

State of Vermont Agency of Human Services Department of Corrections	<b>Title:</b> Term Probation Midpoint Review	Page 1 of 4
<b>Chapter:</b> Security and Supervision	<b># 428.01</b>	<b>Supersedes:</b> Directive # 428.01 Term Probation-Midpoint Review, 2/25/10, APA Rule #09-038 <i>Term Probation Midpoint Review.</i>
<b>Local Procedure(s) Required:</b> None <b>Applicability:</b> All field staff <b>Security Level:</b> "B" - Anyone may have access to this document.		
<u>SIGNED</u>	<u>June 29, 2021</u>	<u>7 /01/2021</u>
Alan Cormier, Acting Commissioner	Date Signed	Effective Date

**PURPOSE**

This directive’s purpose is to 1) define Vermont Department of Corrections’ (DOC) role in reviewing all term probation cases at their midpoint (i.e., midpoint review); and 2) delineate the criteria under which the DOC shall submit a discharge to the court for offenders with a specified term. This directive only concerns midpoint reviews and is unrelated to any other aspect of probation supervision. Specifically, this directive does *not* address deferred probation.

**POLICY**

The DOC’s policy is to review all offender term probation cases during the month before the term’s midpoint in order to assess their progress toward meeting standard and special probation conditions. This process is referred to as the “midpoint review.”

**AUTHORITY**

28 V.S.A. § 252(b) and (d).

**GENERAL GUIDELINES**

Staff shall use the process presented below only for non-exclusionary term probation cases.

**A. Midpoint Review**

1. During the intake process for all term probation cases DOC staff shall enter in the Probation Expiration Date.
2. The supervising Probation Officer (PO) shall review all term probation cases in the month prior to the Midpoint Scheduled Review.

**B. Discharge Criteria**

1. At the midpoint review the supervising PO shall submit a discharge to the court

at the end of the month prior to the midpoint, or any time afterward, when the following criteria are met:

- a. the probationer has not been found by the court to have violated the conditions of probation in the six months prior to the review;
  - b. the probationer is not serving a sentence for committing a crime specified in 13 V.S.A. chapter 19, subchapters 6 and 7 (domestic assault; stalking); 13 V.S.A. chapter 72, subchapter 1 (sexual assault); or 13 V.S.A. § 2602 (lewd or lascivious conduct with child); and
  - c. the probationer has completed all rehabilitative, or risk reduction, services the duration of which are set and knowable at the outset of probation, and that are required as a condition of probation. For example, Risk Reduction Programs (RRPs) qualify as an eligible service because there is a set duration (e.g., 9 months), but ongoing substance abuse treatment, which does not have a set duration, is not.
2. If the criteria listed in B.1.a-c are not met, DOC staff shall not submit a discharge request to the court.
  3. Staff shall submit a discharge request for probationers who were ineligible for discharge at the midpoint when those probationers have met the three criteria listed in B.1.a-c..

### **C. Scope and Limitations**

This directive does not preclude staff from filing any violations in accordance with policy.

### **D. Victim Notification**

Victim notification will occur in accordance with the relevant departmental policy.

## Appendix

### **Crimes Excluded from Midpoint Review Mandate**

Domestic assault (13 V.S.A. § 1042)  
First degree aggravated domestic assault (13 V.S.A. § 1043)  
Second degree aggravated domestic assault (13 V.S.A. § 1044)  
Domestic assault – Offense committed within the presence of a child (13 V.S.A. § 1047)  
Stalking (13 V.S.A. § 1062)  
Aggravated stalking (13 V.S.A. § 1063)  
Sexual assault (13 V.S.A. § 3252)  
Aggravated sexual assault (13 V.S.A. § 3253)  
Aggravated sexual assault of a child (13 V.S.A. § 3253a)  
Sexual exploitation of an inmate (13 V.S.A. § 3257)  
Sexual exploitation of a minor (13 V.S.A. § 3258)  
Sexual exploitation of a person in the custody of a law enforcement officer (13 V.S.A. § 3259)  
Lewd or lascivious conduct with child (13 V.S.A. § 2602)