

SENTENCING OPTIONS MANUAL



STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS

SENTENCING OPTIONS MANUAL

For the State of Vermont's Department of Corrections

FIELD SERVICES UNIT

Vermont MMXIII

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HOW TO USE THIS MANUAL

This manual lays out sentencing options for the courts and the correctional programs for offenders that the Department of Corrections oversees. As a resource and reference, we hope it will help inform your sentencing decisions. Any further questions you may have about the Department's supervision of offenders or its programs may be answered by a local Probation and Parole Officer. See Appendix, Contact Information, Probation & Parole Officers, *page 115*.

ISSUES AND SENTENCING

The preliminary section of the manual is included to make you aware of the important considerations that frame every sentence for the Department. This section introduces you to the general philosophical and legislative framework in which the Department operates. It also provides some very important detailed information, as in the section on sentence computation. At the end of this section, an *Options and Sentence Lengths Reference Chart* is provided for your convenience.

FORMAT

Most sentencing and program options in the manual follow a consistent format. There is a "Summary" section covering the target population, eligibility criteria, the sentencing process, program features, and typical duration. Occasionally, there are other sections when appropriate. A "Description" section that follows a "Summary" section goes into the details of each program option. Information in the Appendix that is referred to within the body of the manual, as well as other documents that may be helpful to the criminal justice system, are found at the back of the manual.

LANGUAGE

For no other reason than efficiency and ease of reading, we have chosen to use the masculine pronouns, "he," "him," and "his", to refer to all offenders. Obviously, there are female offenders who would have exactly the same criteria for referral and receive similar programming and/or supervision.

KEY TERMS

Presented here is a short glossary of key terms used in the manual. If you are unfamiliar with a term that is not explained here, the Department maintains a full glossary of terms on its website: [Glossary of Terms — Department of Corrections](http://doc.vermont.gov/about/policies/glossary_terms)
http://doc.vermont.gov/about/policies/glossary_terms

AUTOMATIC REDUCTION OF TERM (ART)

An automatic reduction of days from an inmate's sentence for every 30 days incarcerated. Effective as of July 1, 2005, there is no longer any automatic reduction of term.

BATTERER INTERVENTION PROGRAM (BIP)

An education-focused community program for first-time misdemeanor domestic violence offenders who are willing to cooperate with treatment.

BOOKING SCHEDULE ID PROGRAM

A Department database tracking system for offender schedules. Offenders in the Community Restitution Program are scheduled for the days they are required to participate in the program and are considered sentenced to an Interrupt Daily (ID) schedule. They are only on furlough the days and the hours of work service for which they are scheduled.

CAMP EARNED REDUCTION OF TERM (CERT)

Inmates serving time in a work camp may earn additional days (in addition to ERT) off their sentences.

CASE PLAN

See Offender Case Planning (OCP)

CORRECTIONAL INTERVENTION

Treatment and supervision strategies and activities designed to manage the offender's risk to re-offend.

CRIMINOGENIC NEED

A risk factor associated causally with criminal behavior.

DEFENDANT

Someone charged with, but not convicted of, a crime.

EARNED REDUCTION OF TERM (ERT)

An earned reduction of days from an inmate's sentence for every 30 days incarcerated. Effective July 1, 2005, due to changes in statutory changes, there is no longer any earned reduction of term. For offenses that occurred before July 1, 2005, the Department will award earned reduction of term prospectively from the date sentenced to the calculated maximum release date. When an offender reaches his maximum overall sentence with earned reduction of term days, he is no longer under the Department's custody. Work camp time is the only sentence reduction an offender is eligible to earn.

GENERAL RISK ASSESSMENT MEASURES

Assessment tools and instruments used to estimate and predict the overall likelihood of recidivism by an individual. This includes the Level of Service Inventory-R (LSI-R) and the Violence Risk Appraisal Guide (VRAG).

GRADUATED SANCTIONS

Any of the consequences, which may be imposed on offenders who violate conditions of probation, parole, furlough reintegration, pre-approved furlough, or supervised community sentence, in lieu of a more formal violation process before the court, Parole Board or a Department of Corrections Hearing Officer.

HOME CONFINEMENT

A furlough status that restricts the offender to a pre-approved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions. See Section "Home Confinement", *page 81*.

HOME DETENTION

A program of confinement and supervision that restricts a defendant to a pre-approved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections.

INTERMEDIATE SANCTION

A sanction falling between probation and incarceration. An offender sentenced to an Intermediate Sanction experiences a higher degree of supervision and control by the Department than someone on probation supervision but less than that experienced through incarceration.

INTERMEDIATE SANCTION REPORT

A report written by a Probation Officer which details social history, key risk areas, and treatment planning of a person who has been arraigned and is anticipating a change of plea. The report outlines the conditions by which the person would be accepted into an alternative to incarceration program.

LEVEL OF SERVICE INVENTORY – REVISED (LSI-R)

The Level of Service Inventory is a structured assessment of an offender's risk and needs, used to assist in treatment planning and assignment of varying levels of supervision. It has been revised and is now known as the LSI-R ("R" for "revised"). It is a measurement of general recidivism risk that examines both static and dynamic risk factors. The measurement yields a total composite score which identifies the risk group (low, low-moderate, moderate-high, high) into which the offender falls and ten sub-scores reflecting the degree to which recidivism-related variables are present or not present in a case. The LSI-R is administered by trained casework staff at correctional facilities and field sites.

LISTED OFFENSE

Any crime listed under 13 V.S.A. § 5301(7) or any of the violent crimes that the Department has determined meet the rationale that established the listed offenses. See Appendix, Listed Offenses, *page* 147, for a complete list.

MANAGEMENT PROGRAM LEVEL (MPL)

One of three levels designated to an offender convicted of a listed offense(s) or other violent crimes identified by the Department, for classification & risk assessment purposes. The levels determine institutional expectations, program requirements, and release criteria.

MAX OUT

The serving of an incarcerative sentence to the maximum allowable time after the deduction of awarded reduction of term (ART) and earned reduction of term (ERT). All cases will be reviewed for reintegration suitability up to twelve months prior to completion of a sentence.

OFFENDER CASE PLANNING (OCP)

The Department document that establishes offender case planning, case management and reparative responsibilities. OCP is also the process, which focuses on preparing an offender to re-enter the community and/or being successful while under community supervision.

PRESUMPTIVE COMPLETION DATE

The date when an offender is anticipated to be discharged from a risk management program, absent any disqualifying factors. It is arrived at through a reassessment process.

PROSPECTIVE AWARDS

A reduction of days from an inmate's sentence that awards all reductions of ERT to which an inmate would potentially be entitled in the future under the system that was in place at the time their crime was committed.

REHABILITATION

The restoration of an individual to a former capacity, to a condition of health or useful or constructive activity.

RESTORATIVE JUSTICE

An approach focusing on repairing the harm caused by the offender to victim and community, involving community members and the offender, and inviting the victim to participate.

RISK FACTORS**Dynamic Risk Factors**

Behavioral and personality characteristics that can change over time and are potentially amenable to intervention. Dynamic Risk Factors may include, but are not limited to, one or more of the following: criminally entitled attitudes, education level, financial situation, ineffective problem solving skills, substance abuse and negative social influences.

Static Risk Factors

Static risk factors are factors historical in nature and cannot change. They may include, but are not limited to, one or more of the following: prior criminal offenses, severity of offense, escape history, prior treatment failure, early age of onset of criminal behavior, childhood behavioral problems and anti-social personality disorders.

RISK MANAGEMENT SUPERVISION

Risk Management Supervision combines the use of risk control and risk reduction strategies that are vital in order to have positive outcomes for community supervision of offenders. *Risk control* strategies are directed at deterring future non-compliance by holding offenders accountable through reprimands, warnings, loss of privileges, and, when appropriate, the imposition of more intrusive/restrictive requirements and violations. *Risk reduction* strategies are directed at promoting future compliance by assisting the offender through information, education/training, counseling or treatment to bring about positive changes in the circumstances that led to the non-compliance. Research has demonstrated that to reduce offender recidivism and obtain positive results from community supervision, combining risk control and risk reduction strategies is far more effective than selecting one strategy over the other.

SANCTION

A legal penalty imposed by the court for violations of the law.

SCREENING ASSESSMENT MEASURES

Assessment tools and practices that occur during the early stages of intake or for an Intermediate Sanction Report. These measures provide an estimation of recidivism risk and inform determinations whether an offender should be considered for risk reduction treatment services and programs. They are used primarily to identify potential candidates for community-focused programs and Reparative Probation. They may be waived if more detailed assessment is either ordered by the court or administered by the DOC.

SUPERVISION LEVEL ASSESSMENT (SLA)

A seven-item screening assessment measure, which measures criminal history, violations of probation, substance abuse and employment. It is used in an offender case intake to provide an initial assessment and case assignment function.

WORK CAMP

A residential program where the focus is to provide offenders the opportunity to return value to Vermont communities through work projects within communities.

THE SANCTIONS

The Department administers four (4) sanctions to which the court can sentence offenders. These sanctions viewed in terms of loss of freedom and rights and the degree of intrusiveness and restrictiveness, represent a continuum of severity.

In order to arrive at a fair estimation of any sanction duration, courts should always consider potential factors that impact sentence length, such as reintegration furlough, treatment furlough, credit for time served, work camp participation credit, and parole eligibility.

PROBATION

Probation is a legal status under which an offender, found guilty of a crime upon verdict or plea, is released by the court without confinement, subject to conditions imposed by the court and monitored by the Department of Corrections.

INTERMEDIATE SANCTIONS

Supervised Community Sentence (SACS)

One of 4 intermediate sanction legal statuses offered by the Department of Corrections, a supervised community sentence is authorized by Title 28, Chapter 6, V.S.A. § 352 et seq. A court sentences an offender under parole supervision to a supervised community sentence with the approval of the Commissioner of Corrections. The offender is thereafter under the jurisdiction of the Vermont Parole Board. The Department has established programming that has to be used with this sanction with offenders meeting set program eligibility requirements.

Pre-Approved Furlough (PAF)

For a pre-approved furlough, the second legal status of an intermediate sanction, the Department, after completing an *Intermediate Sanctions Report*, follows the court's recommendation to sentence to furlough an offender who meets criteria for the programs offered under this sanction. The court sentences the offender directly to the Department's custody, but the offender starts the sentence on furlough.

Home Confinement

The offender is placed on a pre-approved furlough that restricts him to a pre-approved place of residence continuously, except for authorized absences, enforced by appropriate means of supervision, including electronic monitoring and other conditions. The intent of this new sanction is to allow for offenders who could be safely supervised in the community, to reside at their residence versus being incarcerated. This results in more jail beds being available for higher risk offenders while allowing other offenders to be supervised at the least restrictive level necessary to provide public safety.

Community Restitution Program (work crew)

An *interrupt daily* sentence where offenders perform unpaid work service, which is of value to the community.

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DEPARTMENT MISSION: PRACTICAL ASPECTS & CONSEQUENCES

STATUTORY AUTHORITY, VISION, AND MISSION STATEMENT

The Department of Corrections operates under statutory authority. Under 28 V.S.A. § 1, the Department's purpose is to administer a correctional program designed to do the following:

- Protect persons against offenders of the criminal law;
- Render treatment to offenders with the goal of achieving their successful return and participation as citizens of the state and community;
- Foster offenders' human dignity; and
- Preserve the human resources of the community.

Throughout the years, the Department's vision within these statutory parameters has not changed:

To be valued by the citizens of Vermont as a partner in the prevention, research, control and treatment of criminal behavior.

The Department's mission statement derived from its vision and its governing statute is well known:

In partnership with the community, we support safe communities by providing leadership in crime prevention, repairing the harm done, addressing the needs of crime victims, ensuring offender accountability for criminal acts and managing the risk posed by offenders. This is accomplished through a commitment to quality services and continuous improvement while respecting diversity, legal rights, human dignity and productivity.

Since the publication of the last sentencing manual in 1996, the Department has continued to monitor and evaluate its sentencing options and programs, as well as explore and research new methods within its mission. In small and large ways the Department has made changes and improved how it carries out its role. It has responded and adapted to all new statutory requirements enacted by the legislature.

Foremost amongst the legislative changes are those that have been made in accord with 28 V.S.A. § 2a, Restorative Justice, enacted as State policy in 2000. This statute mandates that principles of restorative justice be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses. In responding to this legislation, the Department has helped to create Community Justice Centers, reparative boards and panels, and other smaller restorative justice programs where needed.

The Department has also made significant changes in all its programming to make best use of the newest developments in treatment that have proven successful in other states. Changes have been made in its treatment programs for sex offenders, domestic abuse offenders, and substance abuse offenders. The Department has significantly increased the number of transitional and supportive housing programs, as well.

SENTENCING IN GENERAL

As the Department strives to be responsible and ever more successful in carrying out its mission, it has to deal effectively with the demands placed on it by the courts and the sentencing of defendants. The Department encourages sentences with time frames that maintain a balance between managing risk and addressing the rehabilitative needs of offenders. To this end, the Department strongly encourages the courts to make use of its risk assessment capabilities prior to sentencing and throughout the criminal justice adjudication process.

The operating expenditure of the Department has been a serious issue for a substantial period. The Department encourages its partners to reserve higher-level correctional services, such as incarceration, for offenders who represent serious risk to the community, and to use restorative and informal community controls to hold accountable offenders who pose less risk.

Evidence-based research over the years clearly indicates that too much intervention with lower level offenders is counter-productive. The evidence demonstrates such intervention poses a danger of over-exposing lower level offenders to other offenders with anti-social orientations. Negative consequences can ensue.

In 2010, the Vermont State legislature enacted law that created a new legal status of *Home Detention*. Home Detention is a supervision status in the community by the Department for individuals charged with a criminal offense who are incarcerated and unable to make bail for seven (7) days. The intent of this legislation is to allow the release of appropriate detained individuals whom the court determines could be safely managed in the community by Department staff with the use of electronic monitoring.

The 2010 legislature also created the new furlough status of *Home Confinement* in which an offender can be sentenced to no more than 180 days confined to his/her residence. This new legal status allows for offenders who could be safely supervised in the community to be on a restrictive furlough instead of incarceration, thus freeing up bed space for higher-risk offenders and keeping lower-level offenders at home under safe supervision.

Finally, the Department encourages careful consideration in sentencing individuals who have no ties to the State of Vermont other than from their criminal activity. Specifically, the Department would recommend a sentence that would allow an individual to return to his home state without having to be reintegrated through a Vermont community.

RESTORATIVE JUSTICE & RESTORATIVE PRACTICES

What is restorative justice? How can Vermont judges, prosecutors, and defense attorneys prudently and practically apply restorative justice principles and incorporate restorative practices within the current legal system? As restorative justice views “justice” with an entirely different “lens” than the traditional justice system, applying its principles and incorporating its practices presents profound challenges to the wisest and best-intentioned judges and attorneys in our criminal justice system. Notwithstanding those challenges, and in keeping within the parameters laid out by the Vermont Legislature in the Criminal Policy statute, 28 V.S.A. § 2a, the Department of Corrections believes it is the responsibility of all branches of our state government to promote these principles and practices whenever and wherever possible. This section of the Sentencing Manual will review the basics of restorative justice and restorative practices and their current state in Vermont. It will conclude with ideas about how they can be further promoted and applied in the sentencing of offenders.

BASICS OF RESTORATIVE JUSTICE IN VERMONT

A Different Conception of Justice

Restorative justice is a conception of justice that focuses first and foremost on the harm done by a crime or an offense. It is different from the legal system’s traditional justice in so far as traditional criminal justice conceives of crime primarily as a violation of a criminal statute, a trespass against the State. Restorative Justice focuses on the harm caused by crime and on repairing the harm done to victims and communities. To this end, it recognizes the most significant authorities on the harm done are those who have been actually harmed. Restorative justice encourages people who have been harmed by criminal acts to reveal the nature of the harm to legal system officials and to the parties responsible for the harm. It also invites them to disclose their opinions as to the nature of what can be done in the way of restoration. It does not isolate offenders from the harm they have caused to their victims or their communities – although later isolation can be an outcome of a restorative justice agreement. Restorative justice seeks redress for victims, recompense by offenders and, ultimately, the reintegration of both within their communities. It is achieved through a cooperative effort by community members and government officials.

As for offenders, restorative justice requires that they first and foremost take responsibility for their actions and for the harm they have caused with those actions. Participation by offenders in a restorative practice must be voluntary and sincere. Taking responsibility for one’s actions can be extremely difficult. In fact, doing so may be the most difficult and intimidating step an offender takes. But until an offender is willing to so participate, the traditional criminal justice system must run its course. Offenders who cannot bring themselves to own up to their actions are simply not allowed to participate in restorative practices.

VERMONT STATE POLICY

Restorative justice became the State policy of Vermont in May, 2000:

It is the policy of this state that principles of restorative justice be included in shaping how the criminal justice system responds to persons charged with or convicted of criminal offenses. The policy is a community response to a person's wrongdoing at its earliest onset, and a type and intensity of sanction tailored to each instance of wrongdoing.

28 V.S.A. § 2a.

The State's policy objectives are to "[r]esolve conflicts and disputes by means of a nonadversarial community process," and to "[r]epair damage caused by criminal acts to communities in which they occur, and to address wrongs inflicted on individual victims." *Id.* A last objective is to "[r]educe the risk of an offender committing a more serious crime in the future, that would require a more intensive and costly sanction, such as incarceration." *Id.*

The policy also delineates its own implementation and gives a broad mandate to "law enforcement officials" to "develop and employ restorative justice approaches whenever feasible and responsive to specific criminal acts . . ." *Id.*

As all judges, prosecutors and defense attorneys are "law enforcement officials" of the State of Vermont, the statute proposes that they should all seek ways in which to utilize restorative justice approaches with each criminal defendant with whom they are involved.

RESTORATIVE PRACTICES

A restorative practice is a process whereby all parties come together to resolve collectively how to deal with the aftermath of the offense and its implications for the future. Reparative Boards are citizen-led restorative justice interventions designed to promote an understanding of the harm, amends to the victim, amend to the community and help the offender learn ways to avoid reoffense in the future. The following are an assortment of practices current in Vermont:

Reparative Probation

The Reparative Probation is a Corrections Program. It provides that after being convicted of a usually minor, non-violent crime, offenders may be sentenced to probation with the condition that they appear before a reparative board composed of trained citizen volunteers. The board, the offender, and the victim, who may or may not attend, and other invited persons who have been affected by the crime, meet and review the nature of the offender's offense, who it has affected and how, and, when successful, negotiate an agreement in which the offender agrees to complete a number of tasks during the probationary period. These agreements include tasks intended to help the offender better understand the harmful consequences of his behavior, repair the harm done to the victim, and restore the community. The agreements are also intended to be developed with a goal of reducing re-offending. See *Reparative Probation*, page 33.

Note: While not technically a Sentencing Option, the Reparative Board Process can and is utilized as an intervention at earlier points along the Sequential Intercept Model continuum in order to make more efficient and effective use of judicial resources. Specifically, local law enforcement may potentially refer an appropriate case to a local Board in lieu of further prosecution, as per understanding with the State's Attorney Office for that judicial district. Alternatively, the Court itself may sentence an offender to a Direct Reparative status whereby they are not under Department of Corrections' supervision, but do have a legal obligation to complete the Reparative Board Process.

Restorative Conferences

Restorative conferencing brings together, to whatever extent possible, all of the people affected by an offense. It includes direct victims and their supporters, indirect victims in the community, the person(s) who offended, their supporters and family, and a facilitator. The facilitator guides the participants through a series of questions that explore the thinking and feelings of the offenders and those who have been harmed, what the participants believe to be the main issues, and what should be done to make amends. All participants are encouraged to speak, and all collaborate on a contract, a restorative justice agreement, that lists actions to be performed by the person(s) who offended. Such actions can include any aspects of the traditional criminal justice system, including programming and incarceration. The more serious the offense, the more representatives of the criminal justice system should be allowed to participate as representatives of the greater Vermont community.

Circle Conferencing

Circle conferencing differs from restorative conferencing, although both are restorative and in both all participants sit facing one another in a circle. Circle conferences begin with discussion topics or questions and each member of the circle speaks (or can choose to be silent) one after the other around the circle. Discussions among those in the circle are designed to reach consensus about the best way to resolve a conflict and dispose of a case, taking into account the needs of those who have been harmed, the need to protect the community, and the rehabilitation (and punishment if deemed necessary) of the offender. The circle leader frames the questions that each participant will have a chance to answer or discuss without fear of interruption. Circles, by their very nature, stress the dignity, equality, and the importance of each person within the circle.

Sentencing circles have been conducted successfully in many communities throughout the world. See United Nations Handbook on Restorative Justice, pages 22-25; www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf.

Four stages to the circle process have been identified:

- Stage 1: Determining whether the specific case is suitable for a circle process
- Stage 2: Preparing the parties that will be involved in the circle
- Stage 3: Seeking a consensual agreement in the circle
- Stage 4: Providing follow-up and ensuring the offender adheres to the agreement

Victim Offender Dialogue

A Victim Offender Dialogue is a victim-centered and victim-initiated service provided by the Department of Corrections' Victim Services Program in which victims of serious and violent crimes meet with the offenders in their case. The Victim Offender Dialogue takes place in a controlled environment and in the presence of a trained facilitator. The dialogue is designed to engage the participants in a purposeful conversation in which they discuss the impact of the crime and/or have questions answered. Participation in this program is victim-initiated, victim-centered and voluntary on the part of the victim and offender. There is extensive preparation for all parties involved before meeting face-to-face.

A Victim Offender Dialogue is not considered a mediation, as there is no problem or conflict being resolved between the two parties. The offender in every case has already been sentenced and will in no way receive special sentence considerations if he participates.

Mediation

Mediation is offered by trained Department and Community Justice Center staff when requested. Issues that might be mediated include restitution amounts, the repairing of relationships, or other matters that a victim may want to address through mediation.

Restorative Justice in Current Practice in Vermont

Since 1994, the Department of Corrections has promoted restorative justice and restorative practices by helping to establish and train reparative boards in collaboration with Vermont communities. Currently, there are 76 reparative boards and community panels in 34 host towns, involving over 800 volunteers. For a study and report comparing reparative versus standard probation see the following report on-line: <http://doc.vermont.gov/about/reports/reparative-v-probation>.

