

371.25 Parole Reviews and Recommendations

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

Directive: 371.25

Subject: Parole Reviews & Recommendations

Effective Date: 09/10/04 Review and Re-Issue Date:

Supersedes: NEW APA Rule Number:

Recommended for approval by: Janice E. Ryan, Deputy Commissioner		Authorized By: Steven M. Gold, Commissioner	
_____	_____	_____	_____
Signature	Date	Signature	Date

1. Authority:

- 28 V.S.A. § 725, Parole hearing for offenders on conditional reentry;
- 28 V.S.A. § 501, Eligibility for parole consideration;
- 28 V.S.A. § 502, Parole interviews and reviews;
- 28 V.S.A. § 502a, Release on parole; and
- 28 V.S.A. § 362, Duration of Supervised community sentence.

2. Purpose:

- Establish schedules for Parole Board interviews and reviews; and
- Establish guidelines for positive recommendations for Parole.

3. Applicability/Accessibility

3.1. Anyone may have access to this directive.

371.25 Parole Reviews and Recommendations

4. Directive:

- 4.1. Offenders that are serving sentence in a correctional facility, on Supervised Community Sentence (SCS), or on Pre Approved Furlough (PAF) are eligible for Parole consideration upon serving their minimum sentence. Offenders that have a zero minimum are eligible for Parole consideration no later than 12 months after commitment.
- 4.2. Offenders are eligible for Parole consideration after serving their minimum sentence. The Parole Board has established a practice of interviewing or reviewing the eligible offenders a month before the minimum release date. In the event, the offender is granted parole, parole could begin at completion of the minimum sentence.
- 4.3. Offenders that are not granted parole on their minimum and are subsequently released from the correctional facility on Conditional Re-entry (CR) are required to be considered by the Parole Board for parole consideration as follows:
 - ◆ If they are considered a non-listed offender, they are to be considered for parole after 90 days of successful time on CR.
 - ◆ If they are considered a listed offender, they are to be considered for parole after 180 days of successful time on CR.
- 4.4 Once an offenders has become eligible for parole consideration they shall be reviewed and interviewed as follows:

If the offender is serving a maximum sentence of less than 15 years, the board shall review the offender's record once every 12 months

 - The board shall conduct an interview of the offender at the request of the department
 - Upon written request of the offender, the board shall conduct an interview, but no more than once every two-year period

If the offender is serving a sentence with a maximum of 15 years or more, the board shall review the offender's record once every two years

371.25 Parole Reviews and Recommendations

- The board shall conduct an interview of the offender at the request of the department
- Upon written request of the offender, the board may conduct an interview, but no more than once in any two-year period

4.5 When offering a recommendation to the Parole Board, the decision to recommend or not recommend will be on an individual basis, after review of all of the facts in the case. Attached is a chart (Appendix I) to be used as guidelines in an attempt to establish some consistency around when to recommend parole (parole may be recommended earlier if warranted)

4.6 In order to place an offender in a treatment program that is out of state, the offender must be on parole status. The Interstate Commission for Adult Offender Supervision does not allow for the interstate supervision of offenders in a pre-parole status. Before making a positive recommendation cases shall be discussed with the Commissioner/Designee.

5. Training Method

5.1. Each site manager will ensure all staff have read and understand this directive.

6. Quality Assurance Processes

6.1. Each site manager will establish a local procedure.

7. Financial Impact:

7.1 Unknown at this time

8. References

8.1 Title 28 V.S.A.

8.2 Vermont Parole Board

8. Responsible Director and Draft Participants

Ray Flum, Director of Classification

371.25 Parole Reviews and Recommendations

APPENDIX I

Offense Type	Management Program Level	Severity of Offence	LSI	Major A DR Reports	When Recommended
1) Non Listed	Level A	Low – Highest	0-23	No DR's	At minimum
2) Non Listed	Level A	High – Highest	0-23	DR convictions	After 90 days on CR
3) Non Listed	Level A	High – Highest	24 – 47	No DR's	After 90 days on CR
4) Non Listed	Level A	High – Highest	24 – 47	DR Convictions	After 180 days on CR
5) Listed	Level A	Low – Highest	0-23	Either	After 180 days on CR
6) Listed	Level B (Not enough Time to Serve for Treatment Purposes)	Low – Highest	24 – 47	Either	After 180 days on CR
7) Listed	Level B	Low – Highest	24 – 47	Either	After 180 days on CR
8) Listed	Level C	Low – Highest	24 – 47	No DR's	To be determined by case staffing
Offense Type	Management Program Level	Severity of Offence	LSI	Major A DR Reports	When Recommended