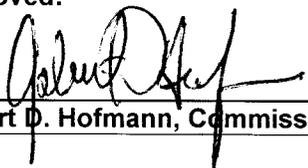


State of Vermont Agency of Human Services Department of Corrections	Title:		Page 1 of 8
	Temporary Travel Permits		
Chapter: Programs - Security and Supervision	INTERIM PROCEDURE	New	
Attachments, Forms & Companion Documents:			
1. Travel Permit 2. Law Enforcement Notification Form			
Local Procedure(s) Required: Yes			
Applicability: All field staff			
Security Level B- Anyone may have access to this document.			
Approved:			
 _____ Robert D. Hofmann, Commissioner	<u>10/22/08</u> Date Signed	<u>11/03/08</u> Effective Date	

PURPOSE

The purpose of this Department of Corrections' Interim Procedure is to establish a process for offender travel outside the State of Vermont for temporary, time-limited purposes. This includes travel for offenders on probation, parole, and Supervised Community Sentence status. Offenders on furlough status may be granted a temporary travel permit for medical reasons or with the approval of the Field Services Executive or Assistant Field Services Executive. This excludes offenders sentenced by the court to administrative probation and those offenders without travel restrictions.

POLICY

It is the policy of the Vermont Department of Corrections to adhere to federal laws, the rules of the Interstate Commission for Adult Offender Supervision, and Sex Offender Registry laws in the receiving state where offenders may travel. It is also the policy of the Department to collaborate with Canadian authorities regarding offenders who request to travel to Canada.

AUTHORITY

28 V.S.A. § 101(3); § 202 et seq.; § 403(1); § 808; and § 1351 et seq.

REFERENCE

Department of Corrections APA Rule #08016/Policy #426 *Supervision Fees for Offenders under Field Supervision by the DOC*; Administrative Directives #371.05 *Offender Responsibility Plan*; *Victim Notification*; #418.02 *Probation and Parole Interstate Compact*. The Interstate Commission for Adult Offender Supervision website www.interstatecompact.org. 13 V.S.A. § 5301(7).

DEFINITIONS

Administrative Probation: A form of probation for offenders convicted of low-level misdemeanors where conditions of probation will require only that they not be convicted of a new crime, that they register with their probation and parole office, notify the DOC of their address every month, and notify the DOC within 72 hours if law enforcement has found probable cause that they've committed a new crime.

Commuting Offenders for Travel Permit: Probation, parole and SCS offenders who are employed in another state and travel to and return from that state each day. Their travel permits must be approved by the District Manager or designee, not to exceed 30 days.

Furlough: (1) A period of reintegration into the community following incarceration during which the offender is participating in restorative and/or risk management programs; (2) an approved absence from a correctional facility under precise conditions (e.g., medical treatment).

Furlougee: A person in the custody of the Commissioner serving all or part of their incarcerative sentence in the community outside a correctional facility. This includes offenders on Pre-Approved Furlough (PAF), Conditional Re-entry (CR), Reintegration Furlough (RF), Treatment Furlough, Medical Furlough and Furlough (FR).

Listed Offense(s): Criminal offenses described in 13 V.S.A. §5301 (7); characterized for the most part by violence towards persons, and those violent crimes that the Department of Corrections has determined meet the rationale that established the listed offenses.

Parole: The release of an inmate to the community by the Parole Board before the end of the inmate's sentence, subject to conditions imposed by the Board and subject to the supervision and control of the Commissioner of Corrections.

Probation: The legal status a court may impose on a defendant that suspends all or part of the sentence and places the person in the care and custody of the Commissioner of Corrections, upon such conditions and for such time as it may prescribe, in accordance with law, or until further order of the court.

Supervised Community Sentence (SCS): A court-imposed sentence of incarceration to be served in a community setting subject to the rules of the Commissioner of Corrections. These offenders are under the jurisdiction of the Parole Board.

Temporary Travel Permit (TTP): Authorization that allows designated and approved offenders under the supervision of the Department of Corrections to visit another state not to exceed 30 days.

