

Directive 371.06 Suspension And Termination From Correctional Programs

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

Directive: 371.06

Subject: Suspension And Termination From Correctional Programs

Effective Date: 12/30/02 **Review and Re-Issue Date:**

Supersedes: 03/01/02 **APA Rule Number:**

Recommended for approval by: Richard Turner, Director/Correctional Services		Authorized By: Steven Gold, Commissioner	
_____ Signature	_____ Date	_____ Signature	_____ Date

1. Authority:

1.1. Title 28 V.S.A. §§ 1 (a-c), 2 (a); § 101 (1), § 102 (c), (1), (3), (4), (5), (8); § 701 (a) and (b); § 702, § 703, § 706, §§ 721-726; § 808, and Title 13 V.S.A. § 5301.

2. Purpose:

2.1. Consistent with its mission statement, the Department of Corrections provides a range of treatment programs and services designed to address crime-related need areas (criminogenic needs) and lower the likelihood of recidivism or further criminal conduct by the offender. Treatment programs address substance abuse, sexual aggression, general violence, domestic violence, criminal thinking, cognitive skill deficits, and other relevant areas. The Department offers training to state employee staff and community professionals under contract to provide treatment program services to offenders in correctional facilities and community corrections sites. The programs are provided exclusively for offenders referred by caseworkers and are not available to members of the general community.

2.2. Correctional treatment programs constitute an important aspect of the offender's case plan. Participation in and completion of the designated program is usually mandatory and written into conditions of parole, pre-approved furlough, probation and conditional re-entry, as well as the case plan. Failure to complete a designated program generally indicates that an offender has not addressed criminogenic needs and his/her risk to the community has not been satisfactorily lowered. This may be grounds for violation of the terms of release, restrictions on an offender's movement, revocation of community release status, or delay in re-entry to the community from an incarcerative setting. It is therefore important that criteria be established defining the circumstances under which an offender may be subject to removal from a correctional treatment program.

2.3. It is the purpose of this directive to describe the criteria and conditions under which program suspension or termination may occur.

3. Applicability/Accessibility

3.1 All individuals and groups affected by the operations of the Vermont Department of Corrections may have access to this directive.

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4. Directive:

- 4.1. Correctional treatment programs will be available to offenders in correctional facilities or under conditional re-entry, pre-approved furlough or furlough reintegration status. They will be designed to address criminogenic needs and reduce an offender's risk or recidivism. This directive does not apply to offenders on probation or parole or SCS.
- 4.2. Participation in a correctional treatment program will be governed by criteria described in program manuals and the treatment contract. An offender will understand the expectations associated with participation in any specific program, and these will be described in the manual. An offender shall receive copies of the manual and signed treatment contract. It is the responsibility of the corrections casework services specialist assigned to a case to ensure that these conditions are met.
- 4.3. The amount of time required in a program will vary according to program design and offender-specific variables such as degree of need, individual treatment objectives, and offender resistance. The case plan shall specify the anticipated length of stay (LOS) in a program for an individual and the benchmarks to be achieved. It is the responsibility of the assigned CSS to initiate and update the case plan. An offender re-applying after termination will still be required to have enough time left on their sentence to enter the program.
- 4.4. It is the offender's responsibility to comply with program requirements. This includes attendance, payment provisions, participation, engagement in the treatment process, completion of homework assignments, cooperation with facilitators and consistent effort toward achieving treatment goals. The offender is also expected to comply with facility regulations.
- 4.5. Program participation credits (PPC's) will be awarded to an offender for satisfactorily participating in a program, per Directive 371.12. The offender shall accumulate PPC's until the requisite number for the program has been earned, consistent with the offender's sentence.
- 4.6. If an offender fails to earn a PPC in a specific program for two or more consecutive months the treatment team shall recommend one of the following:
 - the offender may be placed on probation and remain in the program with specified requirements and expectations to achieve good-standing in the program; or
 - the offender may be suspended from group participation. This recommendation will be reviewed and approved by the assistant superintendent at facilities or a designated casework supervisor at field sites. If a suspension is imposed, the treatment team shall determine under what circumstances the offender will be re-admitted to the program. It is expected that offenders suspended from programs will be provided with an opportunity to earn re-admission. The specific length of the suspension will also be determined by the treatment team but will be no longer than 90 days.
- 4.7. It shall be the responsibility of the treatment team to initiate suspension or termination proceedings.
- 4.8. An offender may also be suspended or terminated from programs for any of the following:
 - Criminal activity resulting in new charges. In such cases the treatment team shall evaluate the seriousness of the new charges, the relationship of those charges to the treatment program, whether the criminal behavior reflects a failure to benefit from treatment with little likelihood of positive change, and the overall risk posed by the offender.
 - Persistent evidence outside the treatment program that the treatment program is having little demonstrable effect on the offender's antisocial behavior, and the antisocial behavior is deemed serious.
 - Any other violation of a program's major rules.

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- A determination that a different program/level of care is clinically indicated and a referral is made. In such cases the assistant superintendent or casework supervisor may use professional discretion in deciding whether to transfer PPC's already earned to the different program. This decision should be guided by an evaluation of the offender's progress, treatment goals, and whether the content of the program from which the offender is being terminated is relevant to the different program.

- 4.9. The decision to terminate an offender from a program shall be made only after due consideration of the cause for termination and consideration of lesser alternatives.
- 4.10. When staff consider any action involving suspension or termination from a program, they shall consider risk, need and responsivity principles of effective correctional practice.
- 4.11. An offender suspended from a program shall not forfeit his/her accumulated program participation credits earned prior to suspension. An offender terminated from a program will forfeit program participation credits earned prior to termination and will not be eligible to receive future program credits while on a waiting list for readmission to that program or admission to another program. Once terminated an offender cannot re-apply for the program for one year.
- 4.12. If an offender is suspended or terminated from a program, he/she shall have a right of appeal to the site superintendent. The offender shall use the grievance process to contest the treatment team's decision, provide evidence, and request an alternative disposition including reinstatement in the program. Offenders shall be notified of this right of appeal in the treatment program manual and at such time as he/she receives notice of suspension or termination. Normal grievance procedures shall be followed.

5. Training Method:

- 5.1. Each site manager will ensure that all staff have read and understand this directive.

6. Quality Assurance Processes:

- 6.1. Each site manager will establish a local procedure.

7. Financial Impact:

- 7.1. Financial impact could be measured in two ways. Theoretically an offender who completes programming is at a lower risk to re-offend. Lower recidivism rates could result in reduced cost to the entire criminal justice system as well as the community in general. Practically, strictly defined criteria and time frames allow the program to be tailored to individual inmates sentence structure allowing inmates to move through the program in a timely, planned manner.

8. References:

- 8.1. Title 28 V.S.A. and Title 13 V.S.A.

9. Responsible Director and Draft Participants:

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