Since 2000, the Department has also helped to establish Community Justice Centers in conjunction with groups of interested citizens and service providers. These centers offer volunteer, citizen-delivered restorative processes as a first step for dealing with conflict and lower levels of crime before resorting to the traditional court process. Citizens, victims, neighborhoods, schools, police and the municipal government are able to refer issues to their local center for resolution through citizen reparative panels, conferencing, circles and mediation. The justice centers work to ensure that victims and the larger community are safe as people return to the community after incarceration. Services vary with each Community Justice Center.

The Department has also helped train many citizens, including probation and parole officers, police, and some attorneys, in a variety of restorative practices, including group conferencing and circles. Such individuals have helped conduct restorative conferences involving very serious charges whose agreements have been accepted by Vermont courts for sentencing purposes, such as charges of grossly negligent operation with death resulting and DUI #1 with fatality.

EXPANSION OF RESTORATIVE JUSTICE APPROACHES

In accord with 28 V.S.A. § 2a, the Department believes that all judges, prosecutors, and defense attorneys should be trying to expand their application of restorative justice principles and practices. All cases at the earliest stages can be vetted for a restorative resolution.

Included here is a general chart of how restorative practices have a place in the traditional stages of criminal adjudication.



1 Restorative Justice Victim Focused

The very first question at any stage that must be answered positively is whether the offender takes full responsibility for his behavior as charged. If it cannot be answered positively, there is no sense in going further with a restorative resolution.

The second question is whether the offender is mentally and socially able to fully participate in a restorative practice. Can, for instance, the offender account for his actions intelligently before a reparative board or in a conference? If so, can he empathize with the feelings of those whom he has harmed? If so, can he contribute positively to a discussion about what should be included in a restorative agreement? If any of these questions, or similar ones, are answered in the negative, a restorative practice resolution should not be attempted with anyone who he may have been harmed by his actions.

If all those questions are answered positively, then there should be a sensitive inquiry of those who have been harmed to find out if there is any desire on their part to be part of a restorative resolution. Such persons need not be part of a reparative board meeting, though they can be. They should, at a minimum, be informed that such a meeting has been recommended. A restorative process can then move forth in further stages, shepherded by trained Community Justice Center professionals and volunteers.

A wealth of information on restorative practices, their processes, and studies of their outcomes is available from two prominent on-line sources:

RestorativeJustice Online (at <http://www.restorativejustice.org/>) and The International Institute of Restorative Practices (at http://www.iirp.org/lib_online_collection.php).

Information is also available through the Community Justice Centers throughout our state and the Community and Restorative Justice Division of the Department of Corrections.

See Appendix, Contact Information, Community Justice Center Contact Information, *page 121*.

Expanding Restorative Justice in the Current Criminal Justice System

In accord with the implementation section of 28 V.S.A. § 2a, the Department believes there are specific practices that legal system officials can employ that will promote the implementation of the State policy. Below are some suggestions. Given the relatively nascent stage of implementation of restorative practices in our state, these suggestions are given more in the mode of ideas to consider rather than as suggestions to implement without further specific assessment and analysis by all the officials involved.

JUDGES

Judges can discover at the earliest stage feasible, preferably at arraignment, whether a defendant has been informed that restorative justice is the criminal policy of Vermont and whether he is willing to take full responsibility for his actions as charged. If a judge determines that, a defendant has been so informed but is not willing, the traditional process and pleading proceeds. If the judge determines that he has been informed and is willing to so plead, then an inquiry should be made to determine if the defendant is further willing to waive the rights he would have within the traditional criminal litigation process. If the answer is yes, the defendant should also be made aware of how evidence revealed during a restorative justice process can be used in the future by the State if the process fails to reach a restorative agreement or if such an agreement is not fulfilled, resulting in his case having to be resolved in the traditional criminal justice manner. After the defendant is made aware, then further traditional proceedings can be suspended until an assessment is made as to whether or not an attempted restorative resolution is advisable. A judge can hold regular status conferences to check on the progress of the restorative resolution. At any time that a judge determines that further efforts to progress with a restorative resolution are contrary to the best interests of any of the parties involved, the judge may order the resumption of the normal steps of criminal litigation. Judges may always reserve the right to modify a restorative agreement. However, as participating in a restorative justice process is a voluntary one from start to finish, there is no obligation for a defendant or any of the parties involved to accept such secondary modifications. If any party does not accept a judge's modifications, the traditional criminal litigation process resumes.

STATE'S ATTORNEYS

Besides being actively involved in assessing the defendant's ability to positively participate in a restorative process, State's attorneys also need to monitor how interested those harmed by the defendant are in going forward with a restorative process. State's attorneys or their representatives can partake in the process themselves as community representatives, including having an active role in suggesting aspects of the restorative agreement.

DEFENSE ATTORNEYS

Defense attorneys should discover as soon as possible whether their clients are willing to take full responsibility for their behavior as charged. If they are willing, their attorneys can then inform them about what to expect from a restorative process, such as the questions they will be asked.¹ Defense attorneys should also make as clear as possible (1) the differences between a restorative process and the traditional criminal process, and (2) what rights defendants will give up if they choose and are able to participate in a restorative process. They can also help make a preliminary assessment as to a defendant's general ability and intention to interact responsibly and with all due respect with those whom he has harmed. Defense attorneys can monitor the progress of a restorative process and be available to advise the defendant if the process should falter and/or fail, in terms of the implications for resolving the case through the traditional criminal process.

CONCLUSION

The Department of Corrections recognizes that criminal justice officials face many hurdles in applying the principles and incorporating the practices of restorative justice. But given how helpful restorative practices have been shown to be for victims, communities, and offenders, as well as in lowering recidivism, the Department fully endorses the continued expansion of the use of restorative justice practices by our justice officials.

A list of major studies on restorative practices and recidivism is available from RestorativeJustice Online:

<http://www.restorativejustice.org/editions/2003/jan03/editions/2002/July02/recidivism>

Other countries that have developed their justice systems out of the English common law have also embraced restorative justice principles in many aspects: New Zealand, Australia, Canada and Great Britain herself. Other states in the United States have incorporated restorative practices within their criminal justice systems, especially Minnesota, Colorado and California. An abundance of information is available on-line concerning these states' and nations' efforts in expanding the use of restorative justice.

¹ These questions are generally alike and aimed at eliciting the same information. Examples of such questions for offenders are a) what happened? b) what were you thinking at the time? c) what have you thought about since? d) who has been affected by what you have done? e) in what way? and f) what do you think you need to do to make things right? Examples of such questions for others in the conference are a) what did you think when you realized what happened? b) what impact has this incident had on you and others? c) what has been the hardest thing for you concerning this incident? and d) what do you think needs to happen to make things right? (Questions here are from REAL Justice scripts of the International Institute of Restorative Practices of Bethlehem, PA.)

OFFENDER CASE PLAN

PURPOSE

The purpose of the Offender Case Planning (OCP) administrative directive is to establish standards for the classification, case management and planning services for offenders. Effective case management will: 1) enhance public safety, 2) prepare the offender for successful re-entry into the community, 3) address risk / needs of the offender, 4) support offenders in taking responsibility for their criminal behavior and case plan development, 5) provide opportunities for community involvement, 6) connect offenders to appropriate resources, 7) build upon offenders' strengths and assets, and 8) require case co-management for incarcerated offenders.

POLICY

It is the policy of the Department of Corrections to effectively engage offenders in the case planning process by encouraging them to participate in the development of their own case plan. The Department will engage the offender in reparative exercises, focused on the harm and impact the offender's behavior has had in the community and with individuals. Offender Case Planning reinforces and focuses community resources to support the offender to successfully reenter the community.

Offender Case Planning Overview

Effective case planning is a teamwork approach and the core process by which services are organized to promote, support, and guide offender change and by which community safety is enhanced. Facility case workers and field probation officers will support and assist offenders in developing a meaningful case plan according to the conditions of their confinement or community supervision, DOC requirements, and the offender's individual circumstances. The case plan and related processes become the foundation that encourages offenders in their efforts to become responsible citizens.

OCP is a shared responsibility between the offender, the facility caseworker and the field probation officer. For incarcerated offenders it is important for the caseworker and probation officer to successfully engage the offender in order for re-entry in the community to be successful. This collaborative approach is called case co-management.

Offender Case Plan Components

Initial Harm Statement - The offender's statement during the *intake process* in which he describes the harm he caused to an individual and/or his community, how he will make amends, what activities he will participate in so as not to re-offend and he also includes a brief written apology.

Offender Case Plan - The offender plan which includes proposed residence upon release, support persons in his life, methods of transportation and potential employment. Additionally, a more in-depth and insightful look by the offender with the assistance of his case worker, identifying the harm he has done, how he will make amends to victim(s), identification of risks/ behaviors he needs to overcome, while identifying strengths and personal assets along with a description of what he learned while incarcerated.

Transition/Re-entry Plan - Requires a meeting between the inmate, facility caseworker and field probation officer with a purpose of preparing the inmate for release and to introduce the inmate to the field probation officer.

Community Case Plan - A fluid document requiring updates and modifications as circumstances change with the offender. Any risk/need areas that score 50% or more on the LSI must be addressed in this case plan.

SENTENCE COMPUTATION

SENTENCE STRUCTURE

For each offender, the Department of Corrections is required by statute (13 V.S.A. § 1302) to combine all sentences received into one overall sentence to serve. Each offender, therefore, will always have one overall sentence according to the Department's computation, and the Department will apply credit to that overall sentence as explained below. The Department will always compute the sentence for the longest period of incarceration whether the sentences are received on the same day or on different days. For the Department, all court dockets remain open and all conditions remain applicable until the overall sentence is served. If an offender is serving three sentences with the first being 30-60 days, the second 1-3 years, and the third 5-10 years, the Department does not close the first sentence after 60 days whether the other sentences are concurrent or consecutive to it – all charges and conditions remain open and applicable until the 10-year sentence, the third is satisfied. If before the 5-10 year sentence is satisfied and an offender subsequently receives a fourth sentence of 15-20 years, the first three charges stay open and all conditions remain applicable until the new sentence is satisfied.

Here are some examples of overall sentence computations:

- For *concurrent* sentences, all are combined into the longest sentence to serve:
 - 3-6 months
 - 1-2 years
 - 3-5 years
 - The overall sentence is 3-5 years.
- For *consecutive* sentences, all are combined into the longest sentence to serve:
 - 3-6 months,
 - 1-2 years,
 - 3-5 years;

The overall sentence is 4 years 3 months to 7 years 6 months.

For *combination* sentences, calculations are made to determine which combination of sentences results in the longest period of incarceration. Incarceration always takes priority and is served first.

Example 1:

- **Docket A: 3-6 months**
- **Docket B: 6-12 months consecutive to Docket A**
- **Docket C: 10-11 months concurrent to both**

The overall sentence is 10 months to 18 months.

Example 2:

- **Docket A: 3-6 months**
- **Docket B: 6-12 months concurrent to Docket A**
- **Docket C: 10-11 months consecutive to Docket A, concurrent to Docket B**

The overall sentence is 13 months to 17 months.

Example 3:

- **Docket A: 3-6 months**
- **Docket B: 6-12 months concurrent**

The overall sentence is 6-12 months.

- **Docket C: 3-4 months consecutive to both dockets (imposed after the 6 month minimum is satisfied)**

The overall sentence becomes 3-16 months.

- **Docket D: 1-2 years concurrent to all dockets**

The overall sentence becomes 1-2 years.

Example 4:

- **Docket A: 18-24 months PAF/ISAP**
- **Docket B: 10-12 months all suspended but 10 days work service concurrent**

The overall sentence is 18-24 months, and the work service will be served while serving the furlough sentence. If the PAF/ISAP is returned to jail for a violation, the work service can be served while in jail at the discretion of the Department, and once the offender is released back to the community, work service will be satisfied.

CREDIT

The Department has the ability to research credit only for time spent by an offender in its custody. Credit for local lockup, residential, or out of state time must be specifically mentioned on the sentencing mittimus in order for the Department to award credit. The mittimus must also state what the credit is for and the specific number of days to be credited to the offender in order for the credit to be awarded.

Credit Calculation Guidelines for Department Sentence Computations:

Credit days cannot be counted more than once in terms of the overall sentence length.

Credit days for each docket and each count are determined separately and can only be applied to the offense for which it was earned.

Credit days with probation violations:

- **When an offender is serving a separate concurrent sentence with a period of incarceration and is on probation at the same time, if probation is revoked for a probation violation, the offender will receive credit on his overall sentence for the incarceration time served.**

- **If the sentences are consecutive, the incarceration period served on the separate sentence will not count towards the probation violation period to be served.**

An offender who is detained for violating conditions of release will have any time of incarceration served for the violation of conditions applied to the originating offense once sentenced. There is one instance where the detainee time on a VCON isn't applied to the originating offense, and that is when the VCON gets sentenced before the originating offense, then the credit is only applied to the VCON sentence. **It isn't also applied to originating because it was already awarded on the VCON.**

For sentences imposed consecutively to an existing sentence, no additional credit will be applied, as the time would have been applied to the first sentence the offender was serving.

Days served on Home Detention count as days incarcerated.

RULES AND REDUCTION OF TERM

Effective as of July 1, 2005, there is no longer any automatic or earned reduction of term. Work camp time is the only sentence reduction an offender is eligible to earn. The date of the offense determines the rules utilized in calculating a sentence.

For offenses that occurred before July 1, 2005, the Department will award earned reduction of term prospectively from the date sentenced to the calculated maximum release date. When an offender reaches his maximum overall sentence with earned reduction of term days, he is no longer under the custody of the Department, and the slate is wiped clean.

Community Restitution Program (Work Service or “Work Crew”)

Community Restitution Program sentences are considered sentences of incarceration. Calculations are made in the same manner as straight time sentences. Credit is researched, and the sentences are combined to arrive at one controlling, overall sentence.

If an offender receives a combination of a work service sentence and a jail sentence, the period of incarceration is always served first.

If the sentences are concurrent, the period of incarceration will reduce the number of days the offender will serve on work service.

If the sentences are consecutive, then each sentence will be served entirely.

Work service is served on an interrupted schedule. Days off from work service do not count towards overall sentence satisfaction.

For an offender incarcerated as a detainee on a new charge, work service days under the former sentence could be satisfied by days incarcerated as a detainee at the discretion of the Department.

Example:

Docket A: – 9-10 days work service

Docket B: – 10-12 months, all suspended but 5 days work service concurrent

- **The overall sentence to serve is 9-10 days to serve on work service. If the offender later is charged with another offense and lodged in jail as a detainee, serving the time in jail may satisfy the work service.**

For an offender incarcerated as a detainee on a new charge, days spent incarcerated as a detainee reduce the number of days the offender is to serve on work service if subsequently sentenced to work service on the new charge.

Example:

- **Offender is lodged as a detainee for 5 days before sentencing. He receives a sentence of 9-10 days work service. Because of the 5 days in jail as a detainee, 5 days will be applied as credit and he will only have to serve 5 days work service.**

If an offender is on furlough and if furlough is not revoked on account of a new charge, any new work service sentence imposed for the new charge will be completed on furlough.

If an offender is incarcerated and a Community Restitution Program sentence is imposed concurrently, work service sentence days will be satisfied by the days served while incarcerated.

REINTEGRATION FURLOUGH (RF) AND WORK CAMP GOOD TIME

Any inmate sentenced to incarceration may be furloughed for up to 180 days prior to completion of their minimum sentence. Inmates who are sentenced to a minimum term fewer than 365 days must serve at least one-half of their minimum term. An exception to that rule applies to inmates who pose a low risk to public or victim safety and are convicted of an “eligible misdemeanor” as defined in 28 V.S.A. § 808d . Those inmates may be furloughed anytime during their sentence. Credit for time served counts toward the required days to serve. Awards of Automatic Reduction of Term, Earned Reduction of Term, Prospective Awards, and Camp Earned Reduction of Term or Work Camp Good Time do not apply as time served.

Examples:

9 month or 1 year minimum sentence: Offender must serve half of the minimum sentence (4.5 or 6 months) prior to being considered for RF. Work Camp Good Time does not apply to the mandatory amount of time to serve.

9-month minimum sentence: Offender must serve half of the minimum sentence (4.5 months) prior to being considered for RF. Work Camp Good Time does not apply to the mandatory amount of time to serve.

1 year 1 day minimum sentence: Offender does not have to serve half of the minimum sentence prior to being considered for RF. The offender may be considered for RF 180 days prior to the minimum sentence. This would be at 6 months 1 day. Work Camp Good Time can reduce this to 91 days to serve.

1 year 6 month sentence: Offender does not have to serve half of the minimum sentence prior to being considered for RF. The offender may be considered for RF 180 days prior to the minimum sentence. This would be at 9 months. Work Camp Good Time can reduce this to 6 months to serve.

A Sentence Calculation Notification Form is completed whenever the Department calculates a sentence based on a sentencing mittimus received from the court. This is sent to all recipients mentioned at the bottom of the form. See Appendix, page 127. If you have questions concerning a sentence length, contact your local Probation and Parole Office. See Appendix, page 115. For additional sentence computation information, contact Sentence Computation Contact Personnel. See Appendix, page 125.

NOTE: Prior to sentencing, please allow the Department 1-2 weeks to provide an accurate estimate of an offender’s release date based on possible sentencing choices or credit for time served.

ADMINISTRATIVE & NON-RISK MANAGEMENT OPTIONS

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DEFERRED PROBATION

SUMMARY

Statutory Authority

13 V.S.A. § 7041(b).

Target Population

Offenders who are unlikely to re-offend, with minimal or no prior criminal history.

Sentencing Process

Upon a finding of guilt and after the filing of a Pre-Sentence Investigation report (PSI) if required, the court may defer sentencing and place the offender on probation under terms agreed upon between the State's Attorney and the offender and filed with the court. The court may also do so without the written agreement under specific conditions listed in 13 V.S.A. § 7041(b).

Eligibility Criteria

- Written agreement between the State's Attorney and offender and filed with the court.
- The court may not defer a sentence for a violation of 13 V.S.A. § 3253a (aggravated sexual assault of a child).

Program Features

None.

Typical Duration

The court may impose sentence at any time if the offender violates the conditions of the deferred sentence during the period of deferment.

Costs

PROGRAM

Structure

Duration

Program Failure

RESTORATIVE JUSTICE CONSIDERATIONS

ADMINISTRATIVE PROBATION

SUMMARY

Statutory Authority

28 V.S.A. § 205(c)

Target Population

All misdemeanor and non-listed offenses, which the court believes, do not require risk management services for the offender.

Note: Offenses listed under 28 V.S.A. § 205(c) requires Administrative Probation.

Sentencing Process

Court uses Administrative Probation Order and includes appropriate conditions relevant to the offense.

Eligibility Criteria

Conviction for a criminal charge that carries an underlying sentence of incarceration.

Program Features

An unsupervised probation in which the Department monitors compliance with standard and special court-ordered requirements, such as meeting with a Reparative Board.

Typical Duration

Discharge request upon completion of court-ordered conditions or expiration of term with a mandatory midpoint review.

Costs

PROGRAM

Structure

Duration

Program Failure

RESTORATIVE JUSTICE CONSIDERATIONS

REPARATIVE PROBATION

SUMMARY

Reparative Probation provides Vermont courts with a restorative sentencing option for offenders to make reparation to victims and the community. The Reparative Probation Program provides a restorative response to crime in accord with Vermont State policy under 28 V.S.A. § 2a. For a greater explanation of the policy, see Restorative Justice Section, *page 13*.

Reparative activities for offenders are based on four goal areas:

- *Learn about the impact of the crime on victim(s) and the community.*
- *Make amends to the victims of crime.*
- *Make amends to the community.*
- *Learn ways to avoid re-offending.*

Statutory Authority

28 V.S.A. § 1 (b), § 2a, § 102 (b) (2), (4), § 202, § 252 (a), (b) - (2), (6)

Target Population

Offenders placed on probation for generally non-violent offenses and other offenses for a community process.

Sentencing Process

The court uses an Administrative Probation Order for offenders sentenced to Reparative Probation. The court indicates the Reparative Condition if appropriate on the Administrative Probation Order. Traditional risk control and treatment conditions do not apply in the Reparative Probation Program.

Upon being sentenced to Reparative Probation, an offender goes through a local intake process with an assigned Probation and Parole Officer. He is then scheduled to appear before the Reparative Board.

Eligibility Criteria

Conviction for a non-violent offense or deemed suitable for restorative processing by the court or a Community Justice Center. The offender must take full responsibility for his actions as charged and be willing to fully participate in a restorative process.

Program Features

A form of probation providing the offender with the opportunity to make amends to the victim and community for his criminal offense. It includes:

- Appearance before a Community Reparative Board or participation in other restorative practices; and
- May include reparative activities to complete, such as:
 - **restitution,**

- **community work service,**
- **victim impact programs, and**
- **short educational programs (e.g., conflict resolution, defensive driving, decision-making).**

Typical Duration

Most restorative processes within Reparative Probation are designed to be completed within 90 days of the first scheduled meeting with the Board. Discharge request to be made upon completion of the specified restorative components with a mandatory midpoint review of the term of probation.

Costs

PROGRAM

Structure

An offender who receives Reparative Probation appears before a board of citizen volunteers (the Reparative Board) to acknowledge his offense and discuss the nature of the crime and the harm that has resulted. The Board and individual victim, if there is one and they want to participate, develop an agreement with the offender defining the activities that shall be completed.

Most often, the offender on Reparative Probation is not under traditional supervision. Upon completion of agreed-upon reparative activities, the Department may recommend discharge from probation. The program is designed to be completed in 90 days. If the offender fails to successfully complete the program, he may be returned to the court for further action.

The Board may meet with an offender again to discuss his progress toward activity completion. The Board may seek additional activities within the guidelines.

Role of the Reparative Board

The Reparative Board is made up of citizen volunteers. The Board:

- Develops a Reparative Agreement from the four program goal areas with the offender (and victim, if relevant), after discussing the crime and possible repair of harm done;
- Reports satisfactory or unsatisfactory completion of reparative activities to the Department;
- Directs Department staff to recommend the offender for positive or negative termination.

Role of the Reparative Coordinator/other reparative personnel

The Reparative Coordinator/reparative personnel does the following:

- Provides consultation to the court, State's Attorneys, and defense attorneys regarding referrals to the Reparative Probation Program;
- Prepares cases to present before the Reparative Board;
- Monitors offender compliance with the Reparative Agreement;
- Manages and facilitates administrative matters, court matters, and case processing for the Board;
- Coordinates pre-service orientation and in-service training for the Board;

- Arranges for community resources and service providers.