Treatment Team: A group of Department employees, treatment providers and volunteers that are convened to discuss and make case decisions.

PROCEDURAL GUIDELINES

All temporary travel permits must be signed by the Probation and Parole officer or designee and approved and signed by supervisory staff.

1. Travel Authorization for Temporary Travel - Offenders on Probation, Parole, or SCS

The Probation and Parole officer, with approval of the District Manager or supervisory designee, may issue temporary travel permits for purposes other than relocation, to offenders on probation, parole or SCS who want to travel to another state for less than thirty (30) days. Consecutive travel permits that exceed thirty (30) days are prohibited unless approved by the Deputy Compact Administrator, except for offenders commuting for employment. For commuting offenders, the District Manager or designee may approve consecutive travel permits.

- a. The Probation and Parole officer may approve or deny an offender's request for temporary travel after considering the circumstances of the offender and the requested travel.

Consideration will include, but not be limited to, the following:

- i. Offense severity
 - ii. Risk level
 - iii. Public safety in the receiving state
 - iv. Length of time under supervision
 - v. Criminal conviction history
 - vi. Compliance with conditions, including supervision and fee payment requirements
 - vii. Reason for the requested travel
 - viii. Destination of the travel
 - ix. Mode of transportation.
 - x. Travel companions
- b. Requirements for approving a Temporary Travel Permit (TTP): The offender must meet all of the following requirements in order to be issued a TTP.
- i. The offender must be on Probation, Parole, or SCS status.
 - ii. The offender must be in compliance with their Offender Responsibility Plan and/or case plan.
 - iii. The offender must be in compliance with their conditions of supervision.
 - iv. The offender must be up to date with their payments toward supervision fees. This is to be verified by the Probation and Parole officer prior to issuing the TTP. If the TTP is for commuting for work, the Probation and Parole officer may approve the TTP, but will need to ensure that the offender will become compliant with their supervision fee requirements.
 - v. The offender must be up to date with payments toward their court-ordered restitution. This is to be verified by the Probation and Parole officer prior to issuing the TTP. If the TTP is for commuting for work, the Probation and Parole officer may approve the TTP, but will need to ensure that the offender will become compliant with their restitution requirements.
 - vi. The offender is not pending any new charges or pending a violation.

- c. **Commuting Probation, Parole, and SCS Offenders:** The Probation and Parole officer may issue temporary travel permits, with the approval of the District Manager or supervisory designee, to offenders who are employed in another state and commute regularly for work purposes. Before approving the TTP, the Probation and Parole officer must verify the employment in the receiving state.
- d. **Victim Issues:** If the offender's victim(s) lives in the receiving state, the Probation and Parole officer must assess any safety issues for the known victim(s) before approving a TTP for an offender. If the Probation and Parole officer approves a travel permit, the PO must notify the known victim(s) in the receiving state prior to issuing the TTP.
- e. **Sex Offenders**
 - i. If the offender is convicted of any sexual offense, or if the affidavit of the underlying offense provided by the court after adjudication contains information that describes any elements of a sexual offense, the Probation and Parole officer must also get approval from the treatment team.
 - ii. If approved, then the Probation and Parole officer will determine if the offender will need to register as a sex offender in the receiving state. If the offender has to register with the receiving state, the Probation and Parole officer will contact the receiving state's Sex Offender Registry to get information, and will direct the offender to register in the receiving state upon arrival.
 - iii. The Probation and Parole officer will contact the destination of travel (e.g., residence, employment) to determine if it conforms to the offender's supervision conditions. If applicable, the Probation and Parole officer should also use an Internet mapping service such as MapQuest to determine proximity of schools, parks, and similar locations where minors congregate.
 - iv. When issuing the TTP to the offender the Probation and Parole officer will complete and attach the *Law Enforcement Notification Form (Attachment 2)* to the travel permit, and will order the offender to have it signed by a local law enforcement agency upon arrival.
 - v. The Probation and Parole officer will document the above (i.-iv.) in electronic case notes.

