

Directive 371.11 Level C Performance Expectations

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

Directive: 371.11

Subject: Level C Performance Expectations
Effective Date: 12/30/02 **Review and Re-Issue Date:**
Supersedes: 3/1/02 **APA Rule Number:**

Recommended for approval by: Richard Turner, Director/Correctional Services		Authorized By: Steven M. Gold, Commissioner	
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Signature	Date	Signature	Date

1. Authority:

1.1. 28 V.S.A., chapter 1 -section 1(a-c) – section 2a, Chapter 3 – section 101 (1), section 102 (c) (1) (3) (4) (5) (8), Chapter 6, Chapter 11 – section 701, section 701a, section 701b, section 702, section 703, section 706, section 721 – 726, section 808, 13 V.S.A., chapter 165, section 5301

2. Purpose:

2.1. Consistent with 28 VSA § 1(b) and with the goal of providing Vermont’s citizens safety from violent crime, this directive:

2.1.1 Identifies offenders whose offense is egregious and whose risk for future violence is high.;

2.1.2 Develops a strategy to manage these offenders to limit their risk of violence to the community.

3. Applicability/Accessibility

3.1. All individuals and groups affected by the operation of the department may have a copy of this directive.

4. Directive

4.1. Due to the nature and seriousness of their crimes and risk of violent reoffending, offenders designated as Level C are subject to different performance expectations. In these cases the Department considers public safety and incapacitation as primary factors.

4.1.1 Case planning for Level C offenders will generally focus on long term confinement. Due to the nature of their offenses, victim harm and high risk profile these offenders must demonstrate long-term behavioral and psychological stability, commitment to change, and completion of significant treatment goals prior to any release consideration. In these cases, the burden of demonstrating these objectives lies with the offender, and the Department will use the maximum release date, less six months, as the reference for case planning purposes.

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- 4.1.2 Case planning and program placement decisions for Inmates with Level C designation will be done through the central office case staffing process. Once the case staffing has occurred the assigned CSS will meet with the offender to discuss the expectations and requirements. It shall be incumbent on the offender to seek out treatment and program opportunities, make a compelling case for admission to the program by virtue of institutional behavior and intention, and complete the full set of program expectations.
- 4.1.3 Placement in correctional treatment programs could be considered after the offender has served his minimum sentence, his behavior has been exemplary, and the Parole Board has reviewed the case and indicated that parole would be considered after program completion. If all of these factors are in place a central level staffing will be held to determine when the offender will be considered for program placement.
- 4.1.4 Institutional Behavior – Exemplary behavior over an extended period of time is required of the Level C offender. This will take the form of consistently high work ratings from facility job supervisors, the absence of disciplinary reports, avoidance of negative inmate subculture activities, (i.e, engaging in or encouraging behavior that is detrimental to the orderly running of a correctional facility , including, but not limited to: gang affiliation, extortion, drug use/sales.), and evidence of pro-social conduct or citizenship within the institution.
- 4.1.5 Failure to sustain the expectations described above will be seen as a negative indicator for release.
- 4.1.6 Program Completion - Offenders with Level C designation must fully address the criminogenic risk and need areas associated with their criminal conduct prior to release from custody. This standard requires achievement of treatment goals in the relevant programs, avoidance of program suspensions, and sustained excellence in pursuing their program objectives. Based on the nature and severity of their crimes, Level C offenders may be required to participate in multiple programs to address multiple need areas.
- 4.1.7 Because of the degree of harm perpetrated by Level C offenders against their victims, the Department will require these offenders to demonstrate an acceptance of their responsibility for their crimes and consequences in the course of treatment. This shall be seen in restorative activities, atonement and efforts directed at positive citizenship in addition to normal relapse prevention and related clinical activities. The treatment plan shall address ways in which the offender can demonstrate a high level of rehabilitative effort and achievement.
- 4.1.8 Classification Review - Correctional facility superintendents shall develop a process for evaluating the overall performance of the Level C offenders. In preparation for the two-year review described in Directive 371.10, the input of facility security supervisors, casework personnel, clinical providers and line staff shall be gathered and integrated.
- 4.1.9 Eligibility for Release – Level C offenders must be in compliance with all the requirements described above prior to consideration for release. Upon satisfaction of these requirements, the offender may request a meeting with the Level C Offender Review Panel Composed of the Facility Superintendent, Director of Offender Classification, the Director of Correctional Services, the Director of Clinical Services, the Director of Victim Services, and the field managers of the jurisdiction in which the offense(s) was committed and the location of the proposed release plan. This panel reviews and recommends approval/disapproval of conditional release, furlough or parole.
- 4.1.10 Level C offenders released into the community shall remain under Community Correctional Services Center (CCSC) supervision for the duration of their sentence or until they are deemed incapable of further criminal conduct due to serious physical infirmity.
- 4.1.11 Parole Consideration - When a Level C offender is eligible for parole and appears before the Board, the Department shall provide a detailed review of the individual's assessed criminal risk, institutional conduct and correctional treatment. The Board shall be appraised of the reasons for the offender's Level C designation and provided with additional information as requested.

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5. Training Method

5.1. It is the responsibility of Superintendents at facility and field sites to ensure that all CSS staff are fully trained in the application of this directive. HRD will develop case planning training curricula to support this directive.

6. Quality Assurance Processes

6.1 Each site manager will establish a local procedure.

7. Financial Impact:

7.1. The cost associated with level C offenders is the cost of long term incarceration. Given the public safety issues with these offenders we feel this is a good use of our resources.

8. References

8.1 Title 28 V.S.A.

9. Responsible Director and Draft Participants

Ray Flum, Director of Classification