


<p align="center"><b>State of Vermont Agency of Human Services Department of Corrections</b></p>	<p align="center"><b>HOME DETENTION</b></p>	<p align="right">Page 1 of 11</p>
<p><b>Chapter</b>  <b>Security &amp; Supervision</b></p>	<p align="center"><b>#431.01</b></p>	<p><i>Supersedes:</i> Interim Procedure Home Detention 2.01.12 &amp; 7.01.10</p>
<p><b>Attachments, Forms &amp; Companion Documents:</b></p> <ol style="list-style-type: none"> <li>Home Detention Investigation Form</li> <li>Department Request for Review - Home Detention</li> <li>Notice to Court of Home Detention Revocation</li> <li>Request for Reimbursement – Electronic Monitoring</li> </ol>		
<p><b>Local Procedure(s) Required:</b> Yes; intake process for local field sites (see section 3a).  <b>Applicability:</b> All staff (including contractors &amp; volunteers)  <b>Security Level:</b> "B" - Anyone may have access to this document.</p>		
<p><b>Approved:</b></p> <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="text-align: center;">   <hr style="width: 100%;"/> <p><b>Andrew A. Pallito, Commissioner</b></p> </div> <div style="text-align: center;"> <p><b><u>December 2, 2013</u></b> Date Signed</p> </div> <div style="text-align: center;"> <p><b><u>January 6, 2014</u></b> Date Effective</p> </div> </div>		

**PURPOSE**

The purpose of this administrative directive is to provide direction for Department of Corrections staff as it pertains to offenders referred to the Home Detention Program.

**POLICY**

It is the policy of the Vermont Department of Corrections to supervise persons in its custody in the least restrictive environment consistent with public safety and offense severity.

**AUTHORITY**

13 V.S.A. § 7554b.

**REFERENCE**

Department Policy #410, *Due Process*; Department Administrative Directives #407.03, *Unauthorized Absence From Furlough or Conditional Reentry*, and #410.02, *Violations of FR/CR/PAF*.

**DEFINITIONS**

**Bail:** Any security, including cash, pledged to the court to ensure that a person charged with a criminal offense will appear at future court proceedings.

Defendant: A person who has been charged with a criminal offense and who is subject to criminal court proceedings.

Detainee: A person committed to the Commissioner of Corrections by the court or other authorized person or entity, who is confined in a correctional facility until he/she is sentenced or released.

Electronic Monitoring: Any electronic device or technology that automates, replicates, or supports supervision tactics that would normally require direct staff presence or resources.

Escape: Any action by the offender, which leads Corrections' employees to believe the offender, intends to absent him or herself from state custody or supervision.

Home Detention: A program of confinement and supervision that restricts a defendant to a pre-approved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections.

Pro Se: One who represents oneself in a court proceeding without the assistance of a lawyer.

## **PROCEDURAL GUIDELINES**

Home Detention is a program of confinement and supervision that restricts a defendant to a pre-approved residence continuously, except for authorized absences, and is enforced by appropriate means of surveillance and electronic monitoring by the Department of Corrections, as defined by statute. This form of supervision is designed for detainees who have traditionally remained incarcerated for lack of bail. This status provides the Department and the Court an alternative way to address this population in the least restrictive environment, while taking into account public safety.

### **1. Court Referral Process**

- a. A defendant who has been detained in a correctional facility for more than seven (7) calendar days for lack of bail may be reviewed by the Court for placement onto Home Detention.
  - i. A defendant, or their legal counsel, may petition the Court to consider a defendant's placement onto Home Detention by submitting an *Application for Home Detention* to the Court.
  - ii. The Court will schedule a hearing to review the motion.
  - iii. The court will consider the below factors to determine the defendant's appropriateness for Home Detention:
    - The nature of the offense with which the defendant is charged;
    - The defendant's prior convictions, history of violence, medical and mental health needs, history of supervision and risk of flight; and
    - Any risk or undue burden to other persons who reside at the proposed residence, risk to third parties, or to public safety that may result from such placement.
- b. If the Court, after consideration of the above, determines that Home Detention is appropriate, a copy of the *Home Detention Application* will be sent to the appropriate field site for review.