Duration

Reparative Probation is designed so the harm from the crime is repaired to the extent possible and in as timely a manner as possible. The program is designed, but not mandated, to be completed in 90 days from the first scheduled meeting with the board after intake and referral from the Department. The key program activities are offered regularly. The Reparative Probation condition ends when the Reparative Agreement and activities have been satisfactorily completed.

Program Failure*Revocation*

An offender sentenced to Reparative Probation may be returned to court for failing to complete the terms of the Reparative Agreement or for conviction for a new offense. As with traditional probation, the court may find the offender in violation and impose the underlying suspended sentence or re-sentence to a portion thereof. The Reparative Board reports the offender's failure to complete the Reparative Probation Program to the supervising Department staff member, who recommends a return to court for violation proceedings and disposition.

Reparative Probation violations are based on:

- Conviction for a new offense, or
- Failure to attend, participate in, and/or complete the Reparative Probation Agreement to the satisfaction of the Reparative Board and supervising Department staff member.

RESTORATIVE JUSTICE CONSIDERATIONS

Reparative Probation is based on principles of restorative justice.

DIRECT REFERRAL TO REPARATIVE BOARD WITHOUT PROBATION

SUMMARY

Statutory Authority

13 V.S.A. § 7030, 28 V.S.A. § 910a

Target Population

Offenders who plead guilty to a non-violent felony or misdemeanor not involving domestic violence, sexual violence, sexual assault, or stalking, and whom the court feels would benefit from a Reparative Program.

Sentencing Process

- Referral to a Community Reparative Board pursuant to 13 V.S.A. § 7030 and 28 V.S.A. § 910a.
- Offender shall return to court for further sentencing if either of the following occurs:
 - Reparative Board does not accept the case; or
 - Offender fails to complete the Reparative Board program to the satisfaction of the board in time deemed reasonable by the board.

Referral to the Reparative Board under this sentencing option does not require the court to place the offender on probation.

Eligibility Criteria

Offenders who plead guilty to a non-violent felony or misdemeanor not involving domestic violence, sexual violence, sexual assault, or stalking.

Program Features

- Appearance before a Community Reparative Board or participation in other restorative practices; and
- May include reparative activities to complete, such as:
 - restitution,
 - community work service,
 - victim impact programs,
 - short educational programs (e.g., conflict resolution, defensive driving, decision-making).

Typical Duration

To be determined by the Reparative Board.

Costs

PROGRAM

Structure

Duration

Program Failure

RESTORATIVE JUSTICE CONSIDERATIONS

REPARATIVE PROGRAM UNDER SUPERVISED COMMUNITY SENTENCE

SUMMARY

Statutory Authority

Target Population

- Offenders who commit non-violent crimes but have not been responsive to prior probation supervision.
- Violators of Reparative Probation.
- Offenders whose crime warrants an intermediate sanction and the Reparative Probation Program.

Sentencing Process

- Court refers offender to Department with an Intermediate Sanction Referral (ISR) for screening;
- Probation Officer is assigned to complete referral;
- Referral is sent to Reparative Board for offender acceptance into the program;
- ISR returned to court with program acceptance (or denial) and conditions.

Eligibility Criteria

Conviction for an eligible crime and Reparative Board acceptance.

Program Features

A program is developed by a Reparative Board that requires the offender to make amends to the victim and community for his criminal offense. It includes the following:

- Appearance before a Community Reparative Board;
- Menu of reparative activity choices to complete, including:
 - **restitution,**
 - **victim-offender dialogue (in a facilitated mediation, a community justice conference or at a Reparative Board meeting),**
 - **community work service,**
- Victim impact programs,
- Short educational programs (e.g., conflict resolution, defensive driving, decision-making.)

Typical Duration

Request for discharge to the Parole Board upon completion of the Reparative Agreement and achievement of minimum sentence.

Costs

PROGRAM

Structure

Duration

Program Failure

RESTORATIVE JUSTICE CONSIDERATIONS

COMMUNITY RESTITUTION PROGRAM

SUMMARY

The Community Restitution Program (CRP) under Supervised Community Sentence and Pre-approved Furlough is a program that offers the court a community-based alternative to a short period of incarceration (up to 60 days), provides offenders the opportunity to repair the harm to the community through structured community work service, and allows employed offenders an opportunity to keep their jobs while serving their Community Restitution sentence.

Statutory Authority

28 V.S.A. § 808(7)

Directive # 424.05

Target Population

Offenders to whom the court has traditionally given short, incarcerative sentences for accountability.

Sentencing Process

Listed below are the four ways someone can be sentenced to the Community Restitution Program:

1. A mittimus is issued by the court for Pre-Approved Furlough/Community Restitution Program;
2. A mittimus is issued by the court sentencing someone to a Supervised Community Sentence with the Community Restitution Program as a component of sentencing;
3. A mittimus is issued by the court as part of a split probation sentence;
4. A mittimus is issued by the court sentencing someone to Pre-Approved Furlough with an ISAP/IDAP Program. Part of this sentence includes a Community Restitution Program component with no more than 60 days to serve.

Eligibility Criteria

To be eligible for the CRP an offender must:

- Agree to participate in the program and follow the program rules;
- Have no more than sixty (60) court-ordered work days on a court mittimus, requiring participation in the CRP during the hours of operation, *on a schedule determined by the Department*; (a PAF mittimus must place the offender on furlough only during the hours of operation of the program);
- Agree to a schedule for completion of the court-ordered workdays.

Program Features

Community Restitution is a response to criminal conduct that stresses community work service as a way to make amends to the community. It is designed as an alternative to a short period of incarceration. The main feature of this program is offender participation in work service ('work crew') supervised by a Department work service supervisor or an approved community agency.

Typical Duration

A specific number of work hours/days as ordered by the court. The number of workdays should be short, ranging from a few days to a maximum of 60 days. Consecutive sentences must not be longer than a combined total of 60 days.

Costs

The Department of Corrections recovers a portion of the operational costs of the program through fees charged to organizations receiving the benefit of the program's work. This is the only Department program that defers offender from correctional institutions and recoups operational expenditures.

PROGRAM

Structure

The offender reports to the appropriate Probation and Parole Office to schedule his community work service and provides a DNA sample if required by law. Thereafter, he reports to the Probation and Parole office to perform his community work service according to his schedule and his signed "Agreement to Participate in the Community Restitution Program". See Appendix for this form, page 129.

Before assigning offenders to work service, Department staff must assess the offender's ability to perform the tasks and use any equipment required.

Offender work is supervised either by Department staff or at agency-supervised work sites.

Work Schedule

Program staff has sole authority over the creation of the offender work schedule, within the limits determined by the court and will develop the schedule taking the following factors into consideration:

- The offender's employment or education schedule, or other necessary appointments;
- The program's needs in fulfilling community work requirements;
- The capacity of the program (number of offenders) on each day of operation;
- Completing the offender's work service obligation as quickly as possible; and
- Evaluation of the offender's record and risk (victim issues, etc.).

Duration

A specific number of work hours/days as ordered by the court. The number of workdays should be short-ranging from a few days to a maximum of 60 days. Consecutive sentences must not be longer than a combined total of 60 days.

Program Failure

Revocation

In cases in which the offender is on furlough and receives a new sentence with a number of days to serve on the CRP, completion of the CRP obligation will become a condition of the existing furlough. The offender will be held accountable for the new CRP sentence to the extent of the new mittimus obligation, minus credit for time served.

If an offender is absent from scheduled work service, staff may issue a Return on Mittimus (ROM), a notice to law enforcement agencies to arrest the offender.

RESTORATIVE JUSTICE CONSIDERATIONS

The Community Restitution Program is consistent with the reparative nature of restorative justice principles. Work performed by offenders benefits the community. It is removed from the context of punishment. Even if the restorative action is in response to, or a sanction for, crime or risk-based non-compliance, the work itself is reparative and restorative. One or more of these precepts shall support the work performed by offenders:

- Communities to be repaired;
- Nonprofit, State, or Municipal agencies to be assisted in their mission; and/or
- Specific victims to be restored.

RISK MANAGEMENT OPTIONS

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PROBATION

SUMMARY

Statutory Authority

Target Population

Offenders who commit more serious offenses and who pose some risk but whom the Court wishes to place in the community under traditional probation supervision.

Sentencing Process

Court selects Standard Probation Order.

Eligibility Criteria

Those individuals who are determined by the court to require risk management supervision according to the Department risk assessment.

Program Features

Department staff will assess criminogenic risk and needs and determine appropriate supervision level. Department staff will also monitor compliance with court-ordered probation conditions.

Typical Duration

The Department will review all probation cases 30 days prior to the midpoint of their term, if a probation term is set. If all conditions have been met, the Department may recommend discharge. Should probation be until further order of the court, the duration will be based on sentence length and compliance.

Costs

PROGRAM

Structure

Duration

Program Failure

RESTORATIVE JUSTICE CONSIDERATIONS

COMMUNITY PROGRAMS FOR SEX OFFENDERS

SUMMARY

As a sentencing option, community-based programs for sex offenders provide an alternative to incarceration for those offenders who have a criminogenic need in the area of sexual deviance and have been deemed appropriate for community-based sex offender treatment.

These programs are appropriate for offenders who have taken responsibility for their offense, are amenable to specialized treatment, and are assessed by the Department to present a moderate to low risk to the community. They provide treatment services by Department-approved sex offender therapists, as well as other services and activities recommended in the offender's case plan. Level of supervision is consistent with his level of risk and his case plan that is designed to reduce the risk to re-offend.

Treatment providers take into consideration risk, need and responsivity principles in order to place clients in the most appropriate available program.

Statutory Authority

Target Population

Those sex offenders who can be placed in the community consistent with public safety. Community-based sex offender programs occur with offenders being on different legal statuses, including probation, conditional reentry and parole. Sex offender therapy groups are a key component in the treatment of sex offenders. There are three types of therapy groups. Developmentally disabled sex offenders will ideally be able to join the *Special Needs Groups*. Statutory rapists who have no pattern of manipulating or preying on teenagers or with other sexually abusive characteristics will ideally be able to join *Statutory Rapist Groups*. All other eligible sex offenders will be placed in *Standard Sex Offender Groups*. Furloughed inmates who have successfully participated in an incarcerated program will be eligible for community-based sex offender treatment.

Sentencing Process

Referral

28 V.S.A. § 204a requires that a PSI be completed prior to sentencing for specific offenses. When a PSI is ordered, the Department provides a victim impact statement and an assessment of community risk and determines if the offender is amenable to treatment.

Based on the determination, the Probation Officer will then provide the court with options for both community-based and incarcerative-based programs. See the eligibility criteria set forth below. The Probation Officer will also inform the court what specific VTPSA (Vermont Treatment Program for Sexual Abusers) program the offender will be sentenced to if incarcerated.

Note: Sex offenders on furlough or parole may be program participants in community-based treatment.

Sentencing

The court suspends the sentence and sets conditions of probation using a Probation Order with specialized conditions for sex offenders. See Appendix, *Sex Offender Special Conditions of Probation*, page 155.

Eligibility Criteria

Standard Sex Offender groups are suitable for an offender who meets the following criteria:

- Is convicted of a sexually-related offense;
- Has no prior record of sex offenses for which he received specialized sex offender treatment;
- Accepts responsibility for the instant offense;
- Has not used a weapon or excessive force;
- Has the specialized probation condition that the Probation Officer needs to provide appropriate supervision and protect potential victims from the offender's abusive behavior.

Special Needs groups are suitable for developmentally disabled offenders who meet the criteria for Standard Sex Offender Groups.

Statutory Rapist groups are suitable for offenders who meet the criteria for Standard Sex Offender Groups and who engage in consensual sexual activity with a minor (under the age of consent), and who do not have sexually aggressive patterns, (e.g., manipulating or preying on teenagers or using bribes, such as offers of shelter, drugs, or alcohol.) If a group is not available at a field site, individual treatment may be appropriate.

Program Features

- Weekly group treatment by Department-approved sex offender therapist;
- Individual treatment for crisis intervention;
- Family and significant-other involvement;
- Supervision.

Typical Duration

- This treatment duration averages two (2) years followed by an average aftercare maintenance group of one (1) year.

PROGRAM

Structure

The core of a community-based program is participation in a sex offender treatment group that is provided by qualified clinicians who are members of the Vermont Sex Offender Network and organized under the Vermont Treatment Program for Sexual Abusers (VTPSA). Offenders are referred to other community services as necessary.

Services

Community-based sex offender programs offer a wide range of services, including:

- Clinicians who are members of the Vermont Sex Offender Network provide group treatment on a weekly basis. The key treatment targets are responsibility/denial, empathy, arousal control, social competence, and relapse prevention. Access to more intensive treatment is offered when available and necessary.

- Case management by the assigned Probation Officer is conducted with the offender, utilizing Relapse Prevention methodology.
- Probation Officers and Community Correctional Officers trained in the use of supportive supervision methods, including relapse prevention, the use of alco-sensors and urinalysis, provide risk control strategies in support of program activities.
- Trained Department volunteers may provide technical and/or support services that meet the objectives of the program and are designed to enhance a pro-social lifestyle.
- Polygraph examinations are utilized on an as-needed basis.

Treatment Groups

Standard Sex Offender Groups. Most sex offenders under community supervision receive treatment in a standard sex offender treatment group. Typically, these groups are “mixed” groups. That is, child molesters, rapists, and hands-off offenders are treated together. The length of the program is, on average, two years of weekly treatment group sessions followed by one year of bi-monthly progressing to once-monthly aftercare group treatment sessions.

Special Needs Groups. Sex offenders who have intellectual deficits or problems with reading and writing are best served in treatment groups that are responsive to their special learning needs. Most areas of the state have specialized groups for this population. In areas that do not, individual treatment is generally preferred over placing individuals with marked intellectual deficits in groups with normally functioning clients.

Statutory Rapist Groups. Statutory rape refers to cooperative sex activity between a minor (under the age of consent) and an individual over the age of consent. The sex contact is illegal and the individual over the age of consent has been convicted of a sex offense. Some statutory offenders may not need traditional sex offender treatment if they are close in age to the minor and the act was cooperative and noncoercive. These offenders’ treatment needs can generally be met in short-term individual or psycho-educational group services that focus on areas such as dating skills, appropriate sex boundaries, and effective decision-making. Placement of these individuals in treatment groups with higher risk sex offenders is not recommended as it may actually increase their risk to commit crimes (Andrews & Bonta, 2006). However some statutory offenders have a pattern of manipulating and preying on vulnerable teenagers. These or other sexually abusive characteristics (e.g., use of bribes; offers of shelter, drugs, or alcohol) can justify referral to a standard sex offender treatment group (see above).

Treatment Focus

Seven broad treatment targets are the focus of intervention for all VTPSA programs.

- *Offense Responsibility.* An initial step in sex offender treatment typically involves helping the client accept responsibility for his sexually abusive behavior. Many treatment interventions rely on the abuser's ability to identify and address offense precursors. This is difficult to do if the individual denies committing a sex offense.
- *Offense Supportive Attitudes.* Sex offenders typically use irrational or rationalizing thought processes to support or justify their sexually abusive behaviors. Cognitive restructuring helps abusers identify and counter these distorted thought processes. Treatment efforts designed to teach sex abusers how to understand and value others may help also reduce their risk to re-offend.

- *Intimacy and Relationship Skills.* Problems in developing and maintaining satisfying intimate relationships with adults are related to some sex abusers' tendencies to seek out sex relationships with children and non-consenting adults. Intimacy and relationship skill development is an important treatment target for these offenders.
- *Lifestyle Stability.* Sex abusers often have a variety of life skills deficits linked to their risk for re-offending. These include impairment in the areas of emotion management, conflict resolution, problem solving, and use of leisure time. These problems are sometimes related to mental health disorders for which treatment is also required. Additionally, clients who have appropriate employment, housing, and financial resources can live more stable lives, thus reducing their risk to reoffend.
- *Arousal Control.* The presence of abusive sex interests is an important risk factor for committing sexually abusive acts. Cognitive, behavioral, and medication therapies are employed to help selected clients control their abusive sex fantasies and urges and replace them with more appropriate ones.
- *Self-Management.* Sexually abusive behavior is typically preceded by an identifiable and predictable pattern of emotions, thoughts, and actions. Treatment focuses on helping clients develop a variety of cognitive and behavioral strategies for identifying and interrupting these patterns. As well, treatment also focuses on helping clients lead a fulfilling life by develop prosocial interests, activities, and relationships that are incompatible with sex offending. These strategies are designed to help clients maintain treatment changes over time.
- *Social Support Networks.* An informed network of family and friends can provide much needed social support to assist an abuser in leading a lifestyle that reduces his risk to re-offend. Prosocial support persons can reinforce prosocial attitudes, help secure stable employment, and assist abusers in avoiding and coping with high risk situations.

Treatment Completion

The definition of community treatment completion in the VTPSA is that the offender has completed all of the following:

- The offender has substantially accepted responsibility for committing the sex offenses for which he has been convicted.
- The offender has meaningfully participated in treatment approved by the Department that is specifically designed to reduce his risk to sexually re-offend.
- The offender's participation in the treatment has been sufficient both to allow his specific treatment needs to be identified and to demonstrate through overt behavior a willingness to work diligently on addressing those needs.
- The offender is able to demonstrate an understanding of the thoughts, attitudes, emotions, behaviors, and sexual arousal linked to his sex offending and can identify when these occur in present functioning.
- The offender demonstrates sufficiently sustained change in the thoughts, attitudes, emotions, behaviors, and sexual arousal linked to his sex offending, such that it is reasonable to assume that he has reduced his risk to sexually re-offend.

Program Failure*Treatment Failure*

An offender in a community-based program who fails to maintain his eligibility may be violated on probation, furlough or parole, depending on his legal status.

Duration

The intensive phase of the Program is designed to last on average 24 months. Length of participation may be extended if the offender's response to the Program and his behavior warrant it. Aftercare group treatment is required after completion of the 24 month weekly treatment program. The aftercare group lasts on average 12 months. If the offender begins to engage in risky behavior without using appropriate coping mechanisms, the Probation Officer and treatment provider staff the case. The offender could be referred back to the weekly treatment group.

RESTORATIVE JUSTICE CONSIDERATIONS

All community-based sex offender treatment programs follow the principles of restorative justice as they seek to help each offender take full responsibility for abusive behavior in the past, understand the impact of such behavior and avoid any thinking or lifestyle patterns that could lead to future abusive behavior. Sensitive restorative justice facilitations involving sex offenders have demonstrated that restorative justice practices in the right circumstances can be effective in helping to heal and restore the confidence of people who have been injured by sex offenses committed against them, and to help convicted sex offenders recognize the harm they have caused and the need for treatment before re-entering society.

Scholarly articles on the use of restorative justice practices with sex offenders, as a part of treatment and on restorative justice practices in general, are available from the Community and Restorative Justice Division of the Department of Corrections. The following article available on-line is recommended:

McAlinden, A. (2008), "Restorative Justice as a Response to Sex Offending – Addressing the Failings of Current Punitive Approaches" *Sexual Offender Treatment*, Volume 3, Issue 1; www.sex-offender-treatment.org/1-2008_03.html.

COMMUNITY PROGRAM FOR DOMESTIC ABUSE OFFENDERS (BATTERER INTERVENTION PROGRAM - BIP)

SUMMARY

The Probation Program for Domestic Abuse Offenders is designed to give first-time misdemeanor domestic violence offenders education, counseling, support, and supervision designed to reduce the likelihood of further domestic abuse. Domestic abuse education is the primary intervention tool. Offenders are given the information they can use to eliminate abusive behaviors if they choose to do so. Victim protection is a paramount goal of the program.

Statutory Authority

Target Population

First-time misdemeanor domestic violence offenders who are willing to cooperate with treatment.

Sentencing Process

The court suspends the sentence and sets conditions of probation using a Standard Probation Order. It then adds the following special conditions:

- *You shall attend, participate in, and complete a Department-approved Batterer Intervention Program and pay the required fee.*
- *You shall abide by Temporary/Final Relief from Abuse Orders as issued by the Vermont Family Court.*
- *You shall not purchase or drink any alcoholic beverages and not have any in your possession.*
- *You shall not possess a firearm or deadly weapon.*
- *You shall submit to a urine screen or alco-sensor test at the request of a duly authorized agent of the Department.*

If appropriate, the special conditions also include:

- *You shall reside where directed.*
- *You shall have no contact with the victim or no contact with the victim without the approval of your Probation Officer (PO).*
- *Restitution shall be made as follows _____.*
- *Conditions related to substance abuse screening, recommended counseling and disclosure to your Probation Officer (PO) as needed.*

There may be other individually tailored conditions needed to ensure victim protection.

Eligibility Criteria

Criteria for Suitable Referral

- Criminogenic need in domestic violence;
 - This is defined as a conviction for a domestic abuse offense or conviction for another offense where the behavior was domestic abuse-related.
- A probation condition requiring completion of a Department-approved Batterer Intervention Program at participant's expense.

Program Features

Risk management features of moderate intensity, including:

- Condition enforcement;
- Case planning and correctional counseling;
- Referral to other intervention programs as determined by need;
- Field and office risk management contacts by Department staff, including Probation and Parole Officers;
- Required weekly program attendance at a Department-approved Batterer Intervention Program; (BIPs are education-focused) BIP which meets Standards?
- Victim protection and offender accountability features up to and including emergency arrest;
- Collaboration with other providers addressing additional offender needs, when available, on a case-by-case basis (e.g., mental health, substance abuse.)

Typical Duration

Six (6) months to one (1) year. Batterer Intervention Programs are designed for completion in six (6) months; however, specified program completion criteria must be met, and the offender must complete any other related probation conditions imposed by the court.

Costs

PROGRAM

Structure

The Batterer Intervention Program (BIP) is a weekly education program. All probationers convicted of domestic violence or domestic violence-related offenses are required to complete it. Each group meeting is one and an half to two (1.5-2) hours in length.

Features

The BIP focuses on offender behavior and responsibility for behavior. Participants are taught an expanded definition of abuse, learn about the cycle of abuse, examine the cultural influences on abuse, and learn how to identify personal patterns of abusive and controlling behaviors and how to intervene with them.

