

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS**

Policy: 322

Subject: Detentioners-Safekeepers
Effective Date: January 30, 1987 **Review and Re-Issue Date:**
Supersedes: 6/20/74 **APA Rule Number:**

Recommended for approval by:		Authorized By:	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

INTRODUCTION

Vermont Correctional facilities often house persons who are being held pending trial or sentencing. It is necessary to provide the appropriate level of programming so that persons in detention status are not disadvantaged either from an internal program standpoint or from the standpoint of their access to the courts. Persons in this status must be provided the same level of care as the sentenced population while the required degree of custody is also maintained. Experience has shown that detentioners can be more vulnerable at the time of trial, due to physical pretrial conditions and/or an inability to properly prepare their defense. Therefore, program options should be made available to help avoid debilitating idleness and boredom for inmates in detention status.

2. Purpose:

OBJECTIVE

To guarantee adequate access of detentioners to courts while at the same time maintaining the necessary level of security/custody to fulfill the responsibilities of the Department and to provide for treatment programs on a voluntary basis for detentioners.

3. Applicability/Accessibility

3.1.

4. Policy

POLICY DESCRIPTION

Policy 322 Detentioners-Safekeepers

Security

--The primary responsibility of the facility is to ensure that the detentioner will be available for court appearances.

--Inmates who have active felony detainers shall be placed in medium security.

--Placement of detentioners in higher or lower custody levels shall be determined by an objective classification custody instrument.

--Detentioners will be subject to procedures as outlined in the Offender Classification Manual.

--Detentioners may be transferred to other facilities in order to provide the required degree of custody.

--Detentioners shall be subject to normal disciplinary processes.

Classification With Security and Programs

--Special effort should be made to ensure that detentioners have the same freedom of communication with the community as sentenced offenders, particularly in the area of visiting and correspondence with the courts (see Policy 966 - Visits; Policy 965 - Mail).

--By statute, detentioners shall be allowed conference with counsel, which may be held in the presence of, but not within the hearing of, an officer or employee of the correctional facility.

--It is recognized that a detentioner may require special consideration for communication with the community that is specifically related to his detention status. Toward this end, detentioners may make scheduled telephone calls (see also Policy 971 - Telephone Use).

Programming

--Detentioners shall be informed by the casework staff of program options available to them, of the process for making their program interests known, and of the facility staff's expectations regarding their behavior.

--They shall be provided with the same basic level of care services as those received by the general inmate population including sanitary, dietary, recreation, medical, and clothing services.

--After orientation to the facility, they may submit to the assigned Caseworker or Correctional Officer C a written request to be allowed to enroll in any specific work, education, or other program offered at the facility. The assigned Caseworker or Correctional Officer C will then formally refer the detentioner to the request program, taking into consideration selection criteria and the detentioner's security/custody requirements. Once accepted in the program(s), the detentioner will be expected to perform in a satisfactory manner. Similarly,

Policy 322 Detentioners-Safekeepers

detentioners selected for work programs shall perform in a satisfactory manner. New detentioners who are also serving a sentence are subject to the same treatment options as sentenced people.

--If detentioners are to participate in the work release and furlough programs, the consent of the prosecuting state's attorney and the judge of the court in which the person is being prosecuted must be obtained.

--They shall be subject to the full range of classifications available and all rules and regulations of the facility.

--The Superintendent of the facility will be responsible for ensuring that all appropriate personnel are fully briefed and trained in the philosophy and methods developed to implement this policy.

--Divisions and facilities shall develop specific rules and regulations to deal with the implementation and monitoring of the requirements of this policy.

--Because of the importance of this policy, the Commissioners will order periodic audits of the facility operations, procedures, and monitoring practices, as they pertain to this policy.

5. Training Method

5.1.

6. Quality Assurance Processes

6.1.

7. Financial Impact:

8. References

28 V.S.A. 805, 759, 702(b).

9. Responsible Director and Draft Participants