2. Travel Authorization for Temporary Travel for Offenders on Furlough

The Probation and Parole officer may issue temporary travel permits, with the approval of the District Manager, for offenders on furlough who have been convicted of a **non-listed** offense, for medical services that are not available in Vermont.

A person on furlough convicted of a **listed offense** as defined in administrative directive 371.09, *Designation of Listed Offenses*, is not eligible for a TTP unless approved by the Field Services Executive or Assistant Field Services Executive.

For offenders on furlough the only exception to the above is with the approval of the Field Services Executive or the Assistant Field Services Executive, at the request of the District Manager at the office where the offender is currently being supervised.

- a. **Victim Issues:** If a victim(s) of this offender's crime lives in the receiving state, the Probation and Parole officer must assess any safety issues for the known victim(s) before approving a TTP for an offender. If the Probation and Parole officer approves a travel permit, the Probation and Parole officer must notify the known victim(s) in the receiving state prior to issuing the TTP.

b. Sex Offenders

- i. If the offender is convicted of any sexual offense, or if the affidavit of the underlying offense provided by the court after adjudication contains information that describes any elements of a sexual offense, the Probation and Parole officer must also get approval from the treatment team.
- ii. If approved, the Probation and Parole officer will determine if the offender will need to register as a sex offender in the receiving state. If the offender has to register with the receiving state, the Probation and Parole officer will contact the receiving state's Sex Offender Registry to get information and will direct the offender to register in the receiving state upon arrival.
- iii. The Probation and Parole officer will contact the destination of travel to determine if it conforms to the offender's supervision conditions. If applicable, the Probation and Parole officer should also use an Internet mapping service such as MapQuest to determine proximity of schools, parks, and similar locations where minors congregate.
- iv. When issuing the TTP to the offender, the Probation and Parole officer will complete and attach the *Law Enforcement Notification Form (Attachment 2)* to the travel permit, and will order the offender to have it signed by a local law enforcement agency upon arrival.
- v. The Probation and Parole officer will document the above (i.-iv.) in electronic case notes.

3. Travel to a Foreign Country

The Department will not authorize travel outside of the United States or its territories, with the exception of Canada.

4. Travel to Canada

- a. Because Vermont does not have an Interstate Compact Agreement with Canada and because Canada is not subject to the Uniform Criminal Extradition Act, the Department of Corrections has no legal process to compel probationers or parolees living in Canada to return to Vermont. The Department cannot access Canadian probation and parole authorities to provide supervision of offenders on probation from VT courts. Consequently, the Department has no ability to enforce its conditions of probation or parole and has only limited ability to provide supervision for probationers and parolees living in Canada. Consequently, caution must be exercised in granting permission to probationers and parolees to move to Canada or to return to their homes in Canada after being placed on probation or parole.
- b. Probationers or parolees who are Canadian citizens and wish to reside in Canada, must request and obtain transfer of supervision of their probation or parole to Canadian authorities pursuant to the *Treaty Between Canada and the United States of America on the Execution of Penal Sentences*, if eligible. Offenders should contact the Canadian Consulate to begin the process for transfer.
- c. The District Manager or Casework Supervisor may grant a probationer or parolee a TTP to travel to Canada for a short-term visit subject to the prior written approval of Canadian authorities. In cases where short-term visits are routine occurrences (such as for commuting for work, shopping, etc.) travel permits may be granted on an ongoing basis. Each District Manager will establish a local procedure for processing requests. The TTP must state "subject to Canadian acceptance."

5. Process for Issuing all Travel Permits

- a. All travel permits require the signature of the District Manager or supervisory designee and must be issued on an approved form, (*Travel Permit, Attachment 1*).
- b. The Probation and Parole Officer must provide the offender with a copy of the travel permit, and the offender must carry it on their person at all times while traveling.
- c. The Probation and Parole Officer must place a copy of the travel permit in the offender's file.
- d. The Probation and Parole Officer must send two (2) copies of the travel permit to the Department Interstate Compact Unit in advance of the proposed travel.
- e. The Interstate Compact Unit will forward necessary copies of the travel permit to the state(s) being visited.
- f. Authorized staff will document all travel in electronic case notes, citing travel dates, destination, and reason for travel.
- g. The offender will check in as directed with authorized staff within twenty-four (24) hours after return to Vermont.