In addition to the BIP, the Domestic Abuse Probation Program includes case planning and counseling services from the offender's PO. The case planning process could include referral to other available services based on need and/or court order. The program also includes risk control measures from the PO and Correctional Officers with contacts ranging from one to four (1-4) in a bi-weekly period.

Program Failure

Revocation

Offenders are held strictly accountable for abusive behaviors, including arrest and probation violation for assaultive or threatening behavior, violation of a restraining order, or any other condition designed to secure the safety of the victim or potential victims. Offenders are sanctioned and violated when necessary for other non-compliant behaviors, such as failure to attend required educational sessions.

At a violation hearing in the sentencing court, the Department may recommend:

- Incarceration for some or all of the underlying sentence;
- Additional conditions of probation;
- Referral to the Intermediate Sanction Program IDAP (Intensive Domestic Abuse Program) if the offender meets the eligibility requirements of that Program.

Duration

All approved Batterer Intervention Programs are designed for completion in 26 weeks. However, there are program completion criteria that must be met, including no violence or threats of violence, full payment of the group fee, and completion of all program participation standards. The BIP can last up to 52 weeks to allow additional time to meet all requirements.

RESTORATIVE JUSTICE CONSIDERATIONS

INTERMEDIATE SANCTIONS PROGRAM OVERVIEW PRE-APPROVED FURLOUGH (PAF) & SUPERVISED COMMUNITY SENTENCE (SACS)

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INTERMEDIATE SANCTIONS - OVERVIEW PRE-APPROVED FURLOUGH & SUPERVISED COMMUNITY SENTENCE

SUMMARY

Intermediate Sanctions are designed for community-based supervision of offenders. They apply risk control measures tied into programs addressing criminogenic needs. The court recommends and the Department agrees, after screening, that the offender does not require incarceration and can be appropriately managed in the community under a Pre-Approved Furlough or Supervised Community Sentence legal status.

The Community Restitution Program and Home Confinement are intermediate sanctions for offenders without specific programming attached (ISAP or IDAP).

Supervised Community Sentence (SACS)

A court-imposed sentence of incarceration to be served in a community setting subject to the rules of the Commissioner of Corrections. These offenders are under the jurisdiction of the Parole Board, but still are supervised by DOC staff.

Pre-Approved Furlough (PAF)

The legal status in which an offender is sentenced to serve a term of imprisonment, but is placed by a court on furlough to participate in such programs administered by the Department that reduce the offender's risk to reoffend.

Statutory Authority

Target Population

There are several categories of offenders targeted for intermediate sanctions:

- Non-violent felons who are high risk to re-offend and who present multiple criminogenic needs;
- Non-violent felons who have serious substance abuse problems specifically related to their criminal conduct;
- Domestic abuse offenders with a history of domestic violence;
- Offenders who the court wants to serve 60 days or less doing work service in the community in the Community Restitution Program;
- Those offenders who the court and the Department feel are appropriate to be on Home Confinement Furlough for up to 60 days.

Sentencing Process

The court may refer an offender who is convicted of an eligible crime to an intermediate sanction program (ISAP, IDAP or Home Confinement). The Department submits a report (ISR – see Appendix, *page 139*) to the court with an approval/denial and includes the offender's program plan and the required conditions of participation if accepted.

Placement in the above intermediate sanctions can only occur after an intermediate sanction report (ISR) has been completed. That standard does not apply to the Community Restitution Program (work crew).

Eligibility Criteria

Offenders are eligible for Intermediate Sanction Programs (ISAP or IDAP) if they are convicted of:

- A qualifying felony crime **or**
- Three (3) or more current misdemeanors;
- Sixteen and seventeen (16-17) year olds convicted of only misdemeanor crimes will not be accepted into an intermediate sanction program.
- Other pending/current misdemeanor crimes if the offender is also convicted of a qualifying felony and the court wishes to settle multiple current cases within the scope of intermediate sanctions.

All offenders convicted of a qualifying crime/s are accepted into intermediate sanctions unless:

- Their risk does not warrant an intensive intervention;
- They refuse to participate in all aspects of a program;
- They are unlikely to be able to successfully participate in a program;
- comply with supervision?
- They present a specifically documented risk to individuals or the public which cannot be addressed on this status;
- They cannot be sentenced according to a program's sentencing considerations including but not limited to clinical assessments, and mental health assessments.

Program Features

(Except offenders in the Community Restitution Program with no other sentence or Home Confinement)

- Risk management supervision
- Intensive substance abuse intervention as needed;
- Intensive domestic abuse intervention as needed;
- Case planning and case counseling.

Typical Duration

Depends upon the program; 6 to 10 months for intensive programs in substance abuse and domestic violence.

Costs

Estimated costs correspond to specific program costs, if any. Supervision fees may be assessed as part of the sentence, except for the Community Restitution Program, after a review of the offender's income and expenses by the Department. These fees paid by offenders may offset some of the cost of supervising the offender in the community.

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

COMMUNITY RESTITUTION PROGRAM UNDER SCS & PAF

SUMMARY

Note: *Although the Department considers the Community Restitution Program (CRP) an Administrative and Non-Risk Management Option because offenders are not under risk management supervision, CRP is technically an Intermediate Sanction Program due to the legal status (either SACS or PAF) under which the offender is sentenced. For CRP Description, see page 7.*

Statutory Authority

Target Population

Offenders to whom the court has traditionally given a short incarcerative sentence for accountability.

Sentencing Process

Eligibility Criteria

- Conviction for a crime that can bring a sentence of incarceration.
- A sentence or portion of the sentence to be served in the Community Restitution Program that is 60 days or less.
- Offender agreement to the terms of the Program.
- Offender can perform manual labor (e.g. mowing, raking, shoveling snow, lifting)

Program Features

Community Restitution is a response to criminal conduct that stresses community work service as a way to make amends to the community. It is designed as an alternative to a short period of incarceration. The main feature of this Program is offender participation in work service supervised by a Department work service supervisor or an approved community agency.

Typical Duration

A specific number of work hours/days as ordered by the court. The number of workdays should be short-ranging, from a few days to a maximum of 60 days. Consecutive sentences must not be longer than a combined total of 60 days.

Costs

The Department of Corrections recovers a portion of the operational costs of the program through fees charged to organizations receiving the benefit of the program's work.

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

REPARATIVE PROGRAM UNDER SCS

SUMMARY

Statutory Authority

Target Population

- Offenders who commit non-violent crimes but have not been responsive to prior probation supervision.
- Violators of Reparative Probation.
- Offenders whose crime warrants an Intermediate Sanction and the Reparative Probation Program.

Sentencing Process

The court refers the offender to the Department for screening. If the offender is eligible, the Department submits conditions that the court accepts or rejects.

Eligibility Criteria

Conviction for an eligible crime and Reparative Board acceptance.

Program Features

A program is developed by a Reparative Board that requires the offender to make amends to the victim and community for his criminal offense. It includes:

- Appearance before a Community Reparative Board;
- A menu of a choice of reparative activities to complete, including:
 - **restitution,**
 - **victim-offender dialogue (in a facilitated mediation, a community justice conference or at a Reparative Board meeting),**
 - **community work service,**
 - **victim impact programs,**
 - **short educational programs (e.g., as conflict resolution, defensive driving, decision-making).**

Typical Duration

Request for discharge to the Parole Board upon completion of the Reparative Agreement and achievement of minimum sentence.

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

COMMUNITY PROGRAM FOR SUBSTANCE ABUSE OFFENDERS (ISAP)

SUMMARY

The Department's Intensive Substance Abuse Program (ISAP) is an Intermediate Sanction program that operates in the community for offenders on Pre-approved Furlough (PAF) or Supervised Community Sentence (SACS) and is administered by the Probation and Parole offices. Eligible inmates on Conditional Re-entry (CR) (furlough) may also be considered for the program by the Department.

ISAP provides an enhanced outpatient substance abuse treatment program to offenders whose offenses are criminogenically-related to use of substances and are assessed moderate to high risk. Program content and structure is approved as a treatment program by the Vermont Department of Health, Division of Alcohol and Drug Abuse and is accredited by CARF (Commission on the Accreditation of Rehabilitation Facilities). It is designed to reduce incarceration, address the connection between an offender's criminal pattern and substance use, maintain non-violent offenders in the community and create a risk-management structure that is integrated with treatment services.

Statutory Authority

Target Population

Offenders on Pre-Approved Furlough or Supervised Community Sentence (SACS) with criminogenically related substance abuse problems.

Sentencing Process

- The court or a State's Attorney and an offender's defense attorney refer an offender to the Department of Corrections for screening for ISAP (ISR process).
- If successfully screened for entrance into ISAP from the community, the following occurs:
 - An offender must have a pre-approved furlough (PAF) or SACS sentence with a minimum of 9 months to 2 years, with no more than 60 days to serve going forward from time of sentencing, and at least 2 years as a maximum sentence;
 - The offender is required to sign standard and special substance abuse furlough conditions prior to sentencing to ensure he understands the agreement;
 - The required conditions pertaining to PAF or SACS must be submitted to the court with an Intermediate Sanction Referral packet (ISR).
- Sentencing by the court pursuant to these requirements.

Note: *ISAP may be required for offenders on Conditional Re-entry who have participated in the Discovery Program, as a follow-up plan for community-based treatment.*

Recommended Sentence Structures

Minimum: 9 months after credit for time served;

Maximum: 36 months after credit for time served.

- Note: PAF sentences may include up to 60 days of actual incarceration. Although it is not desirable, the 60 days can be interrupted for weekends or work crew.

Eligibility Criteria

Offenders must meet both the correctional and clinical criteria for admission to the program and be deemed appropriate for supervision in the community in order to be found eligible for participation. Specific criteria include the following:

- Offenders who have a substance abuse disorder requiring intervention as evidenced by validated assessment instruments and whose clinical need can be met by ISAP treatment;
- Identification of a criminogenic need as evidenced by validated correctional instruments;
- The offender must be convicted of a crime considered moderate to high risk on the Department's severity of offense scale; (see appendix, page 165)
- The offender must score medium or high on the Department's risk assessment instrument (SLA- see Appendix, page 165).
- Complete a substance abuse clinical screening to determine need.
- It is recommended that the offender be sentenced to 9 months to 3 years of effective time to serve when sentenced to Pre-approved Furlough or Supervised Community Sentence. The priorities for admission are:
 - Intermediate Sanctions: Pre-approved Furlough or Supervised Community Sentence and offenders who have completed Discovery and Tapestry;
 - Offenders who fail to complete Discovery while incarcerated; or
 - Offenders on Conditional Re-entry;
 - Clinically-eligible based on ASAM (American Society of Addiction Medicine) criteria.
- The offender must agree to follow the furlough agreement and the Offender Case Plan (OCP) outlined by the Department;
- Inmates referred from Discovery and Tapestry Phase 3 may be admitted to ISAP for aftercare. The residential aftercare plan will be recommended by the sending program and may include a period of time in the intensive phase until the receiving treatment team decides that the individual is ready to move to the lower level ISAP aftercare status.

The Commissioner or designee may grant exceptions to admit an individual based on special circumstances and staff recommendations.

Program Features

- Enhanced outpatient substance abuse treatment;
- High levels of supervision, including substance use testing, curfews, electronic monitoring, and prohibitions on substance abuse-related activity;

Other activities, including recovery support programs and employment training.

Typical Duration

Intensive phase is typically 6 months, with aftercare typically 3 months. Time may vary based on an offender's performance in the program.

Costs

Estimated costs amount to is approximately \$30 per week per offender. This cost is offset by offender payments made each week toward group.

PROGRAM

Research has concluded that the provision of services directly linked to factors that influence an individual's pattern of illegal behavior will reduce that behavior and result in offenders entering the community as productive people living crime-free lives. This benefits the entire community in terms of both costs and safety.

The program is delivered to offenders exiting Department residential substance abuse programs to assist in aftercare and successful re-entry into communities. The program may be used by the Department as an option for offenders who are furloughed from incarceration and/or on Reintegration Furlough or Conditional Re-entry status. Individuals assigned to the program will receive clinical services, supervision services, and a variety of other services, as well as community-based resources. Relapse Prevention planning designed to reinforce and support the change process will enable offenders to successfully complete the program and reduce their risk to re-offend.

All participants are required to pay a per session co-pay. During their participation in ISAP, offenders will be required to develop and follow individualized treatment plans. Actual length in the program may vary due to offender performance.

Structure

Clinical support, relapse prevention and correctional supervision services are provided in a Probation & Parole office setting. All services and activities are delivered and structured by DOC staff and/or treatment providers under contract with the Department. Offenders are placed in the program as a result of meeting both correctional and clinical criteria, including an assessment by a qualified staff or contractor.

Services

Treatment groups two (2) to three (3) times a week during the intensive phase of the program will be led by qualified substance abuse counselors;

Group treatment is scheduled at least 4.5 hours per week during the intensive phase;

Relapse prevention services including a completed plan for use by the offender, treatment provider and supervisory staff;

Referral to more intensive treatment when determined necessary and available;

Related OCP (offender case planning), casework and case management provided by Department Probation & Parole officers;

Provision of risk control services in support of program activities by Correctional Officers who are trained in-the use of relapse prevention methods, including the use of alco-sensors and urinalysis;

An aftercare group to provide support and on-going relapse prevention;

Provision for family education and involvement in the treatment process;

Alternative treatment activities/services when clinically indicated.

Program Failure

Treatment Failure

An offender who fails to comply with furlough conditions and/or the participation agreement with the program may be subject to incarceration. Offenders who demonstrate need of a higher level of clinical care may be offered residential treatment and return to the program upon completion.

Duration

The intensive phase of the program that includes groups two (2) to three (3) times a week with ancillary service as determined by the OCP and the ISAP clinical treatment plan is expected to be six (6) months. That time may vary based on performance in the program and adherence to supervision requirements. The aftercare element is generally three (3) months, with group attendance at one (1) group per week. It, too, may be different based on the offender's performance.

RESTORATIVE JUSTICE CONSIDERATIONS

Restorative justice and substance abuse treatment are highly compatible. The ISAP program supports participants to develop recovery and relapse prevention skills that promote pro-social engagement in their communities. The emphasis on responsible living, developing a support network and active engagement in recovery efforts, encourages acknowledgement of the harm caused by the behavior of the substance user to himself and others.

Excellent articles on the relationship between restorative justice and substance abuse treatment are available from the Community and Restorative Justice Division of the Department of Corrections. The following articles are referenced on-line:

Braithwaite, John, "Restorative Justice and a New Criminal Law of Substance Abuse", *Youth & Society*; December 2001 33: 227-248.

Schwebel, Robert and Zaslaw, Jay G., "Substance Abuse Treatment and Restorative Justice Practices" *Perspectives*; 2002 26(3): 20- 24.

Shenk, Barb Toews and Zehr, Howard "Restorative Justice and Substance Abuse: The Path Ahead" *Youth & Society*; December 2001 33: 314-328.

COMMUNITY PROGRAM FOR VIOLENT OFFENDERS (THINKING FOR A CHANGE)

Thinking for a Change (T4C) is an integrated, cognitive behavioral change program for offenders that includes cognitive restructuring, social skills development and development of problem solving skills. For trainers, NIC offers T4C offender program materials and a curriculum for training program facilitators. NIC can also assist agencies in training staff to facilitate the program.

Designed for delivery to small groups in 25 lessons, the T4C program can be expanded to meet the needs of specific participant groups. Members of prisons, jails, community corrections, probation and parole supervision settings can all use the T4C program. Participants can include adults and juveniles or males and females. More than 400 trainers in 80-plus agencies are preparing additional staff to facilitate the program with

Target population: Level A violent offenders, and more than 8,000 correctional staff have been trained as T4C group facilitators and/or Level B listed violent offender completing incarcerative programming.

Correctional agencies can consider Thinking for a Change as one option in a continuum of interventions to address the cognitive, social and emotional needs of their offender populations is delivered twice per week in ninety-minute groups. Participants must successfully demonstrate skill acquisition and graduated practice in a minimum of three month continuing care.

T4C developers include Barry Glick, Ph.D.; Jack Bush, Ph.D.; and Juliana Taymans, Ph.D. in cooperation with the National Institute of Corrections

COMMUNITY PROGRAM FOR DOMESTIC ABUSE OFFENDERS (IDAP)

SUMMARY

The Department of Corrections has crafted its domestic violence services with three goals: 1) to support the safety and well-being of victims of domestic violence and the children of these families and the communities in which domestic violence occurs; 2) to hold offenders accountable for their acts and choices; and 3) to support offenders in their process for change. To this end, the Department provides two intensive domestic violence programs for males: the Intensive Domestic Abuse Program in the community (IDAP) and the Incarcerative Domestic Abuse Program (InDAP.)

For participants entering from the community, the Intensive Domestic Abuse Program (IDAP) is an Intermediate Sanctions program that provides an alternative to incarceration for those offenders who meet eligibility requirements. For all participants the program combines group-based programming with supervision that is responsive to the particular dynamics of domestic violence offenders. Groups meet two (2) times weekly, and the community program is designed to be completed in 12 to 18 months.

The IDAP curriculum combines education about the dynamics of domestic violence with cognitive behavioral intervention for male domestic violence offenders who have abused a female partner. The curriculum defines domestic abuse and teaches men who batter to understand its use as a choice of behaviors to gain and maintain power and control over one's partner. The program challenges participants to examine their thoughts, feelings, intents and beliefs that lead to the choice to abuse women. The program assists participants to develop motivation to change and to practice interventions that promote safe and equitable relationships. Facilitators are taught to utilize motivational interviewing techniques, and the curriculum has been revised to reflect the latest research in applying motivational interviewing and stages of change theory to work with men who batter.

Statutory Authority

Target Population

Offenders convicted of intimate partner violence who are willing to participate in programming and who meet Department eligibility criteria for supervision through this Intermediate Sanction Program. Offenders must be screened and referred for participation in the Intensive Domestic Abuse Program (IDAP).

Sentencing Process

- The court or a State's Attorney and an offender's defense attorney refer an offender to the Department of Corrections for screening for IDAP.
- If the offender is successfully screened for entrance into IDAP from the community:
 - **The offender must have a pre-approved furlough sentence (PAF) with a minimum of 1 to 2 years, with no more than 60 days to serve (regardless of credit for time served), and at least 2 years as a maximum sentence;**

- **The offender is required to sign standard and special domestic violence furlough conditions prior to sentencing to ensure he understands the agreement (see Appendix, Intensive Domestic Abuse Program Supervision Agreement, page 145);**
- **The required furlough conditions of the PAF must be submitted to the court with an Intermediate Sanction Referral packet (ISR).**
- Sentencing by the court pursuant to these requirements.

Eligibility Criteria

To be eligible for IDAP through a pre-approved furlough (PAF) referral from the court, potential participants must complete a screening procedure, the Intermediate Sanction Report (ISR) and/or a Pre-Sentence Investigation (PSI), which is conducted by Department staff. Participants in other types of furlough may also be admitted. IDAP may be used as part of release planning for offenders on Conditional Re-entry (CR) for community-based treatment, and/or as a part of a continuum of program participation from facility-based domestic violence (DV) programming.

Potential participants are accepted based upon the following conditions:

- Convicted of a domestic abuse offense or of another offense where the behavior was intimate partner violence related;
- Be willing to admit to the acts of domestic violence for which they have been convicted;
- Have an appropriate risk level to be supervised safely in a community setting as determined by DOC;
- Be willing to sign and abide by a program contract, including limited confidentiality, supervision conditions, and residency restrictions;
- Have a minimum sentence to allow at least one (1) year of participation prior to parole eligibility after taking into account any credit or good time;

The following sentence structures are recommended for this program:

- Minimum: 18 months;
- Maximum: No less than 36 months;
- No more than 60 days to serve in incarceration or on Community Restitution Program, excluding credit for time served.

Program Features

Risk management features of moderate intensity, including the following:

- Condition enforcement and intensive supervision;
- Case planning and correctional counseling;
- Referral to other intervention programs as determined by need and approval of the Department Program Services Director.
- 4 hours of direct program participation per week, group model, plus assignments;

- Victim protection and offender accountability features up to and including a suspension and possible revocation of furlough;
- Collaboration with other domestic violence interventions on a case-by-case basis.

Typical Duration

12 months to 18 months. Specified program completion criteria must be met, and the offender must complete any other related furlough conditions imposed by the court.

Costs**PROGRAM**

The curriculum utilized in IDAP shall work to:

- Increase the participant's understanding of his abuse as a means of controlling his partner's and children's actions, thoughts and/or feelings. All forms of abuse shall be identified and challenged, including physical, verbal and emotional abuse, intimidating behavior, threats, terrorizing tactics, isolating tactics, using male privilege, using the children, and sexual abuse.
- Identify cultural and social influences that contribute to abusive behavior, as well as the social contexts in which this violence is used; rationalizations used to excuse or justify an individual's abusive actions will be uncovered and addressed.
- Address and confront excuses for abuse. This includes a philosophical position emphasizing that men who batter are solely responsible for their choices to abuse and that abuse is never justified. This confrontation must occur in a way that is respectful and is supportive of self-change.
- Examine the harmful, damaging and potentially lethal consequences of abuse on battered women and children, and the batterer's relationship with them. The short- and long-term effects of abuse and violence will be enumerated, and participants will be expected to take responsibility for creating these consequences. Programs will also work to increase the participant's understanding of the effects of domestic abuse on children.
- Provide the participant with practical information on how to end his abusive behavior and how to interact with his partner in non-controlling and respectful ways.
- Furnish the participant with general information concerning the federal, state and local responses to domestic violence.

Structure

IDAP participants attend group two (2) times weekly and receive intensive supervision. Offenders will be expected to attend all required groups and participate fully in all groups, and will be responsible for following contact standards, completing written assignments and journals and creating a final abuse prevention plan.

The preferred format for intervention services for men who batter is the educational group or class. This format provides a social environment of peers for men to be accountable for their behavior and to explore motivations for change. This format also provides an opportunity for men to challenge each other based upon their shared experience.

Groups are facilitated by two (2) trained facilitators. Group enrollment is open admission, so that new participants can be enrolled to begin the program at any point.

Program Failure

Offenders are held strictly accountable for abusive behaviors. Any behaviors, which are threatening or assaultive in nature, constitute a violation of a restraining order or any other condition designed to secure the safety of the victim or potential victims.

Behaviors of this nature may trigger graduated sanctions, furlough interruptions, revocation of furlough, and/or new charges. Offenders are sanctioned and violated when necessary for other non-compliant behaviors, such as failure to attend required educational sessions.

