

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Operation of Field Based Community Restitution Program</p>		<p style="text-align: center;">Page 1 of 5</p>						
<p style="text-align: center;">CHAPTER: CORRECTIONAL SERVICES</p>	<p style="text-align: center;">#392.01</p>	<p>Supersedes 351.02 Medical Care for Offenders Injured on Community Service Crews, <i>Effective Date 6-15-95</i>, 392.01 Community Services Crews, <i>Effective 6-6-91</i>, 392.02 Fees for Community Service Work <i>Effective 7-1-01</i>, 424.05 Community Restitution Program <i>Effective Date 6-1-11</i>, Interim Memo Community Restitution Program, <i>Effective 1/1/21</i></p>							
<p>Local Procedure(s) Required: No Applicability: All staff (including contractors and volunteers) Security Level: “B” – Anyone may have access to this document.</p>									
<p>Approved:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center; border-bottom: 1px solid black;">SIGNED</td> <td style="width: 33%; text-align: center; border-bottom: 1px solid black;">June 29, 2021</td> <td style="width: 33%; text-align: center; border-bottom: 1px solid black;">7/01/2021</td> </tr> <tr> <td style="text-align: center;">Alan Cormier, Acting Commissioner</td> <td style="text-align: center;">Date Signed</td> <td style="text-align: center;">Date Effective</td> </tr> </table>				SIGNED	June 29, 2021	7/01/2021	Alan Cormier, Acting Commissioner	Date Signed	Date Effective
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PURPOSE

This policy’s purpose is to identify how the Community Restitution Program (CRP) operates and to outline the processes by which its staff seek and maintain jobs; charge fees for jobs; and provide for the safety of staff, clients assigned to crews, and the general public.

AUTHORITY

28 V.S.A. §§ 102(c)(18), 352(c), 751b, 758, 761, 808a(a)

POLICY

The Department of Corrections’ (DOC) policy is to create opportunities for clients sentenced to the Community Restitution Program (CRP) to successfully make amends to the community through structured work contracted with municipalities, state agencies, and local non-profit organizations.

GENERAL GUIDELINES

A. Client Eligibility for Community Restitution Program

1. Clients eligible for CRP:
 - a. Agree to participate in the program and follow program rules;
 - b. Have no more than 15 court-ordered work days on a court mittimus requiring participation in the CRP during the hours of operation, on a DOC-determined schedule; and
 - c. Are sentenced through a Pre-Approved Furlough (PAF) Mittimus that commits the client to DOC custody only for the specific dates or times during which the DOC operates the CRP.
2. Clients not sentenced to the CRP may be eligible to participate in this program (e.g., as a graduated sanction), if space allows.

B. Work Contracts

1. District Managers (DMs) shall establish and maintain relationships with local, state, and federal agencies and non-profit organizations to identify work projects that align with CRP capabilities.
2. DMs shall ensure that contracts are priced according to the DOC Business Office fee schedule and shall review this fee schedule annually.
3. DMs shall ensure that a formal contract, in a format approved by the DOC Business Office, is completed and signed by the parties before any work begins.
 - a. DMs shall send all CRP contracts to the Financial manager or designee *prior to signature*.
 - b. The Financial Manager or designee shall forward contracts to the Financial Director or designee who shall advise the Financial Manager when contracts (including zero-dollar contracts) are approved for signature and who should sign them.
4. The DM shall resolve any billing disputes that arise.

C. Client Intake

1. DOC staff shall complete an intake for each CRP client. DOC staff shall ensure that all intakes include, at minimum, the following (as applicable):
 - a. Client initials signifying agreement to abide by the CRP's Pre-Approved Furlough Agreement;
 - b. Client signature on the Agreement to Participate in the Community Restitution Program form;
 - c. Client signature on an agreed-upon work schedule for the court-ordered number of days;
 - d. Client contact information;
 - e. Client ADA requirements;
 - f. Client signature on the Offender/Inmate Notice of Right to Grieve form; and
 - g. DNA requirements.

D. Scheduling of Work Days

DOC staff shall:

1. have sole authority over client work schedule creation,
2. ensure that the schedule fits within the court's explicit parameters, and
3. provide the client with a copy of the schedule.

E. Documentation of Work Days

1. The work crew leader (WCL)s shall document all days that CRP clients work.
2. The WCL shall enter CRP work service into the DOC's work crew tracking database.

