means a misdemeanor crime that is **not** one of the following crimes:

- Cruelty to animals involving death or torture as defined in 13 V.S.A. § 352(1) and (2);
- Simple assault as defined in 13 V.S.A. § 1023(a)(1);
- Simple assault with a deadly weapon as defined in 13 V.S.A. § 1023(a)(2);

- Simple assault of a law enforcement officer, firefighter, emergency medical personnel member, or health care worker while he or she is performing a lawful duty as defined in 13 V.S.A. § 1023(a)(1);
- Reckless endangerment as defined in 13 V.S.A. § 1025;
- Simple assault of a correctional officer as defined in 13 V.S.A. § 1028a(a)(1);
- Simple assault of a correctional officer as defined in 13 V.S.A. § 1028a(b);
- Violation of an abuse prevention order, first offense, as defined in 13 V.S.A. § 1030;
- Stalking as defined in 13 V.S.A. § 1062;
- Domestic assault as defined in 13 V.S.A. § 1042;
- Cruelty to children over 10 years of age by one over 16 years of age as defined in 13 V.S.A. § 1304;
- Cruelty by a person having custody of another as defined in 13 V.S.A. § 1305;
- Abuse, neglect, or exploitation of a vulnerable adult as provided in 13 V.S.A. §§ 1376-1381;
- Hate-motivated crime as defined in 13 V.S.A. § 1455 or burning of a cross or other religious symbol as defined in 13 V.S.A. § 1456;
- Voyeurism as defined in 13 V.S.A. § 2605;
- Prohibited acts as defined in 13 V.S.A. § 2632;
- Obscenity as defined in chapter 63 of Title 13;
- Possession of child pornography as defined in 13 V.S.A. § 2827;
- Possession of a dangerous or deadly weapon in a school bus or school building as defined in 13 V.S.A. § 4004(a);
- Possession of a dangerous or deadly weapon on school property with intent to injure as defined in 13 V.S.A. § 4004(b);
- Possession of a firearm in court as defined in 13 V.S.A. § 4016(b)(1);
- Possession of a dangerous or deadly weapon in court as defined in 13 V.S.A. § 4016(b)(2);
- Failure to comply with the sex offender registry as defined in 13 V.S.A. § 5409;
- Careless or negligent operation of a motor vehicle resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);
- Driving under the influence of alcohol or drugs, second offense, as defined in 23 V.S.A. §§ 1201 and 1210(c);
- Boating under the influence of alcohol or drugs, second offense, as defined in 23 V.S.A. § 3323.

If you have any questions, please contact Dale Crook.