- At a notice of suspension hearing, the Department may recommend a sanction, a furlough interruption, or revocation of furlough;
- If a suspension hearing results in revocation of furlough, the offender will have a Department furlough revocation hearing;
- If furlough revocation is imposed, the offender will be reviewed for the Incarcerative Intensive Domestic Abuse Program (InDAP) for some of, or the entire, underlying sentence.

Duration

12 months to 18 months minimum. Average group time per week is four (4) hours. Upon successful completion of the program and if a sentence structure allows, individuals may be recommended for Parole.

Restorative Justice Considerations

IDAP adheres to restorative justice principles as far as it seeks to a) help offenders recognize and be accountable for the harms they have committed and for which they are responsible; b) help them become more aware of their controlling and abusive behavior; c) motivate them to change; d) give them guidance and support in their efforts to change; and e) protect the victims of the offender's past and potential behaviors.

The Community and Restorative Division of the Department of Corrections consider its restorative justice programs currently unprepared to handle domestic offenses. Currently no domestic abuse offenders will be eligible for the Department's Reparative Probation programs and Community Reparative Boards.

Nonetheless, the Division recognizes that restorative justice programs have been utilized in positive manners and will encourage the adaption of such programs when there is sound and substantial evidence that the programs have positive effects for the victims of domestic violence and for the offenders.

HOME CONFINEMENT FURLOUGH

SUMMARY

Statutory Authority

28 V.S.A. § 808(a) (7) (B) (i).

Target Population

Offenders who may be safely supervised without incarceration and who would not benefit from being incarcerated.

Sentencing Process

Prior to sentencing and after referral by a State's Attorney or an offender's defense attorney or *sua sponte*, the court refers the offender to the Department for eligibility determination and screening for Home Confinement Furlough as a sentencing option. To be successfully screened by the Department for entrance from the community, an offender must:

- Be deemed eligible according to the Department's eligibility criteria;
- Have an approved residence;
- Submit to electronic monitoring;
- Sign standard and special home confinement furlough conditions prior to sentencing to ensure he understands and agrees to the conditions.

A sentence of Home Confinement must not exceed 180 days.

NOTE: Home Confinement may also be granted by the authority of the Commissioner of Corrections with directive guidelines. Those include no felonies and only certain non-violent misdemeanors.

Eligibility Criteria

An offender will be considered eligible for Home Confinement in light of the nature of the offense(s) with which the defendant is charged, prior convictions, history of violence, medical and mental health needs, history of supervision, risk of flight, and any undue burden the offender would present to other persons who reside at the proposed residence, or risk to third parties or to public safety that may result from such placement.

Program Features

All Home Confinement furloughees will be monitored by GPS or other location-monitoring devices. If alcohol is a risk factor for the offender, alcohol-monitoring devices will also be used. Home Confinement furloughees will be on a set schedule as approved by the court. The furloughee is to remain at the pre-approved residence at all times except for scheduled and pre-approved absences.

Typical Duration

180 days maximum

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

INCARCERATION

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COGNITIVE SELF-CHANGE PROGRAM FOR VIOLENT OFFENDERS (CSC)

SUMMARY

The Cognitive Self-Change Program (CSC) is provided to offenders who are incarcerated and have been convicted of serious violent offenses. The program provides participants with the knowledge and skills they can use to avoid further criminal behavior. It teaches offenders to observe and report their thoughts and feelings. Based on self-observation, they learn to recognize the particular thinking patterns that led them to commit crimes. Participants then learn how to replace these pro-criminal thought patterns with pro-social ways of thinking.

The overall objective of the program is to challenge participants to accept responsibility for their behaviors by challenging the way they think about their criminal and/or violent behavior. The cognitive-behavioral program is defined by task and skill development to change the cognitive process involved in criminal thinking, with primary focus on reduction of violence.

The women's program (*Self-Direction*) is located at the Chittenden Regional Correctional Facility. The primary modification in the women's program is an increased emphasis on review of relationships and harmful behavior in relationships.

Statutory Authority

Target Population

Moderate to higher risk offenders convicted of felony violent offense/s.

Sentencing Process

Offenders convicted of a felony offense must have a sentence that includes a reintegration window of 180 days, three (3) months for classification and the referral process, and eight (8) months minimum for program participation. The bare minimum for a sentence is, therefore, 17 months.

Note: The Court does not sentence an offender directly to the CSC program, rather the above eligibility criteria dictates participation in that program.

Eligibility Criteria

There are two (2) eligibility considerations:

- Criminogenic Need Level (determined by LSI-R)
 - **An offender must have been assessed at a Level 4 need in violence due to committing a felony crime of violence.**
 - **Classification as Level B - Moderate to higher risk/need levels.**
- Sentence Structure
 - **An offender must have a sentence structure that permits program participation between 8 months -16 months; includes credit for time served.**

Program Features

- Two (2) self-change groups per week, co-facilitated by staff;
- Cognitive skills program;
- Mandatory completion before Department-recommended release;
- Mandatory follow-up self-change program in the community upon release where available.

Typical Duration

The minimum sentence is the targeted completion date. Program objectives must be met before release is recommended. Community follow-up for at least one (1) year beyond minimum.

Costs

Estimated costs amount to approximately \$30 per week per offender. Offenders in the community program contribute weekly to offset costs of the groups.

PROGRAM

Structure

Groups meet twice a week. Various methods are used to assist the participant to gain understanding and skill. Thinking Reports, Journals, and Special Assignments are the primary tools used by the provider and Department staff in the delivery of the program.

Two Phases

Phase I is the orientation phase where the participant learns the program concepts, mechanics, expectations, and criteria for completion. It is in this phase that the individual's Relapse Prevention Plan is developed for implementation both in the facility and in the community.

Phase II may be delivered in a correctional facility depending on the minimum sentence. The final stage of Phase II is always delivered in the community when the offender is on furlough supervision and includes the Thinking for a Change v.3 curriculum. The offender's job in Phase II is to constantly monitor his risk and to practice new thinking as an intervention at its earliest manifestation.

Specially trained staff and contracted service providers deliver all aspects of the program.

Services

- Group meetings twice a week for skill development and practice.
- Individual sessions with staff to review journal and special assignments.
- Meetings with the Program Team to discuss progress and program status.

Program Failure

Offenders complete a commitment plan upon admission. Participants who fail to meet the program standards are challenged through tasks and/or new commitment plans to bring their performance of the skills into compliance with program standards. Failure to meet the program standards and/or to respond to new commitment plans and activities may result in program suspension or termination.

Duration

Phase I lasts approximately between is a minimum of 8 months and 16 months. **Phase II** lasts for one (1) year. The goal is to conduct self-change treatment so the offender completes the first two phases to coincide with reaching his minimum sentence.

RESTORATIVE JUSTICE CONSIDERATIONS

Violent offenders, like all people, desire to live within a community of trust. Restorative justice practices that extend an opportunity to the violent offender to be introduced to such a community of trust *and* truth can have a profound, life-altering effect on them. A variety of studies has shown that restorative justice processes may be more useful for victims and offenders after violent crimes than less serious ones. Articles and resources exploring that counter-intuitive finding, and other matters concerning restorative justice and victims and perpetrators of violent crime are available from the Community and Restorative Justice Division of the Department of Corrections. Many such articles are also available on-line at “Restorative Justice Online” at www.restorativejustice.org/press-room/07kindscrimers/violent-crimes.

DISCOVERY PROGRAM

The Discovery program was revamped beginning in January of 2012.

Target Population: Males (prioritize <28 yo)

Risk Assessment: Moderate

Substance Abuse diagnosis

Curriculum: Skills based curriculum including, Thinking for a Change, STOP (domestic violence curriculum used by US Navy), Criminal Conduct and Substance Abuse

Minimum treatment dosage: 200 hours in skills based curriculum (minimum time frame to complete dosage is 14 weeks)

Ancillary activities: work, school other non- evidenced based curriculum, organized recreational activities

Behavior Management: Discovery employs both positive and negative reinforcement techniques to shape behavior. This model is evidenced and is appropriate since it is widely researched that punishment does not change behavior.

Unit based program: Housed at Northern State in Newport

Unit capacity of 28

INCARCERATION PROGRAM FOR DOMESTIC ABUSE OFFENDERS (INDAP)

SUMMARY

Statutory Authority

Target Population

Domestic violent offenders who are incarcerated and do not meet Department eligibility criteria for participation in the community Intensive Domestic Abuse Program (IDAP).

Sentencing Process

Offenders convicted of a domestic-related felony offense are sentenced to a term that includes time for a reintegration window of 180 days, three (3) months for classification and the referral process, and eight (8) months minimum for program participation. The bare minimum for a sentence is, therefore, 17 months. Department offender classification policy requires completion of the program prior to release on furlough.

Eligibility Criteria

- Offenders whose sentences make them ineligible for IDAP, which may include:
 - **Felony conviction of domestic assault, multiple convictions of misdemeanor domestic assault, or singular conviction of domestic abuse with other offenses of an assaultive nature.**
- Others who may meet exclusionary criteria for IDAP;
 - **History of abuse while under supervision;**
 - **An unwillingness to participate/comply with conditions of release; and/or**
 - **Participants who have been unable to manage IDAP requirements and have been re-incarcerated on either a sanction, suspension, or termination.**

Program Features

The InDAP program is eight (8) months in length. Group meetings occur twice each week. The program's curriculum and goals are identical to IDAP with the addition of several re-entry tasks that must be completed before entry into the community.

Typical Duration

8 months for programming

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

INCARCERATION PROGRAMS FOR SEX OFFENDERS

SUMMARY

The Vermont Treatment Program for Sexual Abusers (VTPSA) has three separate in-house unit programs for incarcerated sex offenders located at the Southern State Correctional Facility: a low-intensity, a moderate-intensity and a high-intensity program. These programs are offered to sex offenders sentenced by the court as a result of a sexually-related crime. These programs are available to those offenders who have taken responsibility for their offense and are amenable to specialized treatment.

Following the completion of a psychosexual evaluation by VTPSA treatment staff, offenders assigned to the program receive clinical services and other services deemed appropriate by treatment staff. Relapse prevention planning and risk management occur prior to release into the community. This program is part of a continuum of services that includes community-based treatment upon release. It is designed to reinforce and support the change process that enables sex offenders to successfully complete the program and commit no further offenses.

Statutory Authority

Target Population

Sex offenders who require incarceration to manage their risk to re-offend and to provide adequate treatment intensity.

Sentencing Process

The court imposes a sentence for a term of incarceration for a sexually-related crime. The sentence must be a minimum of 8 months for the low-intensity program, 14 months for the moderate-intensity program, or 26 months for the high-intensity program *without including* time served on detention.

A person who is sentenced to an incarcerative sentence for a violation of any of the offenses listed in subsection 204a (a) of title 28 and who is designated by the department of corrections as high-risk pursuant to 13 V.S.A. § 5411b while serving his or her sentence shall not be eligible for parole, furlough, or any other type of early release until the expiration of 70 percent of his or her maximum sentence. Inmates who are designated under this statute will receive program toward the projected release date in accordance with 70% of their maximum sentence.

A Probation Officer determines the level of program pursuant to the eligibility criteria listed below.

Eligibility Criteria

To be eligible for any of the programs, an offender must:

- Have been convicted of a sex or sexually-related offense;
- Admit responsibility for committing the index sex offense;
- Be willing to follow program requirements;
- Have an adequate sentence structure to complete the program;
- Have the emotional, cognitive and behavioral ability to benefit from the program;
- Have satisfactorily participated in other recommended programs.

To be eligible for the low-intensity program, an offender must:

- Have a minimum to serve of at least 8 months;
- Have no prior sex offense convictions; and
- Have lower risk/need scores (LSI-R = 0 to 23; Static-99R = -3 to 1;
 - VASOR 2 = 0 to 25).

To be eligible for the moderate-intensity program, an offender must:

- Have a minimum to serve of at least 14 months;
- Not fit the profile of a rapist or predatory offender;
- Have no prior sex offense convictions; and
- Have moderate risk/need scores (LSI-R = 24-47; Static-99R = 2 to 12;
 - VASOR 2 = 26 to 125).

To be eligible for the high-intensity program, an offender must, at least:

- Have a minimum to serve of at least 26 months;
- Fit the profile of a rapist or predatory offender;
- Have prior sex offense convictions; or
- Have higher risk/need scores (LSI-R = 24-47; Static-99R = 2 to 12;
 - VASOR 2 = 26 to 125).

Moderate-intensity program offenders and high-intensity program offenders, in general, are distinguished by their risk-assessment level for criminality and violence.

Sex offenders with a history of serious non-sex violence may be required to complete the Cognitive Self-Change offender program before beginning the VTPSA high-intensity sex offender program.

Sex offenders who have committed a particularly heinous offense and score very high on the Sex Offender Risk Appraisal Guide (SORAG) typically are programmed to receive their treatment 5 years prior to their maximum release date or after 15 years of exemplary behavior in prison, whichever comes first.

Special needs groups for the developmentally disabled exist in both the moderate- and high-intensity tracks.

Program Features

The Department offers three (3) programs for sex offenders at the Southeast State Correctional Facility (SESCF); inmates who cannot physically or psychologically manage the SESCf will receive treatment at Southern State Correctional Facility:

- Low-Intensity Prison Program;
- Moderate-Intensity Prison Program;
- High-Intensity Prison Program.

There is also individualized treatment for female inmates at the Chittenden Regional Correctional Facility on an as-needed basis.

Typical Duration

Six (6) months (low-intensity), 12-18 months (moderate-intensity), and 24-36 months 20- (high-intensity).

PROGRAM**Structure**

Treatment is delivered for each program on units separate from the general population in order to foster a safe, secure and supportive environment that promotes positive change. Activities containing participant-centered objectives are clearly defined and are sequenced to efficiently and effectively achieve the purposes of the program. Offenders are also referred to other services within the confines of the facility as necessary. Procedures and criteria are defined and stated for program entry, participation, completion and termination.

All the prison-based programs for sex offenders are located at the Southeast State Correctional Facility (SESCF) & Southern State Correctional Facility (SSCF) The number of beds available for each program is subject to change depending on the needs of the department.

Services

- Contracted providers who are trained sex offender therapists provide treatment groups.
- Case management services are provided by a DOC caseworker trained in the management of sex offenders.
- Support services designed to enhance a pro-social lifestyle are also provided; e.g., education and volunteer services.

Treatment Focus

Same as for Community-Based Sex Offender Programs, *page 43*.

Treatment Completion

Same as for Community-Based Sex Offender Programs, *page 44*.

Program Failure*Failure*

The Department's classification system requires offenders who are eligible for the Sex Offender Treatment Programs to complete the program prior to release on furlough, or before the Department gives a positive recommendation for parole to the Vermont Parole Board. Offenders who are program failures may apply for readmission into a program after six (6) months.

Offenders, who serve two or more years and are scheduled to complete their entire sentence because they either refuse to participate in the program, or are discharged unsatisfactorily from the program, may be released on furlough up to 6 months before their maximum release date. Being on furlough allows them to develop plans for release under the supervision of the Department so that their risk to reoffend is minimized once their sentence has expired.

Duration

The low-intensity program is 6 months long, the moderate-intensity program is minimally 12 months long and the high-intensity program is minimally 20 months long.

Upon return to the community, the offender participates in a community-based treatment program. This treatment lasts on an average of 2 years followed by an aftercare maintenance group for 1 year.

RESTORATIVE JUSTICE CONSIDERATIONS

CALEDONIA COMMUNITY WORK CAMP (CCWC - NERCF)

SUMMARY

The Caledonia Community Work Camp (CCWC) at the Northeast Regional Correctional Facility (NERCF) is a minimum custody facility where an offender has the opportunity to return value to the community while serving an incarcerative sentence. Placement in a work camp is a Department prerogative and is not a sentencing option for a court.

Statutory Authority

Target Population

Offenders sentenced to incarceration for non-violent crimes who receive a sentence between 60 days to three (3) years to serve (after considering "good time" and credit for time served prior to sentence).

Sentencing Process

Referral Process

- All admissions are arranged through the Department's classification process.

An offender's violation of facility rules at any time while incarcerated, or new charges, can result in an offender becoming ineligible for Work Camp.

Eligibility Criteria

To be eligible, an offender must agree to participate in the program and:

- Be convicted of a non-listed/non-violent offense.
- Prior violent offenses accepted on a case-by-case basis.

Program Features

Daily participation in Department work service that provides service to the community.

Typical Duration

The length of the offender's minimal term to serve minus the work camp credit. However, an offender may be eligible for Reintegration Furlough and be eligible for release 180 days prior to his minimum sentence. See Sentence Computation section "Reintegration Furlough and Work Camp Good Time", *page 26*.

Note: Effective 11-12-2011, APA Rule # 11-043 allows for inmates sentenced to less than 365 days for an "eligible misdemeanor" as defined in 28 V.S.A. § 808d and who pose a low risk to public or victim safety, to be furloughed any time during their sentence.

PROGRAM

Structure

Work Component

The goals of the Work Program are:

- To provide offenders with work and educational opportunities; and
- To provide offenders with an opportunity to add value to the community through tangible work projects with governmental and non-profit agencies which benefit Vermont communities and citizens.

The Work Camp Program consists of two (2) levels of increasing complexity and skill building, providing an increasing level of reparation to the community.

- *Level I:* Offender serves on a Work Camp Cleaning Service and takes required course work.
- *Level II:* Offender serves on a Work Camp Grounds Service.

The supervision of inmates is provided by Community Service Team Leaders and additional technical support by Corrections educational staff as required for the assigned task.

An inmate's progression through the levels is based upon the predetermined time in each level, as well as their performance and attitude.

Education Component

The Work Camp Education Program integrates reparation to the community with work skills. The purpose of this part of the program is to ensure that all participants master the essential skills for productive work at the Camp. Through the acquisition of these skills, each inmate is better able to provide public service to the community, as well as to possibly obtain and maintain productive work in the future. Learning how to work is as important as learning marketable skills. The curriculum is designed to include tasks that fit the job contexts of work service.

All course work:

- Is organized around work tasks (e.g., Custodial Cleaning, First Aid, Hazardous Communication Systems);
- Includes problems and simulated situations that call for the use of basic skills;
- Provides participants the opportunity to work together and learn from each other;
- Is linked to the reparative goals of the Work Camp;
- Assists participants in negotiation of differences and conflict resolution;
- Promotes positive attitudes and pride in work.

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

- Although there is most likely no correlation between their offenses and the work they do, offenders who participate in work service give back to Vermont communities and help restore the balance of harm they have created.

SOUTHEAST SERVICE CAMP (SECF - WINDSOR)

SUMMARY

Placement at the Southeast Service Camp at the Southeast State Correctional Facility (Windsor) is a Department prerogative and is not a sentencing option for a court.

Statutory Authority

Target Population

Offenders sentenced to incarceration for non-listed/non-violent crimes who receive a minimum sentence of 60 days to serve (after considering "good time" and credit for time served prior to sentence).

Sentencing Process

- Department places offender at community work camp after screening if found eligible.

Eligibility Criteria

- Conviction for a non-violent crime;
- No present sex offense convictions.
- No prior violent offense convictions except on a case-by-case basis.

Program Features

Daily participation in Department work service that provides service to the community.

Typical Duration

The length of an offender's minimal term to serve minus the work camp credit. However, an offender may be eligible for Reintegration Furlough and be eligible for release 180 days prior to his minimum sentence. See Sentence Computation section "Reintegration Furlough and Work Camp Good Time", page 26.

Note: Effective 11-12-2011, APA Rule # 11-043 allows for inmates sentenced to less than 365 days for an "eligible misdemeanor" as defined in 28 V.S.A. § 808d and who pose a low risk to public or victim safety, to be furloughed any time during their sentence.

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

INCARCERATION WITHOUT REQUIRED PROGRAMMING

SUMMARY

Statutory Authority

Target Population

Level A Offenders who are not required to participate in mandated programs due to their Management Program Level (MPL), and those offenders who are not eligible for institutional programs due to sentence length. These are offenders convicted of a non-listed or non-sexually related offense or offenders convicted of a listed offense with lower risk scores than the others.

Sentencing Process

Traditional sentencing.

Eligibility Criteria

Not eligible for any less restrictive option.

Program Features

- Community High School of Vermont education classes
- Inmate Legal Assistance Classes
- Recreation
- Volunteer programs and services
- Facility Work Program

Typical Duration

- No typical duration

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

FURLOUGH

The Department may authorize an inmate furlough from a correctional facility if the inmate agrees to follow the conditions of supervision under furlough. The Department may use electronic monitoring equipment such as global position satellite monitoring, automated voice recognition telephone equipment and transdermal alcohol monitoring equipment to enable more effective or efficient supervision of furloughees. The department is unable to release an inmate on furlough who qualifies under Title 28 of V.S.A. § 204b . Inmates who are sentenced after June 31, 2009 and who meet the requirements listed in this section are not eligible for release until the expiration of 70 percent of his or her maximum sentence. This section describes the following four types of furloughs:

Reintegration Furlough: To prepare for re-entry into the community prior to the completion of the minimum sentence. Per statute, this can take place 180 days prior to an offender's minimum release date.

Conditional Re-entry: To prepare for re-entry into the community upon completion of the minimum sentence. This furlough status can commence once an offender reaches their minimum release date, has completed all required institutional programming and has an approved residence in the community.

Medical Furlough:

Long Term: Transfer of an inmate who is diagnosed with a terminal or debilitating condition to a hospital, hospice or other licensed inpatient facility deemed suitable by the Commissioner or designee.

Short Term: Transfer of an inmate for inpatient medical or emergency services that are short term in nature and cannot be performed in the facility.

Treatment Furlough: To allow an inmate to participate in a residential program which provides services to the general population not otherwise available in a correctional facility. The services may include treatment for substance abuse, personal violence, or any other condition that the DOC has determined should be addressed in order to reduce the inmate's risk to re-offend or cause harm to himself or others.

Compassionate Leave Furlough: Approval of an inmate to leave a correctional facility for a short period of time to attend a funeral of a relative or visit a critically ill relative.

REINTEGRATION FURLOUGH

SUMMARY

Note: Refer to APA Rule # 11-043 *Granting Reintegration Furlough* at the end of this section.