- c. The field site receiving the referral for Home Detention is charged with determining if the proposed residence supports the use of electronic monitoring devices, either through cellular or landline telephone communications.
- d. The Department is not charged with determining the defendant's level of risk or appropriateness for Home Detention; the Court maintains this responsibility.
- e. In the event that cellular technology is not available for that geographic area, and a landline is not actively present, the responding officer will inform the Court of this, indicating that if a landline is installed and verified the proposed residence would be approved.
- f. The staff person investigating the proposed residence will reply to the Court using the *Home Detention Investigation Form*.
- g. If the Court orders Home Detention for the defendant, the Court will issue a Home Detention Bail Mittimus. The mittimus should include the conditions imposed by the Court, any approved appointments/schedules, and a bail amount.

## 2. Department Referral Process

All offenders who are eligible for field supervision by the Department of Corrections and have been incarcerated for a new offense or a violation of probation will be reviewed by the assigned facility CSS for Home Detention status if the offender has been detained for more than seven (7) days in a correctional facility for lack of bail. The facility CSS will need to contact the assigned field CSS to determine if the defendant is appropriate for Home Detention.

- a. In determining appropriateness, the case co-managers will take into account all of the following:
  - i. The nature of the offense(s) with which the defendant is charged;
  - ii. The defendant's prior convictions;
  - iii. The defendant's history of violence;
  - iv. The defendant's medical and mental health needs;
  - v. Their history of supervision;
  - vi. Their risk of flight;
  - vii. Any risk or undue burden to other persons who reside at the proposed residence, or risk to third parties or to public safety that may result from such placement;
  - viii. If the proposed residence supports cellular electronic monitoring, and/or if a landline, telephone is active and present; and
  - ix. If the proposed residence is subsidized housing, and if the defendant is authorized to reside there.
- b. If the case co-managers determine that the defendant would be appropriate for Home Detention status, the field CSS will notify the Community Corrections Program Supervisor (CCPS) of the recommendation for Home Detention placement.

- c. If the CCPS determines that the defendant is an appropriate candidate for Home Detention, the field CSS will submit a *Department Request for Review for Home Detention* to the Court.
- d. If the CCPS determines that the defendant is not appropriate for Home Detention, they will notify the case co-managers and document the findings in electronic case notes.
- e. The *Request for Review for Home Detention* must provide the following information:
  - i. Current offense with which the defendant is charged;
  - ii. Proposed address of the residence for placement; and
  - iii. If employed, the name, address, and telephone number of the employer.

### 3. Home Detention Supervision

#### a. Intake

District Managers will set up a process for the intake of defendants on Home Detention status, which will include, but not be limited to, the following:

- i. Updating or adding the defendant's information (e.g., address, charges, etc.), and taking a digital photo;
- ii. Explanation of electronic monitoring devices assigned to the defendant, that will assist in the supervision and monitoring of Court conditions;
- iii. Defendant's acknowledgement and signature on the electronic monitoring contract which is provided by the electronic monitoring vendor;
- iv. Review of authorized absences approved by the Court or the Department of Corrections;
- v. Explanation of the role of the Supervising Officer and supervision;
- vi. Entering an electronic case note outlining the current offense(s), and court approved absences.
- vii. Review, explanation, and signature by the defendant on the Furlough Agreement (see administrative directive #371.15, *Conditional Reentry*). The conditions of release issued by the court, and the information provided on the application will be added as special conditions of furlough.

#### b. Supervision

- i. The District Manager will designate a CCPS who will be responsible for the Home Detention Program for their site.
- ii. Community Corrections Officers (CCOs) will be responsible for the day-to-day supervision of detainees on Home Detention. The CCOs are responsible for providing surveillance through the use of electronic monitoring.
- iii. CCOs will perform a daily review of all electronic monitoring device reports and determine if the defendant is in compliance with their conditions. These activities will be documented in electronic case notes each day.
- iv. The CCPS is responsible for:

- a) Any Court hearings that are required;
- b) Approving any changes to the schedule;
- c) Ensuring a daily check of the defendant's compliance with the electronic monitoring;
- d) Approving any revocations of a defendant's Home Detention status. (See Administrative Directive #410.02, *Furlough Violations*.)
- v. Field contacts will be in response to notifications or discoveries of violations from electronic monitoring, or when other information is discovered during the course of supervision.
- vi. Out of State travel is permitted if it is approved by the court, or for medical emergencies. A travel permit is not required to authorize out of state travel.

#### 4. **Electronic Monitoring**

All defendants on Home Detention will be monitored by Global Positioning Satellite (GPS) or other location-monitoring devices. If the offense is alcohol related, alcohol monitoring devices may also be used.

