

Public Comment				
Housing of Individuals Under 18				
Directive				
COMMENT SHEET				
Comment #:	Page #:	Line #:	Comment:	Response:
	2	4-5	Change to : Any inmate is considered a juvenile inmate until they reach the age of 18.	Done.
	2	11	Change to read- 18, who has been arrested a law enforcement officers for a misdemeanor.....	Done.
	2	13	Delete the sentence: A minor shall never be taken to another location... Two reason for deletion: 1) this is for law enforcement and has nothing to do with DOC and 2) law enforcement has to move someone from the arrest site to process.	Done.
	2	14-17	Delete. This is a Court process for law enforcement. Not DO's issue. DOC only cares about the mittimus requiring detention.	Done.
	2	18	Delete Again this is for law enforcement and Courts.	Done.
	3	1	Change District Manager to Facility Superintendent.	Done.
	3	5	Change to Superintendent and District Mangers shall....	Done.
	3	19	Change District Manger to Superintendent.	Done.
	3	23	Change District Manager to Superintendent.	Done.
	3	30	Change District Manger to Superintendent.	Done.
	3	35	Add District Managers shall provide their assigned facilities a list of staff contacts for after hour detention of juveniles. Probation and Parole staff will open the Field office, provide temporary detention space, and assist in intake and booking of the juvenile.	Done.
	4	2	typo should say department procedures.	Done.
	4	3	Change District Manager to Superintendent.	Using both District Managers and Superintendents.
			Under the current practice, District Mangers only supply space and staff to complete booking and assist with intake. The Superintendent provides the rest as they have the required security and support staff. DM's do not have the capacity or resources to provide medical, food, visiting etc. that is required. The facilities have been doing this for years.	This is understood.
			13 needs a "d" on release so it is "released" district court. A minor shall never be taken to another location prior to being release	Removed language
			Shouldn't this read Felony: any offense whose manimum term of imprisonment is two years or more if a misdemeanor is less than two years? 1Felony: any offense whose maximum term of imprisonment is more than two years or life.1 1 2 Misdemeanor: any offense whose maximum term of imprisonment is less than two years.2	Changed to match statute.
			We do not arrest. Not sure why a, b, & c are in this. a. A minor, under the age of 18, who has been arrested for a misdemeanor shall 11 immediately be released to his or her parent, guardian, or custodian or be delivered to 12 district court. A minor shall never be taken to another location prior to being release 13 to his or her parent, guardian, or custodian, or being delivered to district court. 14 b. If the minor is delivered to district court, the arresting officer shall immediately file 15 written notice with the court. Alongside the written notice the arresting officer shall 16 include a statement of the reason for taking the minor into custody. 17 c. A minor eligible for release under 13 V.S.A. §229 shall be released. 30 appropriate placement. Needs definition or parameters	This has been altered/deleted to remove any court lanauge and to deliniate between corrections and law enforcement.