Statutory Authority

Target Population

All inmates sentenced to incarceration unless serving the unsuspended portion of a probationary sentence (“split sentence”) or serving a sentence for a sex offense. The purpose of this furlough option is to assist in the preparation of inmates for successful re-entry into the community.

Sentencing Process

Eligibility Criteria

All inmates sentenced to incarceration unless serving a split sentence or serving a sentence for a sex offense are eligible for Reintegration Furlough. Eligible inmates must have met at least the following three (3) conditions in order to be considered for Reintegration Furlough 180 days prior to their minimum sentence of incarceration:

- Compliance with their OCP;
- No convictions for any Major “A” disciplinary infraction or any disciplinary infraction (major or minor) which was the result of violence against persons or destruction of property in the preceding twelve (12) months; and
- Must have a minimum sentence to serve.
 - **If a court suspends a portion of a sentence of imprisonment, the unsuspended portion of said sentence will not be considered a minimum sentence.**

In addition to these conditions, the Department may consider factors including, but not limited to, the following in making a decision to grant Reintegration Furlough:

- Inmate Risk to Re-offend;
- Inmate History of Violent Behavior;
- Inmate History of Compliance with OCP;
- Inmate History of Compliance with Community Supervision;
- Inmate Progress in Treatment or Program Services;
- Adherence to Rules in the Facility;
- Ability to Provide an Adequate Level of Departmental Supervision;
- Risk to Persons or Public.

The Commissioner in his sole discretion may consider extraordinary positive contributions to the facility by the inmate in making a decision to grant a Reintegration Furlough.

Program Features

Inmates sentenced to incarceration may be furloughed to the community for up to 180 days prior to completion of their minimum sentence. For inmates who are sentenced to a minimum term of fewer than 365 days, they must serve at least one-half of their minimum term on incarceration. The purpose of this furlough option is to assist in the preparation of inmates for successful re-entry into the community.

Eligible inmates may also be awarded five (5) additional days per month toward Reintegration Furlough on the following basis:

- Have a current (within 12 months) risk assessment that reflects a low or low-moderate probability of re-offense;
- Be in full compliance with their OCP
- Show progress in programs;
- Have no disciplinary report convictions for a Major A or B violation; and
- Have no history of violence.

In no event will the award be automatic. It must be earned. The award will not be prorated.

APA Rule # 11-043, effective 11-127-1-11, allows for inmates sentenced to less than 365 days for an “eligible misdemeanor” as defined in 28 V.S.A. § 808d, and who pose a low risk to public or victim safety, to be furloughed anytime during their sentence.

Typical Duration

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

CONDITIONAL RE-ENTRY

SUMMARY

Statutory Authority

Target Population/Eligibility Criteria

The Department may place an offender on conditional re-entry furlough status upon the inmate's completion of his minimum term of sentence. All offenders are eligible for conditional re-entry status based on Department criteria. The Department will deem an offender *inappropriate* for release on conditional re-entry status if any of the following conditions apply to the offender:

- Lacks an approved residence;
- Has been convicted of a listed offense and placed in program management level “C”;
- Has been convicted of a listed offense and placed in program management level “B” and has not yet satisfactorily participated in the treatment required;
- Has been serving segregation time for a disciplinary infraction;
- Is held for lack of bail on other charges;
- Is currently a subject of an active criminal investigation;
- Has been convicted of a sexual offense, or if the affidavit of the underlying offense provided by the court after adjudication contains information that describes any elements of a sexual offense, and has been denied release by a central level case-staffing or designated review committee;
- Designated as High Risk by the Sex Offender High Risk Review Committee and has not served 70% of his maximum sentence;
- Department personnel have chosen to delay his release on conditional re-entry status due to risk and responsibility concerns.

Sentencing Process

Program Features

While on conditional re-entry status, the offender shall be required to participate in programs and activities that hold the offender accountable to victims and the community pursuant to principles of restorative justice.

Typical Duration

Offenders remain on conditional re-entry status until they have completed their maximum term of sentence.

Costs

Estimated costs correspond to specific program costs, if any.

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

TREATMENT & MEDICAL FURLOUGH

TREATMENT FURLOUGH

SUMMARY

Treatment furlough currently consists of two residential programs for women: the Tapestry Program for women offenders with criminogenically-related substance abuse problems (a DOC program); and the Lund Family Center programs for pregnant women and/or young mothers (not DOC programs). Both are for women offenders who are transitioning back into the community.

Statutory Authority

Target Population

- Women offenders with criminogenically-related substance abuse problems who are recommended for treatment in the Tapestry program;
- Incarcerated offenders who are pregnant or young mothers who would benefit from residential services offered at the Lund Family Center.

Sentencing Process

A court *cannot* sentence an offender to the Tapestry Program or to the Lund Family Center. However, recommendation for release to Tapestry prior to reaching one's minimum *is required* to be on the mittimus; recommendations (only) made jointly by a State's Attorney and Defense Attorney and/or by a PO or the court. Offenders will be eligible to enter Tapestry as early as one (1) year prior to their minimum release date on a treatment furlough.

Eligibility Criteria

- Incarcerated women offenders under the supervision of the Department;
- Participants with low or moderate-risk with identified risk/need areas in substance abuse/dependence;
- Pregnant or young mothers with parenting needs;
- No history of violence within one year;
- Eligibility considered on a case-by-case basis.

Program Features

- Community-based residential treatment program utilizing the model of a modified therapeutic community.
- Group and individual work for 5 hours per day.
- Participation in vocational rehabilitation, education and/or work, family/parenting services, and self-help are required.

Typical Duration

6 months to 12 months prior to minimum.

Costs

In Phase 3 of Tapestry, offenders are working and contribute weekly payments that defray the cost of the program.

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

MEDICAL FURLOUGH

SUMMARY

Medical furlough is not a sentencing option for a court. Medical furlough is an option for the Department for an offender who is diagnosed as suffering from a terminal or debilitating condition to a hospital, hospice, other licensed inpatient facility, or other housing accommodation deemed suitable by the Commissioner or designee.

Statutory Authority

Target Population

Sentencing Process

Eligibility Criteria

- A qualified health care professional's determination that an inmate's medical condition is either terminal or debilitated to the point of needing a higher level of care than can be realistically provided within the confines of the correctional facility;
- A health care plan;
- A review of the health care plan, and an analysis of criminal risk factors, and an integration of medical and correctional issues by facility and field caseworkers;
- A recommendation for the plan by facility and field caseworkers.

Program Features

As determined by the health care plan.

Typical Duration

Costs

PROGRAM

Structure

Program Failure

Duration

RESTORATIVE JUSTICE CONSIDERATIONS

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CONTACT INFORMATION:

VT PROBATION & PAROLE OFFICES

Barre Probation and Parole

255 North Main Street, Barre, Vermont 05641

Main Telephone No.: 479-4242

Community Corrections District Manager: JoAnne Pereira (479-4244)

Community Corrections Program Supervisors: Michael Carlisle; Tom
Dunn; Michael Sweeney

Bennington Probation and Parole

200 Veterans Memorial Drive, Bennington, Vermont 05201

Main Telephone No.: 447-2777

Community Corrections District Manager: David Miner (447-6441)

Community Corrections Program Supervisors: Daniel Charron; David
Jankowski; Jessica DeLorenzo

Brattleboro Probation and Parole

PO Box 8237, N. Brattleboro, Vermont 05304-8237

Main Telephone No.: 254-5911

Community Corrections District Manager Roderick Bates (254-6377)

Community Corrections Program Supervisors: Phil Damone; Lesa
Trowt

Burlington Probation and Parole

50 Cherry Street, Burlington, Vermont 05401

Main Telephone No.: 863-7350

Community Corrections District Manager: Deborah Thibault (863-
7454)

Community Corrections Assistant District Manager: Paul Heath

Community Corrections Program Supervisors: Shaun McCuin; Steve
Bushey; Charles Corbally; Cheryl Ward; Maria Godleski; Glenn Boyde

Hartford Probation and Parole

244 Holiday Drive, Suite B, White River Jct., Vermont 05001-2097

Main Telephone No.: 295-8816

Community Corrections District Manager: Bill Soule (295-8815)

Community Corrections Program Supervisors: David Fitts; Mark Devins

Morrisville Probation and Parole

197 Harrell Street, Morrisville, Vermont 05661

Main Telephone No.: 888-2520

Community Corrections District Manager: Joanne Pereira (479-4244)

Newport Probation and Parole

217 Main Street, Newport, Vermont 05855

Main Telephone No.: 334-3311

Community Corrections District Manager: Stuart Gladding (334-3362)

Community Corrections Program Supervisor: Lane Chester

Rutland Probation and Parole

9 Merchants Row, PO Box 175, Rutland, Vermont 05701

Main Telephone No.: 786-5808

Community Corrections District Manager: Keith Tallon (786-5099)

Community Corrections Program Supervisors: Tim Solari; Chris Dinnan;

Sue Ransom-Kelley

St. Albans Probation & Parole

20 Houghton Street # 104, St. Albans, Vermont 05478

Main Telephone No.: 524-6523

Community Corrections District Manager: Sherry Caforia (524-6357)

Community Corrections Program Supervisors: Tammy Kennison; Jim Gibson

St. Johnsbury Probation and Parole

67 Eastern Avenue, Suite 5, St. Johnsbury, Vermont 05819

Main Telephone No.: 748-6602

Community Corrections District Manager: Stuart Gladding (751-3281)

Community Corrections Program Supervisors: Lynn Bushey; Jason Kennedy

Springfield Probation and Parole

100 Mineral Street, Suite 102, Springfield, Vermont 05156

Main Telephone No.: 885-3544

Community Corrections District Manager: Bill Soule (885-8988)

Community Corrections Program Supervisors: Joe Sampsell; Rae Hirst

CONTACT INFORMATION:

VERMONT CORRECTIONAL FACILITIES

Caledonia Community Work Camp

1266 US Route 5, St. Johnsbury, VT 05819

Main Tel. No.: 748-8151

Superintendent: Al Cormier (751-1405)

Assistant Superintendent: Charles Remick & Shannon Marcoux

Casework Supervisor: David Woods

Chittenden Regional Correctional Facility

7 Farrell Street, So. Burlington, VT 05403

Main Tel. No.: 863-7356

Superintendent: Robert Arnell (859-3207)

Assistant Superintendent of Security: Theresa Stone

Assistant Superintendent: Theresa Jean

Security & Operations: Mike Miller

Casework Supervisor: Ralph Irish

Marble Valley Regional Correctional Facility

167 State Street, Rutland, VT 05701

Main Tel. No.: 786-5830

Superintendent: Ellen McWard (786-5835)

Assistant Superintendent: Tom Giffin

Security & Operations: Travis Denton

Living Unit Supervisor: Sharon Nykiel

Northeast Regional Correctional Facility

1270 US Route 5, St. Johnsbury, VT 05819

Main Tel. No.: 748-8151

Superintendent: Al Cormier (751-1405)

Assistant Superintendent: Shannon Marcoux & Charles Remick

Security & Operations: Scott Martin

Casework Supervisor: David Woods

Northern State Correctional Facility

2559 Glenn Road, Newport, VT 05855
Main Tel. No.: 334-3364
Superintendent: Carl Davis (334-3353)
Assistant Superintendent: Michael Lyon
Assistant Superintendent: Ed Adams
Security & Operations: Scott Morley
Living Unit Supervisor: Joe Silvestri; Marshall Rich

Northwest State Correctional Facility

3649 Lower Newton Road, Swanton, VT 05488
Main Tel. No.: 524-6771
Superintendent: Greg Hale (527-4343)
Assistant Superintendent: Scott Dubois
Security & Operations: Brian Reed
Living Unit Supervisor: Daniel Davies & Michael Beyor

Southeast State Correctional Facility

546 State Farm Road, County Road, Windsor, VT 05089
Main Tel. No.: 674-6717
Superintendent: David Bovat (674-1107)
Assistant Superintendent: Kathleen Astemborski
Security & Operations: Roger Barrows
Living Unit Supervisor: Jim Kamel

Southern State Correctional Facility

700 Charlestown Road, PO Box 650, Springfield, VT 05156
Main Tel. No.: 885-9800
Superintendent: Mark Potanas (885-9807)
Assistant Superintendent of Security: Caroline Marsh
Assistant Superintendent of Program Services: Vacant
Security & Operations: Joshua Rutherford
Living Unit Supervisors: Tara Clarke, Adam Mickel

CONTACT INFORMATION:

DOC VICTIM SERVICES

Director: Amy Holloway

amy.holloway@ahs.state.vt.us

1(802)951-5064

Dept. of Corrections, 426 Industrial Ave., Williston, VT
05495

COMMUNITY JUSTICE CENTERS & RESTORATIVE PROGRAMS

DOC Community & Restorative Justice Division:

David Peebles,

1(802)951-5011

Dept. of Corrections, 426 Industrial Ave, Williston, VT 05495

Addison Diversion

Miche Chamberlain

miche@courtdiversion.com

1(802)388-3888

Bellows Falls RP

Ed Cooney-Moore

BFJusticeproject@rockbf.org

1(802)376-9837

Bennington Diversion

Leitha Cipriano

leitha@bcrcj.org

1(802)447-1595

Brattleboro CJC

Larry Hames

director@brattleborocjc.org

1(802)251-8142

Burlington CJC

Karen Vastine

kvastine@ci.burlington.vt.us

1(802)865-7185

Essex CJC

Megan Fitzgerald

megan@essexcjc.org

1(802)872-7690

Greater Barre CJC

Lori Baker

lbaker@gbcjc.org

1(802)476-0276

Hardwick area CJC

Carol Plante

carol@ten-towns.com

1(802)277-0022

Hartford CJC

Martha McLafferty

mmclafferty@hartford-vt.org

1(802)478-1900

Lamoille Diversion

Heather Hobart

hhobart@lamoillecourtdiversion.org

1(802)888-0614

Montpelier CJC

Yvonne Byrd

ybyrd@montpelier-vt.org

1(802)223-9606

Newport CJC

Barbara Morrow

tomorgen@charter.net

1(802)487-9327

Randolph RJP

Kym Anderson

kymandersonvt@gmail.com

1(802)272-5686

Rutland's United Neighborhoods CJC

Lynne Walsh

runcjclw@comcast.net

1(802)770-5364

South Burlington CJC

Lisa Bedinger

lbedinger@sbsdvt.org

1(802)846-4215

Springfield CJC

Wendi Lashua Germain

Springfieldrjc@vermontel.net

1(802)885-8707

St. Albans CJC

Marc Wennberg

m.wennberg@stalbanstv.com

1(802)524-7006

St. Johnsbury CJC

Susan Cherry

scherry@stjscsc.org

1(802)748-2977

Williston RP

Stephan Latulippe

slatup7@gmail.com

1(802)878-6611 ext 187

Winooski CJC

Janelle Gilbert

jgilbert@winooskipolice.com

1(802)655-0221

SENTENCE COMPUTATION PERSONNEL

If you have questions concerning a sentence length, you may contact either of the Corrections Site Legal Program Managers, Sarah Systo and Mary Jane Ainsworth.

Sarah J. Systo: sarah.systo@state.vt.us

Department of Corrections, 426 Industrial Ave., Williston, VT 05495

Phone: (802) 951- 5079 Fax: (802) 951- 5086

Additional contact information is available at www.doc.state.vt.us

SENTENCE CALCULATION NOTIFICATION

VERMONT DEPARTMENT OF CORRECTIONS SENTENCE CALCULATION NOTIFICATION

TO: Vermont Superior Court (Enter County) Criminal Division
FROM: Vermont Department of Corrections at (Enter facility name)
RE: State v. (Enter inmate name) DOB: [] DATE: []
Docket #(s) []

SENTENCING JUDGE: Honorable Judge []

NOTIFICATION TYPE: New Mittimus Amended Mittimus Corrected Notification

Prior effective sentence information:

Minimum Sentence: [] Credit applied to minimum: []
Maximum Sentence: [] Credit applied to maximum: []
Minimum release date: [] Maximum release date: []
Number of Work Crew Days to Serve []

New effective sentence information

Minimum Sentence: [] Credit applied to minimum: []
Maximum Sentence: [] Credit applied to maximum: []
Minimum release date: [] Maximum release date: []
Number of Work Crew Days to Serve []

Pursuant to 13 V.S.A. Section 7044 the Department of Corrections will provide the Court with a current sentence computation based on the newly imposed sentence.

Incarceration Type:

Correctional Facility Work Crew PAF Furlough

Home Confinement Supervised Community Sentence

Split with probation Sentence: [] Interrupted Sentence: []

Comments: []

Note: The 180-day reintegration furlough, Title 28, Section 808 (8)(A) allows offenders to be released 180 days prior to the minimum release date. Inmates serving less than 365 days must serve half their minimum sentence before eligible for release.

Prepared by: (Enter your name and title) Telephone: []

Distribution: 1) Sentencing Court 2) State's Attorney 3) Defense Attorney 4) Prisoner Rights for Defender General 5) Inmate 6) Inmate File 7) Corrections Site Legal Program Manager

AGREEMENT TO PARTICIPATE IN COMMUNITY RESTITUTION PROGRAM

VT DEPARTMENT OF CORRECTIONS
(Insert local office)

AGREEMENT TO PARTICIPATE IN COMMUNITY RESTITUTION PROGRAM

The main purpose of the Community Restitution Program is to provide me with the opportunity to repay the community for my criminal conduct by participating in work service that adds value to the community. The sentence is served in the community in lieu of serving a sentence in jail. I agree to participate fully on the community work service team, which means that I am both willing and able. This will include up to eight hours of work for the number of days specified on the mittimus ordered by the court. Additionally, I agree that I must satisfy the following conditions:

Offender Name and Date of Birth: _____

1. I will report to the *(name of site and address)* P&P office by *(time)* a.m. on the days specified on the schedule to perform my community work service as determined by the Department of Corrections.
2. I will notify the community service team leader (CSTL) of any medical conditions I have. If there is a medical condition that limits my ability to perform community work service, I will get a note from my medical provider at my own expense explaining what my limitations are.
3. I will not be under the influence of alcohol and/or drugs when reporting for community work service. I will be subject to an alco-sensor test or a urinalysis as directed by DOC staff.
4. I will cooperate and follow the directions of the CSTL or agency supervisor where I am placed.
5. While waiting for the work crew to depart, I shall wait in the work crew waiting area and not leave the area unless given permission to do so by the CSTL.
6. I will dress appropriately for weather conditions. No sandals may be worn.
7. I am responsible for my own food and drink and may bring a thermos, backpack, and/or small cooler, which may be searched. No alcoholic beverages of any kind are allowed.
8. I understand that I am required to work the full scheduled day and may not leave my designated work site without permission of the CSTL or the agency supervisor. I also am not permitted to have visitors at any site.
9. If I am injured while on a community service team, I need to report my injury to the CSTL or agency supervisor immediately.
10. Guns, knives, explosives or weapons of any kind are not permitted.
11. Cell phones, headphones, or pagers must not be worn or turned on without the permission of the CSTL.
12. I will be transported to the job site by the DOC, and will wear a seat belt while in the state vehicle. I will not drive to the job site unless given permission to drive by the CSTL.
13. I will submit to fingerprinting and/or photographing as directed by Corrections' staff.
14. I will not miss my community service because of sickness, unless hospitalized or under the direction of a medical provider. I understand that I am responsible for providing Corrections' staff with a copy of a medical provider's note at my own expense.
15. I understand that if I leave the custody or jurisdiction of the Department of Corrections or fail to report as directed, my furlough may be revoked and I will serve the remainder of the court sentence in a facility and may be charged with the crime of escape.

I have read or have had the above conditions explained to me and fully understand them, and I agree to abide by them. I understand I am volunteering for this program and sign this agreement of my own free will. I understand that if I do not complete my community service sentence to the satisfaction of the community service team leader I may be incarcerated for the remainder of my sentence.

Offender Signature _____ Date _____

Staff
Signature _____ Date _____

Cc: Offender

Rev. April 2011

HOME CONFINEMENT INTERMEDIATE SANCTIONS REPORT

HOME CONFINEMENT Intermediate Sanctions Report

Offender Name:
Defense Attorney:
Offense(s):

Date:
State's Attorney:
Docket: #

Author of Report:

Personal:

DOB: / /

Age:

POB:

Marital Status:

Number of Children:

Residence:

Proposed Residence:

Current Residence will allow for supervision with Electronic Monitoring Yes No

Current Residence Appropriate for Home Confinement: Yes No

Does the placement of the defendant pose a risk to other residents: Yes No

Does the placement in this residence pose a specific identifiable risk to corrections staff or others: Yes No

Comments:

Orientation and Agreement:

- Has Been Oriented to Intermediate Sanctions Program of Home Confinement
- Has Agreed to the Conditions of Home Confinement
- Willing to Actively Participate in the Program

Comments:

Recommendation:

- Approved for Home Confinement**
- NOT approved for Home Confinement**

Justification for not approving:

Probation Officer Signature and Date

Supervisor Signature and Date

MITTIMUS TO DEPARTMENT OF CORRECTIONS HOME CONFINEMENT FURLOUGH

STATE OF VERMONT

SUPERIOR COURT

CRIMINAL DIVISION

_____ Unit

Docket No.

STATE of VERMONT	v.	Defendant's Name	DOB //
------------------	----	------------------	-----------

Docket No.	Offense	
		The most serious offense is: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Civil Contempt

TO ANY LAW ENFORCEMENT OFFICER OF THE STATE OF VERMONT: You are ORDERED to take and commit the person named above to the custody of the Commissioner of Corrections or an authorized representative, in accordance with the following sentence:

To be served in the Home Confinement Program under the following conditions:

1. Approved Residence: Defendant shall reside at the following address:

Street and Apt #, if any
Town/City
State Zip code
Land Line Phone: Residence MUST have a landline to qualify for program()
Cell Phone, if any:

2. Absence from the Residence:
 - a. Defendant may be absent from the residence for the following purposes:
 - i Employment at _____
 - ii Treatment appointments at _____
 - iii Medical appointments at _____
 - iv Attorney appointments with _____
 - v Other approved absences: _____
 - vi No absences are approved. Defendant to be held on lock-down status.
3. Conditions: In addition to the standard conditions for Home Confinement Furlough as established by the Department of Corrections, Defendant shall abide by the conditions attached to the Mittimus. The Department of Corrections, in its discretion, may set additional conditions as appropriate.
4. Revocation of furlough status: The Commissioner of Corrections may revoke the defendant's furlough status for an unauthorized absence or failure to comply with the condition of the program or special conditions of release as ordered by the Court. Upon revocation of furlough status, the defendant may be returned to a correctional facility as determined by the Commissioner.

