



STATE OF VERMONT

POLICY 407

A

DEPARTMENT OF CORRECTIONS

POLICY AND OPERATING PROCEDURES

SUBJECT ESCAPES (407) ( <del>1051</del> )	RECOMMENDED FOR APPROVAL BY <i>J. Patini</i> SIGNATURE	
AUTHORIZED BY <i>[Signature]</i> SIGNATURE	DATED March 18, 1985	SUPERSEDES May 30, 1983

I. INTRODUCTION

The Department of Corrections is mandated by statute to provide adequate security environments and supervision for the person(s) in its custody.

Sound procedures for maintaining adequate security, including elimination of human error, can reduce the risk of escape. Corrections' employees have a clear, legal responsibility to prevent escapes. Any authorized Corrections' employees have all the powers and authority of a Law Enforcement Officer to apprehend any person escaping from a Correctional Facility. However, employees are cautioned to use only enough force to neutralize the escape attempt and apprehend the escapee(s).

In any instance, escapes or attempted escapes shall be met with a firm response.

II. OBJECTIVE

All facilities must be prepared in advance in order to react quickly in the event of an actual or attempted escape. This policy will provide guidelines to Facility Superintendents in order that procedures may be developed for use in the event of an actual or attempted escape.

III. POLICY

Each Superintendent is responsible for developing contingency plans that deal with any type of escape from his/her facility; i.e., escape from custody, from a facility, from either supervised or unsupervised furlough, from a work crew:

Each Superintendent will annually review these contingency plans. The annual review will occur no earlier than March 1, nor any later than March 31, of each year. The contingency plans at each center shall be as comprehensive as possible, and shall, at a minimum, address the following issues.

1. Responsibility of line personnel at actual point of escape or attempted escape.
2. Security of building.
3. Custody of other inmates.
4. Designated officer in charge.
5. Written pre-designated post orders.

6. Emergency telephone notification of law enforcement agencies.

When notifying law enforcement agencies, it will become necessary to advise whether or not the inmate is considered dangerous. [REDACTED]

[REDACTED]

Escape From Medium or Above Security Setting: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Escape From a Minimum Security Setting, Escape From a Community Security Setting, or From Furlough: [REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

7. Compliance with Policy 291 - Unusual Incidents.

8. Notification of other agencies who may have an interest in an escapee; i.e., Federal Marshalls, Immigration, or another state.
9. Preparation of a news release for the media.
10. Chain of Command.
11. [REDACTED]
12. The Department of Corrections has an obligation to pursue, search for, and apprehend dangerous inmates who have escaped from its custody. [REDACTED]
13. Escapes from supervised work crew - plans shall be developed for each individual work site.
14. Submission of an escape report.
15. Proper notification of all agencies involved in escape search once escapee has been returned to custody.

IV. FIREARMSRESPONSIBILITY

All Staff at Correc-  
tional Facility

Superintendent

Security and Operations  
Office

ACTION

Become familiar with escape  
procedures of facility and  
act accordingly in the event  
of an actual or attempted  
escape.

Have developed and review  
annually the contingency  
plans developed to deal with  
attempted or actual escapes.  
The review is to be accom-  
plished between March 1 and  
March 31 of each year.

Ensure that all staff members  
are aware of their responsi-  
bilities and duties in the  
event of an actual or attempted  
escape.

In the event of an actual or  
attempted escape, comply with  
Policy 291 - Unusual Incidents.

Provide feedback and technical  
assistance as needed.

V. DEFINITIONS

Escapes and Attempted Escapes - As defined in Vermont  
Statutes Annotated, Title 28 § 1501, Escapes and Attempts  
to Escape are:

- (a) A person who, while in lawful custody:
- (1) escapes or attempts to escape from any correctional facility or a local lockup shall be imprisoned for not more than ten years or fined not more than \$5,000.00, or both; or
  - (2) escapes or attempts to escape from an officer, if the person was in custody as a result of a felony, shall be imprisoned for not more than ten years or fined not more than \$5,000.00, or both; or if the person was in custody as a result of a misdemeanor, shall be imprisoned for not more than two years, or fined not more than \$1,000.00, or both.
- (b) A person who, while in lawful custody:
- (1) fails to return from work release to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with section 753 of Title 28;
  - (2) fails to return from furlough to the correctional facility at the specified time, or visits other than the specified place, as required by the order issued in accordance with section 808 of Title 28;
  - (3) escapes or attempts to escape while on release from a correctional facility to do work in the service of such facility or of the department of corrections in accordance with section 758 of Title 28; or
  - (4) escapes or attempts to escape from the Vermont state hospital when confined by court order pursuant to chapter 157 of Title 13 or chapter 199 of Title 18, or when transferred there pursuant to section 703 of Title 28 and while still serving a sentence, shall be imprisoned for not more than five years or fined not more than \$1,000.00, or both.