			<p>As per PREA Audit Requirements:</p> <p>“The facility documents the exigent circumstances for each instance in which youthful inmates’ access to large-muscle exercise, legally required education services, and other programs and work opportunities was denied.”</p>	This would go in a different directive.
			<p>rules only and safekeeping of CI statements and DR recordings. (See Section 11 also.)</p> <p>To me, as a District Manager of a field office, this says that only the facilities need to have local procedures. The word “facilities” as used by the DOC generally means the jails, not the probation offices.</p> <p>However, the Directive goes on to make the following statements:</p> <p>District Managers shall provide procedures for “booking” a juvenile on detention. Such procedures shall include but not be limited to finger prints, pictures, ID face sheet, suicide probability scale, determination of medical and diet needs and other issues covered in detention intake at the facility. Booking Procedures shall ensure that the juvenile does not enter the facility. Booking slips shall note that the person is a minor or juvenile and placement is in an alternative setting.</p> <p>District Managers shall ensure that procedures for phone use, visiting, and others issues germane to the business of providing alternative detention are promulgated in their respective regions.</p> <p>District Managers shall ensure that procedures are in place to cover motel placement.</p> <p>Since all three of the above make it very clear that District Managers of P&P offices need to have local procedures, I suggest that the statement headed Local Procedure(s) required should include notice to the field offices as well as the facilities.</p>	Have updated to include requirement for field procedures.
			<p>The Directive also includes this language: “A juvenile may be detained in a hotel/motel setting. Supervision shall follow apartment procedures.”</p> <p>Since the P&P offices no longer have apartments, we no longer have apartment procedures, or at least Brattleboro does not. Even if we did have “apartment procedures,” they would only cover things like how many inmates can reside in a given apartment, use of the telephone in the apartment, and so forth. They would not contain guidance about how many officers were needed to provide on-site supervision, or what that supervision should entail, as we did not have staff members in residence in the apartments.</p>	Should be "department" not "apartment"
			Housing of Inmate’s Under 18 Years of Age -- Get rid of the apostrophe.	Done.
			<p>Under no circumstances can an individual under the age of 18 be held in correctional facilities and or lockups when the probation violation concerns a misdemeanor case and there is an absence of a felony charge.</p> <p>Just say “there is no felony charge</p>	We are leaving the current language for clarity purposes.
			<p>I was wondering about the electronic storage and retrieval of records for individuals under 18. Should there be anything listed on how to treat this data differently than adults? For example, we did not make this information viewable to the public in the past as they were minors.</p>	This is a court process.
	2	2	<p>Literally the cited statute (13VSA1) defines a felony as “more than two years” and a misdemeanor as “any other crime”. Thus. A misdemeanor is not “less than two years” as the draft says but any offense “whose maximum term of imprisonment is up to two years.”</p>	Changed to match statute.
	2	11-14	<p>During after-hours the police will not be able to bring the juvenile to court. We have had occasions when the parents could not be located or refused to take custody. In these cases in the past we have taken custody, in a motel, as long as the lodging agency had the lodging paperwork required by statute. We then bring them to court in the morning. We need to address this possibility in the directive.</p>	Added additional language.
	1	33-34	<p>What if the Violation of Conditions of Release is based on an underlying Felony charge</p>	No change to the current policy.
	3	5-11	<p>Whose headcount does this individual go on? The last I knew a misdemeanant juvenile could not show up on a facility headcount, ever.</p>	This has been altered to include field headcount clarity.
	3	15	<p>“Security staff shall be in charge of the detention” This is not a feasible statement. First of all the site manager is ultimately responsible for the detention, secondly there may not be any security staff.</p>	Removed language

	4	1-2	What are "apartment procedures"	Should be "department" not "apartment"
	4	3-4	According to the paragraph (b. i.) in the previous page, it is the correctional facility that is responsible to set up and maintain motel placement.	Yes, this is correct.
	4	8-17	Somewhere in here it needs to say when the underlying probation charge is a misdemeanor. It's not clear. If someone is already on probation or parole for a felony then they should be held (this is covered later on). This would be outside of a new charge.	Already explained.
	4	27-31	Is it the departments intention to furlough juveniles prior to their minimum regardless of the amount of time they get? What is going to happen when it's a Misd. Domestic so they cannot go home and DCF will not accept? Will we hold them in a motel room for 2 years until they turn 18?	Add Woodside.
	4	41-43	Is there no age limit? If a 12 year old gets arrested for murder we will house them in an adult correctional facility?	No further legal requirement.
	5	15-17	Same as above, age limit?	Added over age of 16 language.
	3	17	"the juvenile's actions by laying hands on if that becomes necessary." Could read "the juvenile's actions through physical control techniques if that becomes necessary."	Done.
			Also I have no idea when or why we would have an under 18 parolee They would have had to have been on furlough or in jail first	Unknown where referencing.
	3	4	missing Bennington, Springfield and Newport P&P offices	Added.
	3	11	here called alternative setting but later categorized as alternative placement (line 36)	Changed to placement.
	3	17	does this include restraints	No, language altered.
	3	ft note 1	why have alternative settings listed by name (line 12) when they are above (line 41) also line 41 says 204 Depot but in the footnote it says 206 (204 and 206 are throughout, is it one or both) and the attachment says 204	Consistently changed to 204.
	4	2	notes follow apartment procedures but I don't see any where there are apartment procedures written (word searched the document for apartment) is it department procedures	Should be "department" not "apartment"
	4		seems like 4, 5 and 6 could be condensed more	It needs to be specific.
	5		Juvenile is capitalized a few times when should not be	Alterned.
	5	30	seems like something is missing in the sentence "...large muscle exercise any legally required special education..."	Added comma.
	5		notes three types of transfers with the first to being to like (office to office and facility to facility) but then says office to receiving site (what site)	This is left based on understanding.
			For consistency it is noted as hotel/motel and motel/hotel and just motel in the same section	Changed to motel/
			Area managers in previous directive should not default to field district managers	Noted.