Judicial Officer	Date
------------------	------

OFFICER'S RETURN

SPECIAL COURT ORDERED FURLOUGH CONDITIONS:

REQUEST FOR REVIEW FOR HOME DETENTION

Vermont Department of Corrections DEPARTMENT REQUEST FOR REVIEW - HOME DETENTION

The Vermont Department of Corrections is requesting a review for Home Detention status for the below-named defendant. In making this request to the Court, the Department finds that the defendant meets the necessary criteria to be supervised on Home Detention status by the Department of Corrections.

Defendant:	Presiding Court:
DOB:	Date of Request:
Facility:	Charges:
Field Office:	Current Bail:
Probation Officer:	Facility Caseworker:

The defendant has proposed the following address if placed on Home Detention Status -(This residence must have a landline telephone.):

The defendant has indicated the following employment information:

Name of Employer: _____

Name of Supervisor: _____

Current Work Schedule: _____

Home Detention is a program of confinement and supervision that restricts a defendant to a pre-approved residence continuously except for authorized absence, and is enforced by appropriate supervision and electronic monitoring by the Department of Corrections. The Court shall authorize scheduled absences such as work, treatment, and education. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on Home Detention shall remain in the custody of the Commissioner of the Department of Corrections with conditions set by the Court.

If you are placed on Home Detention by the Court, the Department of Corrections may revoke your Home Detention status for an unauthorized absence, or failure to comply with any conditions of release set by the Court. A revocation of Home Detention status will result in a defendant being returned to a correctional facility.

Defendant's Signature

Date

DOC Staff Signature

Date

NOTICE TO COURT OF HOME DETENTION REVOCATION

Defendant Name:

Court:

Probation and Parole Office:

This is notice to the Court that the above-named defendant has violated a condition(s) of Home Detention and has been returned to a correctional facility; their Home Detention status has been revoked by the Vermont Department of Corrections as authorized by Title 13 V.S.A. § 7554b(c).

The above was returned to _____ on _____.
Facility Name Date

The above has been found in violation of the following conditions of Home Detention:

The above was found in violation at their due process hearing held on:

Date of Hearing

Corrections Staff Name and Title

Signature and Date

Cc: Offender's file

January 2012

INTERMEDIATE SANCTION PROGRAM REFERRAL (ISR)

Date of Referral: ___/___/___ Anticipated Sentencing/Resolution: ___/___/___

Referral Source(s):

Court _____ Defense _____ Prosecution _____ DOC _____

*Subject of Referral: _ DOB ___/___/___

Home Address:

Phone: _____

Crime/Docket(s):

Docket: _____ Charge: _____

Docket: _____ Charge: _____

Docket: _____ Charge: _____

Prosecuting Attorney:

Defense Attorney:

Correctional Services Requested by Referring Agency:

Intensive Substance Abuse (ISAP): _____ Intensive Domestic Abuse (IDAP) _____

Home Confinement

Following to be completed by DOC:

_____ Offender is eligible for an Intermediate Sanctions, under the following legal status, subject to appropriate sentencing considerations.

Supervised Community Sentence: _____ Pre-Approved Furlough: _____

_____ Offender is ineligible for Intermediate Sanction Program for the following reason(s):
(Explanations on reverse side)

- _____ 1) Risk level makes ineligible for intensive services or intervention
- _____ 2) Offender refuses to participate in all aspects of proposed program as outlined by DOC
- _____ 3) Offender is assessed to be incapable of successfully participating in proposed program as outlined by DOC (or have transportation issues)
- _____ 4) Sentencing limitations prohibit placement on Intermediate Sanction
- _____ 5) Specific offender risk prohibits placement in a program
- _____ 6) Conviction makes ineligible for Intermediate Sanction
- _____ 7) Residence is not suitable for the program

Report will be submitted to court by ___/___/___

Assessing DOC Staff Person: _____ Date: ___/___/___

***Referral must be accompanied by: Affidavit(s) of Instant Offense; Current Conviction record; Court DDR (if available); Plea Agreement (if available)**

Referral for Intermediate Sanction Distribution Court; Defense Attorney; States Attorney; Corrections 04/11/11

SAMPLE INTERMEDIATE SANCTION REPORT – CONFIDENTIAL FOR IDAP

Probation & Parole Office:

Offender Name:

Date:

Defense Attorney:

State's Attorney:

Offense(s):

Docket: #

Author of Report:

Referral Request

Sanction: Supervised Community Sentence

Pre-Approved Furlough

Program: Intensive Substance Abuse

Intensive Domestic Abuse

Offense Summary:

Felony Misdemeanor Planned Alone

Co-defendants Aggravating Factors Mitigating Factors

Victims: Victim(s) Wishes to Make A Statement:

Victim(s): *(If available and appropriate)*

Name(s):

Restitution Amount: \$

Social History/Risk Assessment

Personal

DOB: Age: POB:

Marital Status: Number of Children (if appl.):

Family History:

Stable Upbringing Criminal Family/Siblings

Disruptive Upbringing

Medical History:

Not remarkable Issues That Impact on Supervision

Educational History:

Highest Grade Completed Needs Educational Services

History of Suspensions or Expulsions

Financial History:

Has Necessary Knowledge and Skills to Manage Finances

No Problems Needs Assistance in Managing Finances

Employment History:

Currently Employed Has Problems Maintaining Employment

Job Is Sufficient To Support Financial Responsibilities Yes No

Residence:

Stable High Risk Living Situation Needs Modification

Current Residence Appropriate For Requirements Of Program

Leisure/Recreation:

Appropriate Use/Involvement With Organized Activity

High Risk Activity Companions Are Basically Criminal

Companions Are Basically Non-criminal

Need To Develop Pro-social Leisure Activities

Emotional/Personal/Interpersonal:

Past Psychiatric Treatment Current Psychiatric Treatment

History of Interpersonal Violence Problem-solving Deficit

Interference With Normal Functioning:

High Moderate Low

History of Problems with Authority

Attitude toward Supervision/Commitment to Change

Past Supervision History: Ended Satisfactorily

Ended In Revocation/Violation

Attitude Toward Current Offense(s)

Denial Minimized Accepting

Has Been Oriented to Intermediate Sanction Program

Willing to Actively Participate in Program and Case Plan

Restriction on travel OOS

The defendant has had the IDAP program explained to him, and he states he is willing to participate in the program. The Department of Corrections has determined that he is eligible for Intermediate Sanctions and is appropriate for the IDAP Program provided that a sentence of the appropriate length is imposed. The defendant has signed the required paperwork, including IDAP treatment requirements and general and specific furlough conditions.

A case plan for the defendant will include attendance three times weekly in the IDAP groups. It is required that the defendant work diligently in groups, and that he take full responsibility for all prior violent and controlling behavior. The defendant will be required to work as close to full time as programming will allow or to engage in a combination of educational and/or vocational training. The Department of Corrections may require up to 20 hours of programming and other activities per week, in addition to full employment.

Contact with his victim, his and her children, and any potential new partner will be approved only after the defendant has successfully spent a significant period of time in IDAP and under furlough supervision. For the first 60 days of furlough there will be no contact whatsoever. If, after at least 60 days, he is participating well in IDAP and under supervision, and if contact is welcomed by his victim/partner and children, the Department may approve limited phone contact. After at least 60 days of limited phone contact, and again contingent on defendant performance and the agreement of victim/partner and children, contact may be increased to limited public contact. After at least 60 days of limited public contact, and again contingent on offender performance and the agreement of victim/partner and children, contact may be increased to limited private contact. After at least 60 days of limited private contact, and again contingent on offender performance and the agreement of victim/partner and children, contact may be increased to unlimited private contact. Should any problems arise during any stage of this process, contact may be immediately restricted to any level deemed necessary by Corrections staff. This may include return to no allowed contact whatsoever.

Driving an automobile while on furlough is a privilege which can be approved by the District Manager. If the defendant requests permission to drive while on furlough, he will need to provide a valid driver's license and proof of insurance. A probation officer will evaluate whether granting driving privileges would pose a foreseeable risk of harm to the community and if it would have a positive effect on the offender's success.

While on furlough status, the defendant will not be permitted to travel outside of the state of Vermont except under tight restrictions and then only in unusual circumstances. The defendant will be required to sign a Waiver of Extradition before given permission to travel to any other state.

Supervision of the defendant may include daily risk management contacts by Department of Corrections' staff by phone or in person, submitting to alco-sensor and/or urine screening, and complying with a schedule which dictates his whereabouts at all times. In addition to group fees and any supervision fees required by the State, the defendant may be responsible for payment for urinalysis testing. Failure to follow the schedule may result in the defendant being charged with a new felony crime of Escape.

Any offender’s pre-approved furlough can be revoked for any of the following reasons:

- Failure or inability to complete IDAP;
- Failure to abide by other requirements outlined in the furlough agreement;
- Escape from the Department’s control and supervision;
- New alleged criminal conduct;
- Behavior injurious to public safety and order.

Revocation of furlough requires an Administrative Fair Hearing Process conducted by Department of Corrections’ staff. Escape charges may be filed if there is reason to believe that the offender has left the Department’s jurisdiction or control.

It is the recommendation of this Officer that the defendant be sentenced to pre-approved furlough (PAF). If the Court sees fit to sentence the defendant as recommended, agreement to the attached conditions is necessary.

For an offender to be eligible for IDAP, the court must impose an overall sentence which includes a minimum sentence that allows at least one (1) year before parole eligibility (after considering good time and credit for time served prior to sentence) and a maximum of at least two (2) years to serve. The minimum sentence may not be longer than two (2) years, the sentence to PAF cannot be concurrent to or consecutive with a sentence of incarceration for a separate crime or an existing sentence of incarceration, and any length of time the court recommends to be served prior to release on PAF cannot be longer than 60 days. The mittimus must include a recommendation that the defendant be released on PAF and that he participates in IDAP.

Summary and Recommendation:

Respectfully Submitted By: _____

Approved By: _____

CC: Court State’s Attorney Defendant/Defense File Offender

INTENSIVE DOMESTIC ABUSE PROGRAM SUPERVISION AGREEMENT

INTENSIVE DOMESTIC ABUSE PROGRAM SUPERVISION AGREEMENT

This agreement describes the expectations we have of you with regard to your general behavior while participating in DOC Domestic Violence Programs (Intensive Domestic Abuse Program (IDAP) or Incarcerative Intensive Domestic Violence Program (InDAP)). This agreement is in effect for the entire time that you are in either program. We ask that you read, consider, and indicate your agreement by your signature.

I Victim/Partner/Child Contact and Family Financial Obligations

- A. *The safety of your victim(s) and/or any partner is of the highest concern to the Department of Corrections (DOC).* This includes any children who were witness to, or victims of, your abuse/offense.
- B. You can expect to have no contact with any partner/victim or child who was witness to, or victim of the offense/abuse for an extended period at the start of the program. In addition, you will be required to live apart from your victim/partner, and possibly children until your CSS and the IDAP/ InDAP program team permits it.
- C. Decisions about the quality and quantity of contact you might have with your partner(s)/victim(s)/children will be made by your CSS in conjunction with the IDAP program team. These decisions will be based on the interest of your partner(s)/victim(s)/children in establishing contact, your compliance with the conditions of the Pre-Approved Furlough or Conditional Release Furlough, the quality of your IDAP group program participation, and any other information relevant to the safety of your partner(s)/victim(s)/children.
- D. If you meet the above conditions, contact will be initiated in a structured manner. This structure outlines what type of contact you may have and when it will be allowed. A minimum of 60 days must pass before the IDAP Program Team considers any approved contact or a change in your level of contact. The four levels of approved contact are:
 1. Phone contact
 2. Public contact
 3. Private contact
 4. Co-habitation
- E. Unauthorized contact can result in your immediate dismissal from IDAP. It is solely your responsibility to maintain only authorized levels of contact.

- F. Any new intimate or dating relationships must be disclosed to your CSS and group facilitators. Contact with any new partner (after beginning IDAP) must have prior approval of your CSS and the IDAP Program Team. Contact with new partners will be in accordance with the above structure for contact, but will likely begin at public contact. Increases in contact levels will follow the same process outlined above.**
- G. You shall abide by any plan established with regard to childcare, visitation, and car access.**
- H. You shall abide by any Temporary or Final Relief from Abuse Orders issued by Vermont Family Court, or other court orders that limit contact.**

II Firearms

In accordance with Federal Law, you will not be allowed to purchase, own, or possess any firearms or ammunition. Any violation of this law will be reported to Federal authorities.

III Other Programming

You shall participate in and satisfactorily complete other programming or services required by your CSS. This may include, but is not limited to, vocational/educational services, substance use/abuse treatment, parenting education, and mental health counseling. You shall allow any adjunctive treatment program to disclose information about your attendance and participation in the program to your CSS.

I, _____, have read or have had the above read to me, understand, and agree to abide by the above conditions. I understand that these conditions are necessary to my participation in the Intensive Domestic Abuse Program (IDAP) and failure to comply with all conditions can result in my incarceration.

IDAP Participant Date

DOC staff Date

Cc : Participant, Offender File, IDAP Program File

LISTED OFFENSES

Listed Offense: Any crime listed under 13 V.S.A. § 5301(7) (see below), or any of the violent crimes that the Department has determined meet the rationale that established the listed offenses.

(7) For the purpose of this chapter {under 13 V.S.A.}, "listed crime" means any of the following offenses:

- (A) stalking as defined in section 1062 of this title;
- (B) aggravated stalking as defined in subdivision 1063(a)(3) or (4) of this title;
- (C) domestic assault as defined in section 1042 of this title;
- (D) first degree aggravated domestic assault as defined in section 1043 of this title;
- (E) second degree aggravated domestic assault as defined in section 1044 of this title;
- (F) sexual assault as defined in section 3252 of this title or its predecessor as it was defined in section 3201 or 3202 of this title;
- (G) aggravated sexual assault as defined in section 3253 of this title;
- (H) lewd or lascivious conduct as defined in section 2601 of this title;
- (I) lewd or lascivious conduct with a child as defined in section 2602 of this title;
- (J) murder as defined in section 2301 of this title;
- (K) aggravated murder as defined in section 2311 of this title;
- (L) manslaughter as defined in section 2304 of this title;
- (M) aggravated assault as defined in section 1024 of this title;
- (N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of this title;
- (O) arson causing death as defined in section 501 of this title;
- (P) assault and robbery causing bodily injury as defined in subsection 608(c) of this title;
- (Q) maiming as defined in section 2701 of this title;
- (R) kidnapping as defined in section 2405 of this title or its predecessor as it was defined in section 2401 of this title;
- (S) unlawful restraint in the second degree as defined in section 2406 of this title;
- (T) unlawful restraint in the first degree as defined in section 2407 of this title;
- (U) recklessly endangering another person as defined in section 1025 of this title;
- (V) violation of abuse prevention order as defined in section 1030 of this title, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. §1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);
- (W) operating vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in sub sections 1210(e) and (f) of Title 23;

(X) careless or negligent operation resulting in serious bodily injury or death as defined in subsection 1091(b) of Title 23;

(Y) leaving the scene of an accident with serious bodily injury or death as defined in subsection 1128(b) or (c) of Title 23;

(Z) burglary into an occupied dwelling as defined in subsection 1201(c) of this title;

(AA) the attempt to commit any of the offenses listed in this section;

(BB) abuse (section 1376 of this title), abuse by restraint (section 1377 of this title), neglect (section 1378 of this title), sexual abuse (section 1379 of this title), financial exploitation (section 1380 of this title), and exploitation of services (section 1381 of this title);

(CC) aggravated sexual assault of a child in violation of section 3253a of this title; and

(DD) sex trafficking of children or sex trafficking by force, fraud or coercion as defined in section 2635a of this title.

(EE) Aggravated human trafficking in violation of section 2653 of this title.

FURLOUGH AGREEMENT

Vermont Department of Corrections FURLOUGH AGREEMENT

Select Agreement Type

Offender Name: DOB
Management Program Level (MPL): Select Management Program Level
Offenses:
Address:
Home Phone:
Work Phone:

Standard Conditions

The following are applicable to all offenders:

- A. I will not be cited, nor charged with any act punishable by law, including city and municipal codes.
- B. I will immediately report (within 24 hours) any contact I have with law enforcement to my assigned Probation Officer or designee.
- C. I will not engage in threatening, violent or assaultive behavior.
- D. I will report to my assigned Probation Officer or designee as directed.
- E. I will allow my assigned Probation Officer or designee to visit me in my home or place of employment or elsewhere at any time.
- F. I will not purchase or consume alcoholic beverages.
- G. I will not purchase, possess, or consume regulated drugs without a prescription from a licensed physician.
- H. I will submit to a drug screen or alcohol test as directed by my assigned Probation Officer or designee.
- I. I will reside as directed by my assigned Probation Officer or designee.
- J. I will work as directed by my assigned Probation Officer or designee.
- K. I will participate as directed in community service work, work crew, or structured work search as directed by my assigned Probation Officer or designee.
- L. I will submit my person, place of residence, vehicle, or property to a search at any time of the day or night by my assigned Probation Officer or designee.
- M. I will not possess weapons or firearms.
- N. I will not drive a motor vehicle of any type unless approved by my assigned Probation Officer or designee.
- O. I will not leave the State of Vermont without written permission of my assigned Probation Officer or designee.
- P. I will abide by all facility rules should I be incarcerated on a graduated sanction.
- Q. I will fulfill all financial obligations required of me including, but not limited to, rent, program fees, fines, and supervision fees as required.
- R. I will attend all activities/programs as directed by my assigned Probation Officer or designee and participate to the full satisfaction of my assigned Probation Officer or designee.

**Vermont Department of Corrections
FURLOUGH AGREEMENT**

- S. I will sign any releases or other documents necessary so that my assigned Probation Officer or designee can discuss my progress in all of my Department of Corrections' required programs, including, but not limited to, drug/alcohol treatment and mental health counseling.
- T. I will follow the provisions of my case plan.
- U. I will sign a new or modified Furlough Agreement as directed by my assigned Probation Officer or designee.

Offender's Signature Date

VT DOC Staff Signature Date

FURLOUGH AGREEMENT SPECIAL CONDITIONS

Vermont Department of Corrections FURLOUGH AGREEMENT

Special Conditions

The following special conditions may be applied on a case-by-case basis and must be based on the level of risk in the individual case. Each condition being imposed must be tied to a risk-related issue. Check off the conditions being imposed, and have the offender initial.

I will not be in the company of, contact or caused to be contacted anyone that is deemed inappropriate, by my assigned Probation Officer or designee. Including, but not limited to: _____ *initial*

I will maintain a non-cellular telephone within my residence. I will not have anonymous call rejection, call forwarding, or any other phone service that interferes with my supervision. _____ *initial*

If I am placed on a prescription drug, I will supply the name of the drug and the doctor's name to my assigned Probation Officer or designee within 24 hours. I will sign and execute any release deemed necessary so my assigned Probation Officer or designee can verify the source and purpose on medically prescribed drug. I will not to abuse any drug prescription. _____ *initial*

I will abide by any curfew imposed by my assigned Probation Officer or designee. My curfew is _____ *initial*

I will submit a detailed written schedule of my activities as directed by my assigned Probation Officer or designee. _____ *initial*

Other: _____ *initial*

Special conditions for Sexual Offenders apply.
I have received these conditions: _____ *initial*

Special conditions for Domestic Violence Offenders apply.
I have received these conditions: _____ *initial*

Offender's Signature

Date

VT DOC Staff Signature

Date

FURLOUGH AGREEMENT NOTICE

Vermont Department of Corrections FURLOUGH AGREEMENT

NOTICE

1. While you are on Furlough, Pre-Approved Furlough (PAF), Reintegration Furlough (RF), or Conditional Reentry (CR) status 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.
2. Should I violate this agreement by traveling to any jurisdiction in or outside the U.S., where I may be found, I hereby waive extradition to the state of Vermont. I will not contest any effort by any jurisdiction to return me to the State of Vermont. I may also be subject to re-payment of the cost of extradition for my return.
3. Should I receive a graduated sanction that includes a period of incarceration, I understand that a conviction of a Major Disciplinary Report (DR), while serving a graduated sanction, may extend my period of incarceration beyond the length of the graduated sanction itself.

My signature below is indication that I have had the conditions read and explained to me and I understand them. I also understand that my release on furlough is a privilege, and that if I violate this agreement I would be subject to graduated sanctions and/or a furlough revocation that possibly could have me serve the entire remainder of my sentence incarcerated. I further acknowledge the waiver of extradition and with my signature acknowledge that I will not contest any effort to return me to Vermont.

Offender's Signature

Date

My signature below is an indication that I have read and explained the attached conditions to the offender. I have also explained to the offender the notice regarding escape and the waiver of extradition issues.

VT DOC Staff Signature

Date

My signature below is an indication that I have authorized the offender indicated above to be released on CR, RF, or PAF.

Casework Supervisor's Signature

Date

SEX OFFENDER SPECIAL CONDITIONS OF PROBATION

State of Vermont
Agency of Human Services
DEPARTMENT OF CORRECTIONS
Probation and Parole

SEX OFFENDER SPECIAL CONDITIONS OF PROBATION

Program/Treatment

- You shall successfully enroll, participate in, and complete a program/treatment for sex offenders as directed by your Probation Officer or designee and as approved by the Department of Corrections, and assume the costs of your treatment.
- You shall participate fully in the Vermont Treatment Program for Sexual Abusers during the course of your unsuspended sentence. Failure to complete said program while incarcerated may result in a violation of your probation.
- You shall execute releases authorizing your treatment provider(s) to have unrestricted communication with your Probation Officer or designee.

Victim Contact

- You shall not have any contact with your victim/s (including letters, phone calls, tapes, videos, visits, electronically, or any form of contact through a third party), unless approved, in advance and in writing, by your Probation Officer or designee.

Offense Specific

- You may not purchase, possess, or use pornography or erotica. You may not go to adult book stores, sex shops, topless bars, etc.
- You may not access or loiter in places where children congregate; i.e., parks, playgrounds, schools, etc., unless otherwise approved in advance by your Probation Officer or designee.
- You shall not purchase, possess, or consume any alcoholic beverages, or illegal substances, and shall enter and successfully complete a course of substance abuse screening and/or treatment, including residential, if so directed by your Probation Officer or designee.
- You shall not allow any female passengers to ride in your vehicle, unless otherwise approved in advance by your Probation Officer or designee.
- You may not own, possess or use a camera, recorder, cell phone, or other electronic device that has recording capabilities, without prior permission of your Probation Officer or designee.

