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| <p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p> | <p>Title: Out of State Selection, Transfer, and Supplemental Facility Placement</p> | | <p style="text-align: right;">Page 1 of 3</p> | | | | | | |
| <p>Chapter: Security and Supervision</p> | <p style="text-align: center;"># 371.22</p> | <p>Supersedes 371.22 dated 12/30/2002</p> | | | | | | | |
| <p>Attachments, Forms & Companion Documents: All attachments, forms, and companion documents associated with this directive are available on the Department’s website.</p> | | | | | | | | | |
| <p>Local Procedure(s) Required: Yes - for establishment of written facility protocols. Applicability: All staff (including contractors and volunteers) Security Level: “B” – Anyone may have access to this document.</p> | | | | | | | | | |
| <p>Approved:</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center; width: 33%;"><u>SIGNED</u></td> <td style="text-align: center; width: 33%;"><u>06-01-2016</u></td> <td style="text-align: center; width: 33%;"><u>06-17-2016</u></td> </tr> <tr> <td style="text-align: center;">Lisa Menard, Commissioner</td> <td style="text-align: center;">Date Signed</td> <td style="text-align: center;">Date Effective</td> </tr> </table> | | | | <u>SIGNED</u> | <u>06-01-2016</u> | <u>06-17-2016</u> | Lisa Menard, Commissioner | Date Signed | Date Effective |
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PURPOSE

This administrative directive outlines the Vermont Department of Correction’s (DOC) general principles and process for determining inmates’ placement in an out of state (OOS) correctional facility. This directive identifies key factors, which are taken into account when making OOS placement decisions.

POLICY

The DOC recognizes the limited capacity within Vermont’s state correctional facilities. When inmates are unable to be housed at an in-state correctional facility they may be sent to an OOS correctional facility.

The OOS correctional facility shall provide the Vermont inmates care, including the furnishing of acute, chronic, and emergency medical care. This care shall be consistent with the requirements of American Correctional Association (ACA) standards, National Commission on Correctional Health Care (NCCHC) standards, and constitutionally appropriate standards, providing for their physical and mental health needs. It shall make available work, education, training, and programs, retaining these services in safe and secure facilities, maintaining proper discipline and control, complying with any applicable court orders, providing reasonable access to the courts, and otherwise comply with all applicable law.

1 Using the state’s contracting process, the selection of a contractor to provide OOS housing shall
2 require the contractor to adhere to ACA standards, corrections best practices, and DOC’s standards of
3 care.

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5 **AUTHORITY**

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7 28 V.S.A. §§ 101(1), 102(b)(2), 102(b)(5), 102(c)(1), 102(c)(5), and 701(b).

8
9 **REFERENCE**

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11 Department of Corrections Administrative Directive #432.01 *Gender Identification, Care, and*
12 *Custody*. Department of Corrections Administrative Rule #409 *Searches for the Purpose of Limiting*
13 *the Introduction of Contraband into Correctional Facilities*.

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15 **PROCEDURAL GUIDELINES**

- 16
17 1) Consideration of Inmates for OOS Placement - All DOC inmates shall be evaluated for OOS
18 placement. In determining whether or not an inmate is a priority candidate for OOS placement,
19 the DOC has identified selection criteria to ensure consideration of individual circumstances.
- 20 2) Criteria for OOS Placement
- 21 a) Correctional Risk and Needs Services Eligibility
- 22 i) The DOC provides numerous programs and services to inmates to address their identified
23 criminogenic needs and/or target specific crimes of a sexual or violent nature. These
24 services are provided at in-state correctional facilities and at local field sites. The DOC
25 begins incarcerative programming prior to release. Through its case management process,
26 the DOC identifies when the inmate will begin utilizing these services and ensures that the
27 inmate is not incarcerated OOS during this time. However, the inmate may be housed
28 OOS prior to their eligibility for services.
- 29 ii) The DOC prioritizes in-state correctional facilities for those inmates eligible to receive
30 correctional risk and needs services and re-entry and transition planning services.
- 31 iii) Inmates who are under the age of 23 and have not received a high school diploma are not
32 permitted to be placed OOS.¹
- 33 b) Lack of Housing - Inmates who remain incarcerated solely due to lack of housing are not
34 permitted to be placed OOS.
- 35 c) Time to Programming or Reentry - In utilizing an OOS correctional facility most efficiently,
36 the DOC shall prioritize the placement in an OOS correctional facility for inmates who are
37 further from their program eligibility and/or reintegration the community. By prioritizing
38 inmates by their incarceration period, the DOC is able to provide more stability to both
39 inmates and staff in the day-to-day operation of an OOS correctional facility.

¹ 28 V.S.A. § 120(h).

- 1 d) Family Circumstances
- 2 i) Minor Children - The DOC recognizes the important role of parent-child contact, for both
3 the inmate and the minor child(ren). As such, the DOC considers each inmate's parental
4 responsibilities and whether an active parent-child relationship exists when determining
5 whether the inmate is a priority candidate for OOS placement.
- 6 e) Sentence Status - To ensure that defendants are present during legal proceedings, only
7 sentenced inmates are eligible for OOS placement. Inmates with expected legal proceedings
8 over the next twelve months are not a priority candidate for OOS placement. Once sentenced,
9 the inmate is then re-evaluated for OOS placement.
- 10 f) Medical Clearance - Inmates must receive medical clearance prior to their placement in an
11 OOS correctional facility. Should an inmate selected for OOS placement fail to be medically
12 cleared, s/he shall continue to be a candidate for OOS placement and shall be reconsidered
13 once medically cleared.
- 14 g) Facility Employment or Vermont Correctional Industries (VCI) Affiliations - The DOC
15 recognizes the importance of an inmate workforce in its facilities and at VCI. These inmates
16 often serve key roles in operations and program development. In support of these work
17 positions, inmates who hold key jobs in either facility employment or at VCI are not eligible
18 for OOS placement. However, inmates with holds are subject to an internal review process
19 and limitations on the duration of a hold.
- 20 3) Prioritization for Returning from OOS Placement
- 21 a) Judicial Appearance - If an inmate has an upcoming judicial appearance, the inmate shall be
22 given priority to return to a Vermont correctional facility in order to appear in court in person,
23 if necessary. Once the inmate has appeared in court and remains incarcerated, s/he may be
24 sent OOS again if it is unlikely that there will be another appearance within the next 12
25 months.
- 26 b) Family Circumstances
- 27 i) Family Emergencies - Family emergencies are unexpected and unavoidable. The DOC
28 considers valid family emergencies in determining the prioritization of return to the state.
- 29 c) Correctional Risk and Needs Services and Reentry Planning - The DOC prioritizes in-state
30 correctional facilities for those inmates eligible to receive correctional risk and needs services
31 and re-entry and transition planning services. As such, inmates housed OOS are prioritized
32 for return to an in-state correctional facility when they are scheduled to start programming, or
33 are eligible or soon to be eligible for release.
- 34 4) Decisions - All decisions regarding the classification and placement of inmates in OOS
35 correctional facilities are solely within the discretion of the Commissioner or designee. The
36 process outlined in this directive is intended to provide guidance, and an efficient administrative
37 process for DOC employees does not create any substantive or procedural rights for inmates.
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