ATTACHMENT 1- SAMPLE

TRAVEL PERMIT

TEMPORARY OUT-OF-STATE RELOCATION
TEMPORARY COMMUTING

PROBATION FURLOUGH
PAROLE SCS

OFFENDER NAME ADDRESS CITY STATE TELEPHONE#

DATE OF BIRTH HEIGHT WEIGHT COLOR OF EYES COLOR OF HAIR SEX RACE

DESTINATION ADDRESS CITY STATE TELEPHONE#

RESIDE WITH (RELATIONSHIP TO YOU) ACCOMPANIED BY (RELATIONSHIP TO YOU) PURPOSE OF VISIT

DATE OF DEPARTURE FROM VERMONT DATE OF RETURN TO VERMONT

BUS TRAIN AIRPLANE CAR

METHOD OF TRAVEL AUTO MAKE YEAR LICENSE PLATE NUMBER

OFFENSE(S) PAST HISTORY: CRIMES AGAINST PERSONS

VERMONT SEX OFFENDER REGISTRATION REQUIRED YES NO

OUT-OF-STATE SEX OFFENDER REGISTRATION REQUIRED YES NO

AGREEMENT

I acknowledge that I am under the supervision of the Vermont Department of Corrections and as a result, I am subject to the rules and regulations of the Department. Therefore, I agree to the following conditions:

- 1. I waive extradition to the State of Vermont from any jurisdiction in or outside of the United States where I may be found and also agree that I will not contest any effort by any jurisdiction to return me to the State of Vermont.
2. I will return to Vermont on or before the date shown above as Date Returning to Vermont.
3. If at any time during my travel I am so instructed, I will return immediately to the State of Vermont and report to my Probation & Parole Officer.
4. I will comply with the Sex Offender Registry requirement(s) for the State(s) of
5. I will also obey the following Special Instructions: (Continue on back if necessary.)
6. Failure to comply with any of the above is a violation of the terms and conditions of my supervision, for which I may be returned to the State of Vermont and will be subject to revocation by the appointing authority.

OFFENDER SIGNATURE DATE SIGNED

PROBATION & PAROLE OFFICER'S SIGNATURE DATE APPROVED

PROBATION & PAROLE OFFICER'S ADDRESS TELEPHONE NUMBER

DECISION: APPROVED

DENIED

SUPERVISOR SIGNATURE

DATE SIGNED

ATTACHMENT 2 - SAMPLE

LAW ENFORCEMENT NOTIFICATION FORM

(Staff put on Vermont DOC Letterhead.)

Dear Law Enforcement Professional:

OFFENDER'S NAME is on probation/parole/furlough for charges of **LIST ALL SEXUAL OFFENSE CRIMES CURRENTLY ON SUPERVISION FOR.**

He/She is required to present this letter to a law enforcement professional whenever traveling to a destination outside of Vermont.

The purpose of this information is to provide notification to you that he/she is staying in the area and has a past history of **OFFENSE DESCRIPTION**. This letter is intended to be a general deterrent for the offender and is a program requirement. Fulfilling responsibilities such as this one are an essential part of an offender's treatment while in the community.

The offender bringing this letter is fully aware of its contents and is prepared to discuss any issues you feel are necessary to his/her safe conduct in your jurisdiction. We encourage you to ask the offender a little more about himself/herself if he/she does not offer to do so. We would also appreciate your signing and dating this letter so this offender can verify that he/she has fulfilled his/her responsibility when he/she returns to Vermont.

Please feel free to telephone our office if you have any questions regarding this procedure.

Sincerely,

Probation and Parole Officer
(and address and phone number of PPO)

Name of Law Enforcement Official (please print):_____

Signature of Law Enforcement Official:_____

Position & Agency:_____

Address:_____

Telephone Number:_____ Date Signed:_____