#### 5. **Response to Violating Behavior**

- a. If through the course of supervision, the defendant violates a condition of their Home Detention, Department staff may suspend the defendant's Home Detention status and return the defendant to the custody of a correctional facility pending a due process hearing.
- b. Whenever possible, taking custody of the defendant should be conducted at the local field site. If it is not possible to take the defendant into custody at the field site, local law enforcement should be utilized in making the arrest.
- c. When lodging a defendant in a correctional facility, field staff will use the *Notice of Hearing Form* in accordance with Administrative Directive #410.02, *Furlough Violations* as lodging paperwork.
- d. The defendant will have the right to a due process hearing in accordance with Administrative Directive #410.02, *Furlough Violations*.
- e. If the defendant is found in violation at their due process hearing, the assigned field staff will complete the *Notice to Court of Home Detention Revocation* form and send it to the assigned Court. If the defendant is not found in violation of Home Detention, the defendant will be released back on Home Detention status.

#### 6. **Damaged and Destroyed Equipment**

- a. If, during the course of supervision under Home Detention, the defendant damages/destroys or causes the loss of an electronic monitoring unit the CCPS may request of the court that the offender be responsible for the cost of the repairs or replacement. If the court so orders, payments would be made to the restitution unit.
- b. Staff will coordinate directly with the vendor or with the Field Services Operations Manager to secure a billing statement which reflects the cost of repairs or replacement. This bill will be

attached to the *Request for Restitution – Electronic Monitoring*, which will be submitted to the court for consideration.

#### **7. Escape**

If staff cannot locate the defendant, they should place the defendant on escape in accordance with Administrative Directive #407.03, *Unauthorized Absence from Furlough or Conditional Re-entry*.

#### **8. Bail**

The defendant may post bail while on Home Detention status. Bail will need to be posted at Court during Court hours. Field staff are not authorized to collect bail money. Once staff receives the official document stating that the offender has posted bail from Court, then the defendant will be released from Home Detention status.

#### **9. Documentation**

All information regarding a defendant's status and movement will be maintained within the DOC database applications system and offender file. The maintenance of electronic and paper files is critical for case management purposes and will be promptly recorded and maintained by both facility and field staff, as relevant.

### **TRAINING**

1. The Director of Field Services will ensure that all District Managers are trained in this Administrative Directive and will provide training on the use of electronic monitoring for all necessary field staff.
2. District Managers will ensure that all appropriate staff are trained in this Administrative Directive.
3. The Facility Superintendents will ensure that all Living Unit Supervisors train casework staff on the referral process for the Home Detention program.

### **QUALITY ASSURANCE**

#### **Each Facility Superintendent and District Manager will ensure that:**

1. The facility and field have assigned staff resources for purpose of referral, supervision, and data tracking of defendants who meet the criteria of Home Detention;
2. Communication occurs between the field office and the facility(s) regarding referrals and administrative tasks as they pertain to Home Detention status;
3. Staff monitor, track, and maintain a list of all eligible inmates who are to be referred and who have been released to Home Detention.

#### **Central Office will:**

1. Monitor the effectiveness of this procedure, with an emphasis on developing needed supports or training to assist staff.

2. Develop performance measures to ensure compliance with this procedure and legislative mandate (process and outcome). The objective of such measures is to assess the effectiveness of the Home Detention Program in terms of reducing the need for future jail beds, saving money for the Agency of Human Services and taxpayers, and lowering crime rates.

**HOME DETENTION INVESTIGATION FORM**

Judge \_\_\_\_\_ is requesting a review for Home Detention status for the below-named defendant to determine whether the defendant meets the necessary criteria to be supervised on Home Detention status by the Department of Corrections.

Defendant:	Presiding Court:
DOB:	Date of Request:
Facility:	Charges:
Field Office:	Current Bail:
Investigating Officer:	Facility Caseworker:
Dockets:	

Defendant's Proposed Address: \_\_\_\_\_

Other Occupants at Address: \_\_\_\_\_

Landlord: \_\_\_\_\_ Landlord Contact #: \_\_\_\_\_

Does this residence meet the necessary requirements to allow the Department of Corrections to supervise the defendant on Home Detention?  Yes  No

If no, please explain:

Comments on the Investigation:

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In order to be on Home Detention the defendant must agree to the following:

- Abide by all conditions of release and family court orders
- Be placed on Electronic Monitoring 24 hrs a day
- Will not possess or consume alcoholic beverages, nor will there be any in your approved residence
- Will not possess or consume any regulated drugs unless they are prescribed by a physician
- Will not be in possession of a firearm or dangerous weapon
- Violent or threatening behavior is not allowed
- Will remain in the residence at all times unless authorized to leave in advance by the Court or the DOC
- Defendant must sign and abide by the general conditions of furlough

Home Detention is a program of confinement and supervision that restricts a defendant to a pre-approved residence continuously except for authorized absence, and is enforced by appropriate supervision and electronic monitoring by the Department of Corrections. The Court or the Department of Corrections shall authorize scheduled absences such as work, treatment, and education. Any changes in the schedule shall be solely at the discretion of the Department of Corrections.

