

Final Adopted APA Rule #09038, DOC Policy #428
Vermont Department of Corrections: Administrative Rule on
Term Probation Midpoint Review
Effective January 4, 2010

1. AUTHORITY

28 V.S.A. § 252(b) and (d)

2. PURPOSE

The purpose of this administrative rule is to set forth a midpoint review process for offender probation cases with a specified term.

3. DEFINITIONS

Commissioner: Commissioner of Corrections (DOC).

Probation: A suspended or deferred sentence imposed by a court under which an offender found guilty of a crime upon verdict or plea is subject to conditions imposed by the court and placed under supervision of the Commissioner of Corrections.

Term Probation: A form of suspended or deferred probation where the court has specified an expiration date in a probation warrant.

4. TERM PROBATION MIDPOINT REVIEW

The Department of Corrections shall establish a system for determining the midpoint, less one (1) month, for all offenders with a term probation sentence. At the midpoint less one (1) month of any individual's term of probation, the Department shall evaluate the individual's progress toward meeting standard and special conditions of probation as ordered by the Court and take one (1) of the following actions:

- a. If the offender has satisfied all conditions (both standard and special) of probation, and there are no public safety or victim safety issues, the Department may petition the Court for discharge from probation.
- b. If all standard conditions have been fully satisfied, and the individual on probation has completed at least one (1) special condition of probation and there are no public safety or victim safety issues, the Department may petition the Court for a reduction of the term of probation.
- c. The Department may continue the probationer on probation if the offender has not completed any of the Court requirements but is continuing to make progress toward their completion.

Any decision to make or refrain from making a motion pursuant to section 252 (d) shall be made at the sole discretion of the commissioner and shall not be subject to appeal. All decisions are final, not reviewable, and not subject to challenge.