Additionally, an inmate will be considered to have escaped by the department of corrections if:

A. He/She is out of place of furlough and not be located for two hours from the time of initial discovery of being out of place of pass.

B. The inmate is more than two hours late returning from an authorized furlough. This time period is to commence from the prescribed end of the furlough, including any authorized extensions granted.

In these two incidents, the facility will initiate the necessary escape procedures and ensure the proper legal authorities are supplied with the necessary documentation to pursue escape charges.

Sections A and B are not meant to prohibit the local State's Attorney or other prosecutorial authority from pursuing escape charges, if they deem appropriate.

## VI. INVESTIGATIONS

All escapes from medium or above custody shall be investigated by the Office of Security and Operations to determine the facts relating to the escape.

### LEGAL REFERENCES

28 V.S.A. 102(b)(10)  
28 V.S.A. 102(c)(1)  
28 V.S.A. 601(4)  
13 V.S.A. 1501

- A. He/She is out of place of furlough and can not be located for two hours from the time of initial discovery of being out of place of pass.
- B. The inmate is more than two hours late returning from an authorized furlough. This time period is to commence from the prescribed end of the furlough, including any authorized extensions granted.

In these two incidents, the facility will initiate the necessary escape procedures and ensure the proper legal authorities are supplied with the necessary documentation to pursue escape charges.

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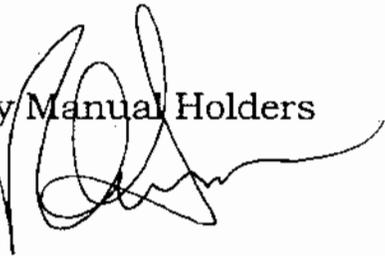
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# Interoffice Memo

**To:** All Directive/Policy Manual Holders  
**From:** Richard Turner   
**Date:** June 24, 1998  
**Re:** Escape Policy 1051 Changes

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Please place this change with Policy 1051 after your review. Also, please pass on to all field staff.

A new Directive will create more formality when it comes out in August.

Thanks.

/c

Attachments

#98/09

1. When a furlougee cannot be physically located at their pre-approved location and there is indications that the furlougee is attempting to allude or evade supervision and/or left the state to avoid supervision, they are to be considered an escapee in the act of escaping according to Title 18 Sec 1501(B) and the escape notification procedure is to be activated.

However, if in the opinion of the Supervising Correctional staff, the furlougee is not trying to escape, but is at a location not previously approved by the Department of Corrections, the Supervision Correctional employee shall attempt to locate and return the furlougee to a approved location.

If after two (2) hours the Supervising Correctional employee cannot locate the furlougee, they are to notify their respective CCSC Superintendent.

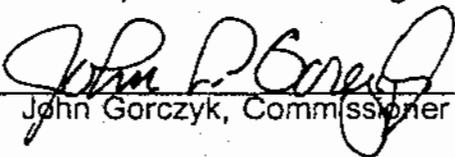
If in the opinion of the Supervising Correctional employee and the CCSC Superintendent, the furlougee is not trying to escape after the two hour limit, they are to initiate their protocol with the local police to Be On the Lookout (BOL) for said furlougee and may extend the BOL status up to twenty four (24) hours.

If during the twenty four (24) hour period of time it is believed by the CCSC Superintendent that the furlougee is trying to avoid supervision, the CCSC Superintendent may declare the furlougee an escapee and institute escape notification procedures.

The CCSC Superintendent and the Correctional staff supervising the furlougee will make all decisions concerning escape status consistent with the Department of Corrections' policies on Risk to the General Public, Victim Notification issues and correctional best practices.

2. All Superintendents are to develop with the local police and law enforcement agencies, a written protocol concerning BOL and escape notification/apprehension.

Approved:

  
John Gorczyk, Commissioner