

<b>State of Vermont Agency of Human Services Department of Corrections</b>	<b>Title: Non-Compliant Behavior - Field</b>		<b>Page 1 of 3</b>						
<b>Chapter: Security and Supervision</b>	<b>#430.11</b>	<b>Supersedes:</b> #430.11 (dated 03/01/2016); #413.06 (dated 08/30/1999); #410.02 (dated 05/01/2012).							
<b>Attachments, Forms &amp; Companion Documents</b> 1. All attachments, forms, and companion documents will be available on the DOC website.									
<b>Applies to:</b> Field <b>Local Procedure(s) Required:</b> No <b>Applicability:</b> All staff (including contractors and volunteers) <b>Security Level:</b> A – This document is restricted.									
<b>Approved:</b>  <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center; border-bottom: 1px solid black;"><b>SIGNED</b></td> <td style="width: 33%; text-align: center; border-bottom: 1px solid black;"><b>1/11/2019</b></td> <td style="width: 33%; text-align: center; border-bottom: 1px solid black;"><b>5/1/2019</b></td> </tr> <tr> <td style="text-align: center;"><b>Michael Touchette, Commissioner</b></td> <td style="text-align: center;"><b>Date Signed</b></td> <td style="text-align: center;"><b>Effective Date</b></td> </tr> </table>				<b>SIGNED</b>	<b>1/11/2019</b>	<b>5/1/2019</b>	<b>Michael Touchette, Commissioner</b>	<b>Date Signed</b>	<b>Effective Date</b>
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## PURPOSE

The purpose of this administrative directive is to provide authorized Vermont Department of Corrections' (DOC) staff standards to be used when responding to non-compliant behavior of offenders supervised in the community.

## PHILOSOPHY

It is the philosophy of the DOC that offenders shall be held accountable for their actions, while keeping them in the least restrictive environment consistent with public safety and offense severity. There is a continuum of responses that staff can use to address violating behavior. Graduated sanctions are designed to support positive offender change, allow the offender to take responsibility, and to repair the harm caused by their violation. At times, graduated sanctions are insufficient to address offender behavior and the formal violation and/or revocation process is necessary. Furlough revocation should be considered when the DOC believes that an offender's risk can no longer be controlled in the community.

Effective correctional intervention requires response to offender violation behavior. Responses should combine risk control and risk reduction strategies which provide both a consequence for non-compliant behavior and opportunities to change future behavior. 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 sanctions. 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 lead to the non-compliance.

It is the implementation of multi-dimensional and purposeful interventions that distinguishes supervision from mere monitoring and reporting of offender activities. Research has demonstrated that this combination of risk control and risk reduction strategies is far more effective than selecting

one strategy over the other. The implementation of the appropriate combination in an individual case is governed by the framework described below.

For moderate to high risk offenders who continue to demonstrate in non-compliant behavior, the Probation and Parole Officer may choose to utilize effective practices in community supervision with the offender to promote offender change. These interventions are a part of the ongoing collaborative working relationship between the offender and the Probation and Parole Officer, can work on addressing the underlying criminogenic needs of the offender, and increase pro-social compliant behavior.

## **AUTHORITY**

28 V.S.A. §§ 2a, 102(b)(1)-(2), 102(c)(1), (5), (8) and (17), 808, 551.

## **REFERENCE**

DOC Policies # 03 *Department Philosophy and Goals*, and #410 *Due Process*; DOC Administrative Directives #410.01 *Facility Rules and Inmate Discipline*; #410.02 *Violations of FR/CR/PAF*, and #413.06 *Response to Non-Compliant Behavior of Offenders in the Community*. American Correctional Association, *Standards for Adult Probation and Parole Field Services*, 3<sup>rd</sup> Edition, August 1998, Standards 3-3142, 3-3156 and 3-3158. American Probation and Parole Association *Standards*. 4<sup>th</sup> Edition, September 2002, Standards, 4-APP-2E-01 and 4-APP-2F-01.

## **POLICY**

The DOC's non-compliant behavior responses encompass the following strategies:

### **1. Graduated Sanctions**

When an offender violates a condition of their supervision, the supervising Probation and Parole Officer can choose to pursue a graduated sanction or the formal revocation/violation process. The purposes of the graduated sanctions system include: (1) enhance public safety; (2) ensure that the offender accepts responsibility; (3) ensure that the offender is held accountable for his/her behavior; (4) maximize efficient use of existing staff resources by creating a process that allows for timely resolution of offender rule infractions; (5) maximize the opportunity for offender change; (6) ensure that an offender is maintained at the least restrictive level of supervision consistent with public safety; (7) follow best practices by allowing offenders to address their behavior in the community instead of incarceration; and (8) ensure responses to behavior are progressive in nature or match the seriousness of the behavior. Through the application of graduated sanctions supervising Probation and Parole Officer staff can respond to the violating behavior, while continuing the offender on community supervision.

### **2. Furlough Revocation/Formal Violation**

It is the policy of the DOC that alleged offender violations are responded to appropriately. This includes a determination of how the alleged offender behavior/violation relates to public safety and the DOC's ability to manage that risk safely in the community.

When a violation occurs, which is risk related, and the DOC determines that the offender's risk

cannot be currently managed in the community, the offender is lodged in a correctional facility or brought before the Parole Board/Court for violation hearings.

As part of the furlough revocation process the DOC ensures that offender's due process rights are upheld through an administrative hearing.

### **3. Emergency Arrests and Returns**

The DOC employs emergency arrests as needed when a non-compliant offender who is under DOC supervision, is in violation of a condition, and:

- a. Poses a danger to others;
- b. Poses a danger to the community;
- c. Poses a threat to abscond; or
- d. When other methods to control non-compliance are not suitable.

As part of supervision conditions offenders on furlough regularly meet with their Probation and Parole Officer, have curfew restrictions, and may have schedule restrictions. When an offender is unable to be located or attempts to evade or elude supervision (e.g. moves without notifying the DOC), then the DOC considers him/her to have an unauthorized absence. This absence may result in the offender being placed on "escape status", where a new charge is filed with the superior court.

### **4. Probable Cause Hearings for Offenders Supervised by ICAOS**

For those offenders on probation or parole who are supervised by the DOC under the Interstate Commission for Adult Offenders Supervision (ICAOS) a preliminary probable cause (PPC) hearing is held by the DOC when a violation is alleged, and the offender is subject to retaking by the originating state. The DOC ensures that a PPC hearing is held to determine whether there is probable cause to believe that a parolee or probationer who is supervised in Vermont under ICAOS has violated parole or probation conditions.