F. Client Training

1. The WCL shall provide clients with a CRP orientation prior to their participation. The WCL shall ensure that the orientation identifies work expectations.
2. The WCL shall assess a client's ability to perform tasks and use required equipment before assigning the client to work service.
3. For each job, the WCL shall assume responsibility for identifying the equipment required and ensuring that clients using the equipment receive appropriate safety training.

G. Worker Safety

1. The WCL shall ensure that clients are provided with appropriate safety equipment.
2. The WCL shall ensure that client transportation vehicles do not contain more passengers than there are seatbelts and that all transported clients wear seatbelts.
3. The WCL is responsible for examining the work site before an assignment begins to identify potential safety risks and develop a plan to address them.
4. The WCL shall plan for roadway work bearing in mind visibility and the potential need for signs and high visibility safety vests.
5. The WCL shall assess road and visibility conditions every work day and postpone work if conditions do not allow it to be performed safely.
6. The WCL shall ensure that staff and clients are not exposed to extreme temperatures for prolonged periods of time or that staff or clients are placed at risk due to other inclement weather. Where appropriate, the WCL may arrange for additional equipment, adjust work schedules, or take other action (e.g., cancel the day's work) to protect staff and clients from weather-related harm.
7. The WCL shall postpone work if conditions do not allow for the scheduled tasks to be performed safely and no precautionary measures will adequately reduce the risk.

H. Work Site Supervision

1. The WCL shall pay close attention to potential safety hazards, even though their supervision may be intermittent. A DOC Supervisor or other management staff may, at any time, conduct spot checks of work sites.

I. Agency Supervision

1. Clients may be given agency-supervised assignments. These assignments are supervised by non-DOC staff at the contracted agency site.
2. Agency supervision requires that:
 - a. The agency is willing and able to provide task supervision of the clients assigned to the site;
 - b. The Probation and Parole office provide the agency with contact information for routine and emergency communications;
 - c. The agency agree to contact DOC about any problems caused by the clients working at the site, including leaving the work site without permission;
 - d. The agency agree to report any injuries incurred by a client to the DOC; and
 - e. The WCL select work crew members whom they determine are capable of working without direct DOC supervision.

J. Client Management

1. WCLs shall maintain a system to manage medical limitations that includes their verification and, as appropriate, work duty modification or postponement. WCLs may require written verification from a medical professional.
2. DOC staff shall respond to clients absconding from a work detail as provided in the DOC's directives related to unauthorized absences.
3. DOC staff shall respond to the failure of a client to report to their CRP as outlined in the DOC's directives related to unauthorized absences.
4. A client's failure to comply with the terms of a CRP, or a failure to complete CRP days pursuant to a lawful mittimus, may be used as justification for incarceration to serve the client's underlying sentence.

K. Injuries

1. CRP on-the-job injuries are covered by a secondary State insurance plan that covers medical expenses for these injuries, as well as deductibles and co-pays.
2. In case of a worker accident or injury, WCLs shall have immediate access to:
 - a. A cell phone;
 - b. A first aid kit;
 - c. A Proof of Loss Accident Claim Form; and
 - d. Community Restitution Program Medical Insurance Process instructions.
3. The DOC shall provide WCLs with annual training in first aid and CPR. WCLs are required to successfully complete this training and maintain their certifications for as long as they serve as WCLs.
4. WCLs are expected to treat client medical incidents as follows:
 - a. Medical Emergency. If the incident constitutes a medical emergency, the WCL shall immediately call 911 and apply first aid to the best of their ability, as appropriate. The WCL shall then notify the District Manager or CRP Supervisor.
 - b. Minor Injury. If the client has sustained a minor injury, the WCL shall evaluate the client to determine if they should continue working that day. The WCL shall also administer first aid, as appropriate.

- c. Documentation. The WCL shall document any injury in an incident report by the end of the next business day. The WCL shall include in the incident report:
 - i. A description of what the client was doing at the time of the incident; and
 - ii. A description of the nature and scope of the injury.
- 5. The WCL shall provide any injured client requiring medical attention with a medical insurance Proof of Loss Accident Claim Form with instructions and request that the client return the form to the relevant Probation and Parole office within five business days.
- 6. The WCL shall provide instructions to the client for how to follow up about their continued work at the field site.