

VT Department of Corrections

INTERIM MEMO

TO: All Staff

FROM: Andrew A. Pallito, Commissioner

THROUGH: Dale Crook, Director of Community Corrections, Re-entry & Classification;
William Lawhorn Facility Operations Director

RE: Work Camp Eligibility and Removal

DATE: March 28, 2012

Cc: *Lisa Menard, Mike Touchette, John Murphy, Cullen Bullard*

There have been some modifications to the Work Camp eligibility and removal process. Other directives relating to the case staffing process are still in effect.

The following changes to the Work Camp eligibility and removal process are effective April 4, 2012.

1. Criteria to be Eligible for Work Camp Placement:

- Sentenced inmates
- Minimum custody or overridden down to minimum as approved by the Director of Community Corrections, Re-entry, & Classification and the Director of Facility Operations
- Approved by the Health Services Unit for Work Camp placement
- Non-listed offenses. Any “Violent” non-listed offenses must be reviewed and approved for Work Camp placement on a case-by-case basis by the Director of Community Corrections, Re-entry, & Classification and the Director of Facility Operations or their designee.
- No current conviction of a sexually related offense(s)
- Past violent offenses must be reviewed and approved for work camp placement on a case-by-case basis by the Director of Community Corrections, Re-entry, & Classification and the Director of Facility Operations or their designee.
- No DR conviction in the last **12 months** for:
 - Assault, physically attacking another person with or without the use of an object or substance. **A01E**
 - Assault on a Department of Corrections’ employee, contractor or volunteer. Intentionally striking or attacking a Department of Corrections employee, contractor or volunteer with or without the use of an object or substance, or

- behaving in such a reckless manner that one's actions cause a strike of a Department employee, contractor or volunteer. **A01F**
- Sexual Assault (Sexual Abuse). **A01B**
- Fighting where bodily injury is attempted or carried out. **A01D**
- Killing any Person. **A02**
- Escape from an institution **A03A**, armed escort. **A03B**
- Possession, manufacture or introduction of any item that constitutes a danger to the order of the facility including, but not limited to, weapons, dangerous instruments, escape tools, or communication devices (e.g., cell phones). This also includes possession of any unauthorized weapon while in the custody of the Commissioner of Corrections outside a correctional facility (e.g., at Court, a hospital, etc.). **A07**
- Arson – Inmates are prohibited from setting a fire or causing an explosion. **A08**
- Security Threat Group Affiliation – Inmates are prohibited from possessing or displaying any materials, symbols, colors or pictures of any identified security threat group or engaging in membership in or in behaviors uniquely or clearly associated with a security threat group. **A22**
- Engaging in sexual acts or activity without use or threat of force, to include but not limited to, kissing, fondling of self or another person in a manner, which produces or is intended to produce sexual stimulation or gratification without the appearance of threat or harm on the part of both persons. **B17**
- No DR conviction in the last **six (6) months** for:
 - Possession, introduction, or use of (including, but not limited to) any alcohol, narcotics, depressants, stimulants, hallucinogenic substances or marijuana (any plant material, extract or resin of the genus cannabis) or related paraphernalia not prescribed for the individual by the medical providers. **A19**
 - Refusing to submit to a breathalyzer, alco-sensor or any method of testing for drugs, alcohol or intoxicants. **A20**
 - Tampering with fire alarms, fire safety apparatus (such as extinguishers, air pacs, sprinkler heads, hoses, fire blankets, etc.) or any other safety equipment. **A24**
 - Counterfeiting, forging, altering or reproducing any document, article of identification, money, security or official paper without authorization. **B02**
 - Adulteration of any food or drink with the intent that it be consumed to cause harm. **B03**
 - Assault **B05A**, or fighting where serious bodily injury was not carried out, to include inmate-on inmate Sexually Abusive Contact. **B05D**
 - Making sexual proposals to another person, including, but not limited to, repeated sexual advances, requests for sexual favors, verbal comments, or gestures or actions of a derogatory or offensive sexual nature by one inmate directed toward another inmate or staff person. **B06**
 - Indecently exposing oneself or another. **B07**

Any inmate who meets the above criteria will be eligible for Work Camp placement and good time. A Facility Superintendent who disagrees with the appropriateness of a placement at a Work Camp may request a review of Work Camp placement with the Director of Community Corrections, Re-entry, & Classification and the Director of Facility Operations or their designee for a final decision.

2. Removal from Work Camp Placement:

- Use/Possession of Drugs at a Work Camp Facility
 - 1st or 2nd conviction will follow the disciplinary process as outlined in Directive 410.01.
 - 3rd or subsequent conviction (on current sentence) will follow the disciplinary process and result in removal from the Work Camp.
- Introduction of drugs while in a facility (not including tobacco)
 - Removal from Work Camp.
 - Follow disciplinary process as outlined in Directive 410.01.
 - Removal from Work Camp eligibility for six (6) months.
- Introduction/possession of tobacco
 - Follow disciplinary process as outlined in Directive 410.01.
- Any demonstrated behavior or information obtained which the Superintendent believes could cause a significant disruption to the operations of the Work Camp may result in immediate removal. The established Disciplinary Report process will be followed. If the offender is convicted of a violation, staff will complete an updated CVS, and re-entry to a Work Camp will follow the Work Camp eligibility criterion listed in Section 1.
- A Superintendent of a Work Camp who has concerns about an individual's placement at a Work Camp who is otherwise eligible for placement will draft a report to the Directors of Facility Operations and Community Corrections, Re-entry, & Classification to determine placement eligibility.

Pursuant to Administrative Directive 410.01 *Facility Rules and Inmate Discipline*, all forfeiture, denial and inability to earn Good Time will be the result of a due process hearing. Any time denied or forfeited due to removal from a crew or the Work Camp will be accounted for in the sanctions imposed following a due process hearing. Where no discipline is upheld, all missed good time will be credited to the inmate.

Special Accommodations

An individual's ability to receive day-for-day Work Camp good time shall not be prevented by the individual's inability to obtain either medical or mental health clearances.

- The proper medical or mental health entities will identify the restriction and what an inmate is capable of completing.
- Each facility will make arrangements to find appropriate work within the confines of their facility without interfering with the safety and security of the facility.
- Only inmates who cannot be appropriately placed at an established Work Camp for medical or mental health reasons will be eligible to earn day-for-day good time outside of Work Camp-identified facilities.

If you have any questions, please contact Cullen Bullard, Dale Crook or William Lawhorn.