

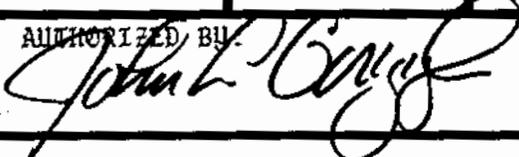


**DEPARTMENT OF CORRECTIONS
AGENCY OF HUMAN SERVICES
STATE OF VERMONT**

NUMBER

424

**POLICY
DIRECTIVE
PROCEDURE**

SUBJECT SUPERVISED COMMUNITY SENTENCE	EFFECTIVE DATE 2/18/94	REVIEWED AND RE-ISSUED	SUPERSEDES NEW
RECOMMENDED FOR APPROVAL BY:  SIGNATURE	AUTHORIZED BY:  SIGNATURE		

AUTHORITY

Title 28 V.S.A. §353(4) requires the commissioner to adopt rules regarding the supervision, maintenance, treatment, and all attendant matters that apply to offenders sentenced to a term of supervised community sentence.

PURPOSE

This policy provides guidance for developing recommendations for the appropriateness of a supervised community sentence in individual cases. It identifies the requirements for developing plans and conditions of supervision in support of favorable recommendations for a supervised community sentence. Finally, this policy authorizes and directs the development of directives for supervised community sentence programs.

APPLICABILITY/ACCESSIBILITY

All individuals and groups affected by the operations of the Department of Corrections. Anyone may have a copy of this policy.

POLICY

The commissioner will recommend supervised community sentence (hereinafter SCS) only for offenders who meet the admissions criteria for specific correctional programs developed pursuant to this policy. In order to meet the intent of the statute, the department will develop correctional programs for offenders placed on SCS. A directive will be developed for each program. Courts, state's attorneys and public defenders will be kept informed of the available programs for SCS.

A. ASSESSMENT

The department, at the request of the court, will assess eligibility for each offender being considered for SCS.

An assessment will be performed as follows: if the criteria in the first phase are met, the assessment is continued into the second phase. If the first phase criteria are not met, the assessment is concluded with a negative recommendation for SCS participation.

SCS participation may be considered as well in all violations of probation. The department will prepare an assessment as in new cases at the request of the court. The assessment will address, in addition to the factors addressed in new cases, the quality of the offender's performance while on probation supervision and the seriousness of the violation(s) of probation.

First Phase:

1. The current conviction satisfies program admissions criteria for the SCS programs administered by the department; and
2. The offender has stated a willingness to abide by the conditions of SCS; and
3. The offender has, in the opinion of the department, a reasonable likelihood of completing SCS program requirements; and
4. The offender does not pose a serious risk of interpersonal violence to the community.

These criteria will be determined by a review of the following:

1. Criminal and departmental records;
2. Circumstances surrounding the offense;
3. The offender's version of the offense(s) in question;
4. The offender's history of treatment and other efforts of rehabilitation;
5. Personal characteristics of the offender, including, but not limited to, age, lifestyle factors, history of drug and/or alcohol abuse, and stability of family life.

Second Phase:

The second phase assessment will determine what types of program services are appropriate for the offender and are currently available to carry out the purpose of a supervised community sentence. If potential program resources are inadequate or unavailable, the assessment will result in a negative recommendation.

B. RECOMMENDATION

A recommendation for SCS participation by the department shall address the results of the department assessment. When the court reviews the department's recommendation for sentence to SCS, it may reject or accept the proposal and recommendation, but may not modify them. If the assessment results in a recommendation against a sentence of SCS, the court shall be informed in writing.

While the department will consider an offender's eligibility for SCS pursuant to a presentence investigation, the department will also develop procedures for referral and screening for SCS so that consideration of an offender's eligibility for a SCS can be done without ordering a presentence investigation.

Where the department recommends that an offender be favorably considered for SCS, the recommendation shall also incorporate a plan for implementation.

C. PLAN

The plan will incorporate a proposed program and proposed conditions deemed appropriate by the department. The court may accept or reject a plan, but it may not modify it.

The plan will address, in general, the following correctional purposes:

- treatment and rehabilitation of the offender;
- restitution and reparation to the victim(s);
- reparation to the community by the offender;
- community-based sanctions and risk-control strategies.

1. Programs

Each proposed program will contain the following information:

- a. The criminal justice and correctional purposes served by the program;

- b. The target population;
- c. The program goals;
- d. The criteria for offenders being placed in the program (including exclusionary criteria);
- e. Referral, screening and admissions procedures;
- f. A description of program activities and program structure;
- g. A description of sanctions to be followed for rules infractions and program failures.

2. Conditions

The conditions of SCS supervision in each plan shall be such as the department, in its discretion, deems reasonably related to rehabilitation of the offender or protection of the public. The department may require that the offender:

- a. Remain law-abiding;
- b. Be monitored by electronic devices;
- c. Comply with curfew restriction;
- d. Report in person as directed to locations determined by the department;
- e. Work and reside as directed by the department;
- f. Attend and satisfactorily participate in any treatment activity as directed by the department;
- g. Be visited at the place of residence or business by the department staff;
- h. Submit to a search of bodily fluids, breath, person, personal property and residence when directed by the department for monitoring compliance with the conditions of SCS;
- i. Refrain from possessing weapons or explosives;
- j. Abstain from use or possession of alcoholic beverages, drugs or drug paraphernalia;
- k. Restrict his/her association or contact with certain persons;

- l. Make regular payments toward any fine, restitution, or supervision fees;
- m. Abide by any other condition reasonably required to protect the public or assist in rehabilitation.

Conditions of supervision may be added or changed by the department after SCS is ordered by a court. In order to add or change conditions of supervision, the department must advise the offender of his/her right to have the new or modified condition(s) reviewed by the Vermont Parole Board. The offender may only require review by the Board if the offender believes the new or modified condition substantially changes the plan, or substantially alters the offender's liberty without good cause, or is clearly unreasonable. The change as determined shall go into effect immediately, pending any review by the Board.

D. AWARDING OF GOOD TIME

Persons serving any portion of a sentence under SCS shall not be eligible for reductions of term for good behavior pursuant to Section 811 of Title 28 VSA and pertinent policies and directives of the department.

E. SUPERVISION FEES

Supervision fees may be assessed as part of the SCS portion of a sentence. Such fees shall only be ordered after a review of the offender's income and expenses. Such fees will be assessed according to directives developed and maintained by the Department of Corrections.

REFERENCES

28 V.S.A., Chapter 6
Vermont Department of Corrections Probation and Parole Procedures Manual
Vermont Department of Corrections Field Supervision Manual
Parole Board Rule #1