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If the defendant is placed on Home Detention by the Court, the Department of Corrections may revoke their Home Detention status for any unauthorized absence, failure to comply with conditions of release set by the Court, or for violating any General Conditions of Furlough. Suspected violations of any of the above will result in the defendant being lodged at a correctional facility, where a due process hearing will be held to determine if the defendant, by preponderance of the evidence, violated the conditions of Home Detention Supervision.

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DOC Staff Signature

Date



**Vermont Department of Corrections**

**DEPARTMENT REQUEST FOR REVIEW - HOME DETENTION**

The Vermont Department of Corrections is requesting a review for Home Detention status for the below-named defendant. In making this request to the Court, the Department finds that the defendant meets the necessary criteria to be supervised on Home Detention status by the Department of Corrections.

Defendant:	Presiding Court:
DOB:	Date of Request:
Facility:	Charges:
Field Office:	Current Bail:
Probation Officer:	Facility Caseworker:
Dockets:	

The defendant has proposed the following address if placed on Home Detention Status:

The defendant has indicated the following employment information:

Name of Employer: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_

Work Schedule: \_\_\_\_\_

Home Detention is a program of confinement and supervision that restricts a defendant to a pre-approved residence continuously except for authorized absence, and is enforced by appropriate supervision and electronic monitoring by the Department of Corrections. The Court shall authorize scheduled absences such as work, treatment, and education. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on Home Detention shall remain in the custody of the Commissioner of the Department of Corrections with conditions set by the Court.

\_\_\_\_\_  
If the defendant is placed on Home Detention by the Court, the Department of Corrections may revoke their Home Detention status for any unauthorized absence, failure to comply with conditions of release set by the Court, or for violating any General Conditions of Furlough. Suspected violations of any of the above will result in the defendant being lodged at a correctional facility, where a due process hearing will be held to determine if the defendant, by preponderance of the evidence, violated the conditions of Home Detention Supervision.

\_\_\_\_\_  
Defendant's Signature

Date

\_\_\_\_\_  
DOC Staff Signature

Date

Cc: Offender's file

**NOTICE TO COURT OF HOME DETENTION REVOCATION**

**Defendant Name:**

**Court:**

**Probation and Parole Office:**

This is notice to the Court that the above-named defendant has violated a condition(s) of Home Detention and has been returned to a correctional facility; their Home Detention status has been revoked by the Vermont Department of Corrections as authorized by Title 13 V.S.A. § 7554b(c).

The above was returned to \_\_\_\_\_ on \_\_\_\_\_.

Facility Name

Date

The above has been found in violation of the following conditions of Home Detention:

\_\_\_\_\_  
\_\_\_\_\_

The above was found in violation at their due process hearing held on:

\_\_\_\_\_

Date of Hearing

\_\_\_\_\_

Corrections Staff Name and Title

\_\_\_\_\_

Signature and Date

Cc: Offender's file

January 2012

**REQUEST FOR REIMBURSEMENT – ELECTRONIC MONITORING**

Date: \_\_\_\_\_

The Vermont Department of Corrections respectfully requests the court to order (defendant name) \_\_\_\_\_, to pay restitution for:

- Damaged electronic monitoring equipment
- Destroyed electronic monitoring equipment
- Lost electronic monitoring equipment

On (date) \_\_\_\_\_, the aforementioned defendant caused damage to, destroyed, or lost:

- Global Positioning Satellite (GPS) equipment. To wit:

(Narrative of damage, destruction or how the unit cannot be located):

- Alcohol Monitoring Device. To wit:

(Narrative of damage, destruction or how the unit cannot be located):

The cost of repair or replacement is valued at: (amount) \_\_\_\_\_

Attached is a billing statement from the electronic monitoring vendor which demonstrates the cost of repairs or replacement.

Respectfully,

\_\_\_\_\_

Corrections Program Supervisor