Monitoring

- You are required to give your Probation Officer or designee search and seizure privileges to search without a warrant and confiscate drugs, pornography, erotica, digital media, computer, or any other item which may constitute a violation of your conditions.
- You shall submit to, and pay for, periodic polygraph examinations at the direction of your Probation Officer or designee. These polygraph examinations will be used to determine your compliance with supervision and treatment requirements.
- You must observe curfew restrictions as directed by your Probation Officer or designee.
- You may not own or possess a computer at your residence, and you may not access the Internet at your place of employment or anywhere else unless approved, in advance, by your Probation Officer or designee. You will allow your Probation Officer or designee to monitor your computer/Internet usage, to include through the use of specific software for monitoring sex offenders. You will also pay for any charges associated with this.
- You shall not purchase, possess, or handle any firearms.

Social

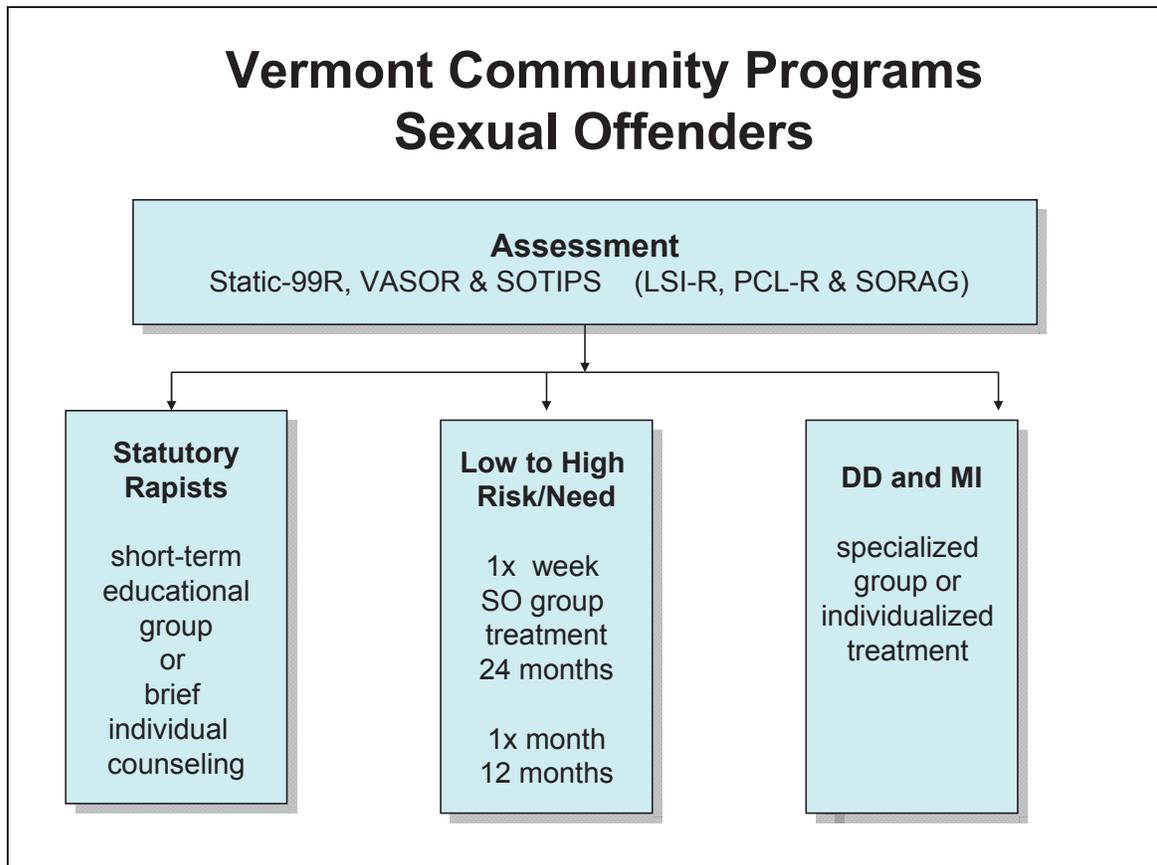
- You may be required to have an approved Chaperone for supervised visits with minors. If so, your Chaperone will be required to undergo any training required by DOC.
- You may not initiate or maintain contact with **males** or **females** or **males and females (Please check just one box)** persons under the age of **16** or **18**, unless otherwise approved in advance and in writing by your Probation Officer or designee. Said contact may require being accompanied by a responsible adult, approved by your Probation Officer or designee.
- You shall not work or volunteer for any business or organization that primarily provides services to persons under the age of **16** or **18** years (**Please check just one box**), unless otherwise approved in advance by your Probation Officer or designee.
- You will inform all persons with whom you have a significant relationship or close affiliation of your sex offending history. Your therapist and/or Probation Officer will determine who shall be informed.
- You shall reside/work where your Probation Officer or designee approves. You shall not change your residence/employment without the prior permission of your Probation Officer or designee.

I understand the conditions as marked (X), and I agree to follow them. I understand that if I do not follow these conditions, the Court may require me to serve my full sentence in jail.

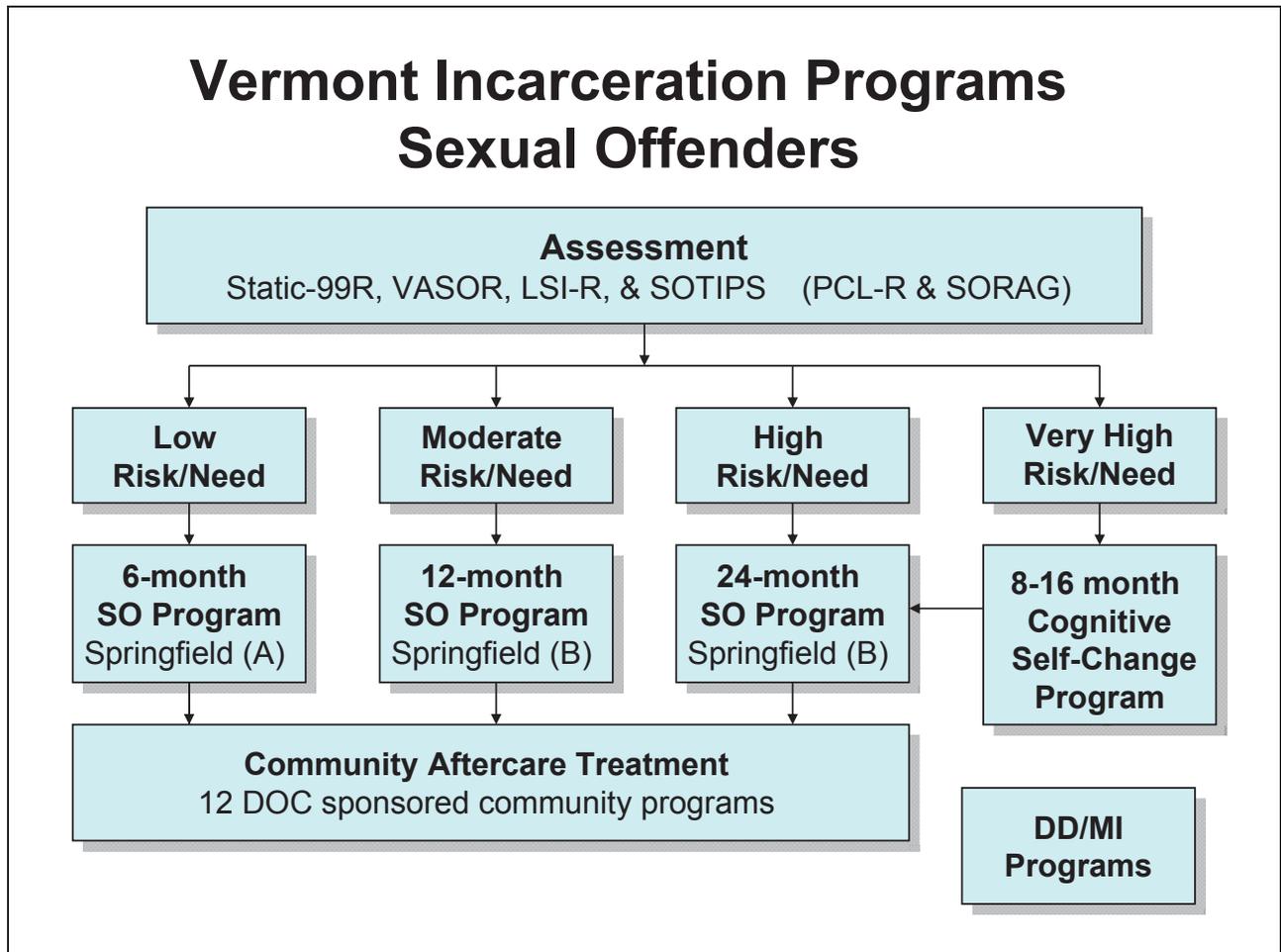
Offender Signature

Date

COMMUNITY PROGRAMS SEXUAL OFFENDERS



INCARCERATION PROGRAMS SEXUAL OFFENDERS



SUPERVISED COMMUNITY SENTENCE (SACS) CONDITIONS

STANDARD CONDITIONS

- (1) Shall commit no act punishable under the law
- (2) Shall abstain from the use of alcoholic beverages
- (3) Shall not purchase, possess, or consume regulated drugs unless prescribed for your use by a physician; this includes no misuse of prescribed drugs
- (4) Shall not possess, use, or handle firearms or deadly weapons
- (5) Shall not engage in violent, assaultive, or threatening behavior
- (6) Shall conduct yourself in an orderly and/or industrious manner
- (7) Shall work and reside at all times where your Supervising Parole Officer and/or the Parole Board directs
- (8) Shall not leave the State without permission of your Supervising Parole Officer
- (9) Shall comply with all court orders
- (10) Shall report by telephone, or in writing, or in person at such time and place as your Supervising Parole Officer may require. You may be required to fill out a weekly schedule detailing your whereabouts at all times and this is subject to the approval of your Supervising Parole Officer.
- (11) Shall permit your Supervising Parole Officer to visit you in your residence or elsewhere
- (12) Shall notify your Supervising Parole Officer within 24 hours of any arrest, summons, citation, or questioning of yourself by a law enforcement officer
- (13) Shall not in any way act as an informant for Police, FBI, or Drug Task Force
- (14) Shall submit to photographs for identification purposes at the request of your Supervising Parole Officer
- (15) Shall submit to reasonable searches of person, property, and possessions as requested by the Parole Officer and permit the Parole Officer to search residence and/or place of employment at reasonable times for the purpose of examination and inspection in the enforcement of conditions of parole

Special Conditions (ISAP) - SAMPLE

- (16) Shall attend and participate fully in any program to which you may be referred by the Board or your Supervising Parole Officer, and you shall allow the treatment provider to disclose to your Supervising Parole Officer and Parole Board information regarding your attendance and participation. You will sign any releases or other documents necessary so that your assigned Probation Officer or designee can discuss your progress in all of my Department of Corrections' required programs, including, but not limited to, drug/alcohol treatment and mental health counseling.

- (17) Shall not purchase, possess nor consume alcoholic beverages during the term of your parole.
- (18) Shall submit to Alcohol and/or Drug Tests when required by your Supervising Parole Officer, Law Enforcement Officers, Parole Board, or any other person authorized by your Supervising Parole Officer.
- (19) Shall abide by a curfew if so directed by your Supervising Parole Officer.
- (20) Your Supervising Parole Officer shall have authority to restrict your associates.
- (21) Shall pay restitution as ordered and in an amount set by the court and/or the Parole Board through a case plan agreed upon with your Supervising Parole Officer.
- (22) Shall not travel outside your county of residence/work without permission of your Supervising Parole Officer.
- (23) Shall not operate a motor vehicle during the term of your parole.
- (24) Shall reimburse the State of Vermont for cost of extradition.
- (25) Shall not enter any establishment where the primary purpose is the
- (26) serving/selling of alcoholic beverages.
- (27) Shall report in person minimum of one time per week to Supervising
- (28) Parole Officer until otherwise directed.
- (29) Will follow the provisions of your case plan.
- (30) Intensive Substance Abuse Program (ISAP): You will attend substance abuse group counseling 2x weekly (each session 2 ¼ hours). This will last for a minimum of 6 months, followed by aftercare. Aftercare will include 12 weeks of 1 session a week. This will also be supplemented by no less than 3 self-help or other self-help meetings a week. You will be responsible for payment for services, which are \$15.00/session, payment at point of service, or \$30.00/week, paid in advance. You will be required to pay for mandatory texts = \$30. You will invite a family member, friend, sponsor, or other support person to ISAP family group four times during your 9 month program. Family group is the last group meeting of every month. It is not family therapy, but rather an opportunity for family and friends to gain insight into addiction and healthy ways to support recovery. You will perform 10 hours of community service as part of your ISAP participation. You will participate in ISAP graduation ceremonies when scheduled, approximately twice a year. You will be required to attend said programming at the Springfield PP Office or at Parks Place in Bellows Falls, VT. You will be required to attend the DUI Victim Impact Panel if requested.
- (31) Any change in address must have the prior approval from your case manager and/or supervising probation officer with the Vermont Department of Corrections.
- (32) You will submit to random drug testing (RS Tests) until further notice and be required to pay for any positive confirmation testing required, as well as being held accountable to sanction.
- (33) You will follow all graduated sanctions imposed by your assigned Probation Officer to include electronic monitoring, and complete same to the full satisfaction of your Probation Officer.

- (34) You shall participate in a mental health assessment. If counseling is recommended, you shall attend and participate in counseling to the satisfaction of your supervising Probation Officer. If psychotropic medication is recommended, you shall take medication as prescribed and shall submit to testing by a medical practitioner to verify your compliance with any medication regiment.

SUPERVISION LEVEL ASSESSMENT

SUPERVISION LEVEL ASSESSMENT

OFFENDER: _____ DOB: _____ DATE: _____

FACILITY/OFFICE: _____ EVALUATOR: _____

OFFENSE: _____ OFFENSE SEVERITY: _____

VIOLENT OFFENSE: YES NO

OFFENDER RISK CHARACTERISTICS

1. Time employed in last 12 months. 7 months + ----- 0
7 months - ----- 1
2. Alcohol usage problem – No interference ----- 0
Occasional or frequent abuse ----- 1
3. Drug usage problem – No interference ----- 0
Occasional or frequent abuse ----- 1
4. Number of prior periods P&P supervision
None ----- 0
1 or more (adult or juvenile) ----- 1

Scoring Guide

None = 0

One = 1

Two = 2

Three or more =3

TOTAL RISK FACTORS _____

Add 1 through 4

TOTAL RISK SCORE _____

5. Probation, Furlough or Parole Violations
Two or more in last five years or last supervision ended in revocation----- 1
No violation history ----- 0
6. History of Interpersonal
Prior Convictions for crimes of violence ----- 1
No conviction history ----- 0

7. Felony History – One or more ----- 1
 No felony convictions----- 0

Highest	12	12	15	17	24	26	30	TOTAL : ____
High	12	12	12	15	17	24	26	5-7
Moderate	3	3	6	11	15	16	18	
Low/Moderate	2	2	4	6	8	10	11	TOTAL: ____
Low	1	1	2	3	4	5	6	all

Offense Severity 0 1 2 3 4 5 6
COMBINED RISK SCORE _____

Low 0 – 4 Medium 5 – 11 Med/High 12 – 19 High 20 – 30

(Not for use in determining eligibility for Intermediate Sanctions Program)

OVERRIDES

It is the Department’s philosophy to allow Caseworkers to use their professional judgment in an objective manner, when it is deemed appropriate.

- A. One area for override consideration is the issue of offense severity. If the offense is determined to be more serious than the crime of conviction, you may consider the offense in the next highest offense category. When the offense is considered to be less serious than the convicted offense, you may consider the offense in the next lowest category.

Should the offense be mitigated or aggravated up or down? *YES* *NO*

If yes, state the reasons:

ADJUSTED OFFENSE SEVERITY (circle one)

Low Low/Mod Moderate High Highest

B. The other area for professional judgment is additional risk factors that are not considered on the face of the instrument. If there are factors that increase or decrease risk, you may consider the offender risk one higher risk factor or one lower risk factor than you had previously. Example: An extended period of time without probation supervision (#4) or revocation (#5) or violence (#6) could lessen risk. See # 2, 3, 4, and 6.

Are there other risk factors that should be considered to increase or decrease risk? *YES* *NO*

If yes, state the risk area and why it applies:

ADJUSTED RISK SCORE: _____

Using the above procedure, find the new and final supervision level score on the matrix below:

Highest	12	12	15	17	24	26	30
High	12	12	12	15	17	24	26
Moderate	3	3	6	11	15	16	18
Low/Moderate	2	2	4	6	8	10	11
Low	1	1	2	3	4	5	6
	0	1	2	3	4	5	6

Offender risk factors (adjusted)

FINAL SUPERVISION LEVEL: (circle)

LOW 0 – 4	MEDIUM 5 – 11	MEDIUM/HIGH 12 – 19	HIGH 20 – 30
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Supervisor's approval: _____ Date: _____

May 2011

COMMUNITY HIGH SCHOOL OF VERMONT (CHSVT)

The Community High School of Vermont is a fully accredited high school through the New England Association of Schools and Colleges (NEAS&C). CHSVT maintains seventeen campus sites throughout the State of Vermont with campuses located in every Vermont correctional facility and nine of our community probation and parole offices. The educational programs and services offer a choice of learning activities and opportunities to a widely diverse student population.

The school's mission is to provide an accredited, coordinated and personalized education that assists students in their academic, social and vocational successes. Students are expected to meet rigorous academic standards and demonstrate proficiency in the core academic subject areas; they must also meet standards in vocational/trades/technical education and social benchmarks. Upon completion of all requirements, students earn a high school diploma.

Students are offered a myriad of opportunities to expand their learning, knowledge and application of skills in traditional academic classes and applied learning settings. Vocational training is offered in automotive, welding, woodworking, horticulture, restaurant management, printing, graphic arts, electronics and computer skills programs. Vocational/technical programs are available to students earning a high school diploma and to those with a diploma seeking to improve skills and employment opportunities.

Through an integrated and coordinated approach, CHSVT students are offered training, skill development, mentoring, internships and work experience. Students learn to examine how they react and interact with the environment around them through direct teaching, role playing, reflections and project activities. The Habits of Mind (Cost and Kallick 2000) curriculum provides a foundation for the language of social awareness and positive change.

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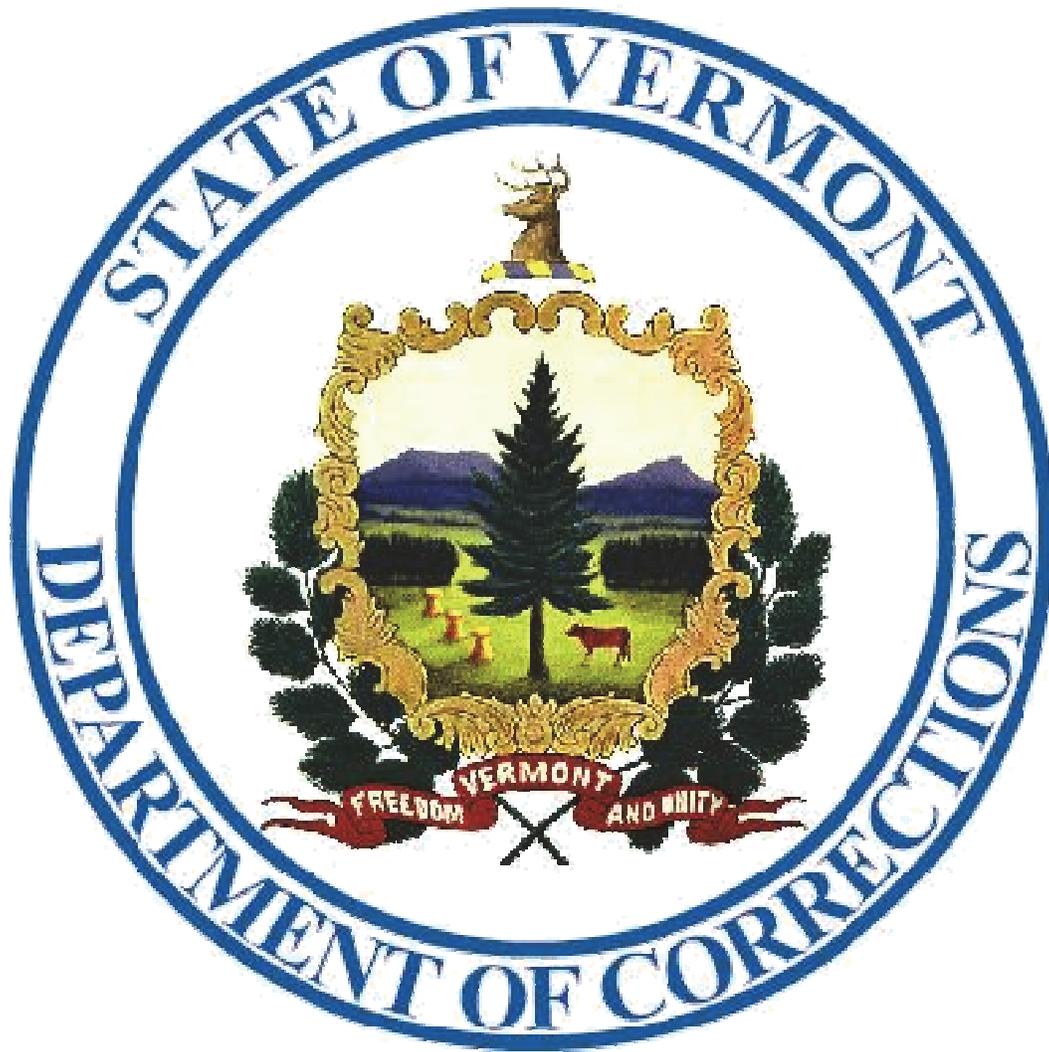
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The Vermont Department of Corrections Sentencing Options Manual is maintained on the Departments' webpage, (<http://doc.vermont.gov>). Please check on-line for the most current and up-to-date version of this document.
