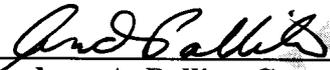


State of Vermont Agency of Human Services Department of Corrections	Title: Term Probation Midpoint Review		Page 1 of 3
Chapter Security and Supervision	#428.01	NEW	
Attachments, Forms & Companion Documents: N/A			
Local Procedure(s) Required? No Applicability: All field staff Security Level: "B" - Anyone may have access to this document.			
Approved: <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div data-bbox="156 499 629 596">  <hr/> Andrew A. Pallito, Commissioner </div> <div data-bbox="855 530 1108 596"> February 11, 2010 Date Signed </div> <div data-bbox="1230 530 1488 596"> February 25, 2010 Date Effective </div> </div>			

PURPOSE

The purpose of this administrative directive is 1) to define the role of the Vermont Department of Corrections in reviewing all term probation cases, including deferred sentences and Vermont cases transferred out of state; and 2) to delineate the conditions under which the Department will recommend early discharge or reduction in the term of probation for offenders with a specified term.

POLICY

It is the policy of the Vermont Department of Corrections to review all term probation cases during the month before the midpoint of the probation term in order to assess the offender's progress toward meeting standard and special conditions of probation.

AUTHORITY

28 V.S.A. § 252(b) and (d). APA Rule #09-038 *Term Probation Midpoint Review*.

REFERENCE

28 V.S.A. § 252; 13 V.S.A § 7041, Administrative Directive #502.01 *Victim Notification-Automated (VANS) and Non-automated*.

DEFINITIONS

Probation: A form of community supervision where a suspended or deferred sentence is imposed by a court, under which an offender found guilty of a crime upon verdict or plea is subject to conditions imposed by the court and placed under supervision of the Commissioner of Corrections.

Term Probation: A form of suspended or deferred probation where the court has specified an expiration date in a probation warrant.

1. Midpoint Review

a. During the intake process on all term probation cases Department staff will determine the midpoint date of the probationer's term of probation and enter that date, minus one (1) month, into the offender database.

b. The supervising Probation Officer (PO) will review all term probation cases during the month before the midpoint of the probation agreement's expiration date. As an example, a one (1) year term would have a midpoint of six (6) months, and the case would be reviewed at the 5th month. The PO will document this review, along with the reason for their recommendation (section 2), in electronic case notes, as well as the offender database.

2. Recommendations

At the midpoint review, the supervising PO will evaluate the probationer's progress toward completion and compliance with the terms of probation and will take one (1) of the following three (3) actions:

a. Recommend to the court that the case be discharged

Staff may recommend discharge from probation on a term probation case to the court if **all** of the following apply:

- The probationer has completed or complied with *all* conditions of probation,
- The probationer has paid all supervision fees,
- The probationer is not pending new charges,
- The probationer is not convicted of a sexual offense or a crime involving domestic violence and the affidavit of the underlying offense provided by the court after adjudication does not contain information that describes any elements of a sexual offense or a crime involving domestic violence, and
- The release of the probationer from supervision does not present a threat to the victim(s) or public.

b. Recommend to the court that the term expiration date be reduced

Staff may recommend to the court that the term of probation be reduced for probationers with remaining unfulfilled conditions of probation if **all** of the following apply:

- The probationer has complied with all standard conditions of probation,
- The probationer has completed at least one (1) special condition of probation or complied with a special condition up until the required review point,
- The probationer is not pending new charges,
- The reduction of term does not interfere with the probationer's ability to successfully complete the remaining conditions,
- The probationer is not convicted of a sexual offense or a crime involving domestic violence and the affidavit of the underlying offense provided by the court after adjudication does not contain information that describes any elements of a sexual offense or a crime involving domestic violence, and
- The release of the probationer from supervision does not present a threat to the victim(s) or public.

If the PO determines that the probationer meets the above requirements, the PO may recommend to the court a reduction of the term of probation of two (2) months for each special condition successfully completed, up to a total of six (6) months.

c. Continue supervision of the case and make no recommendation to the court

Staff will continue supervision of the case and will make no recommendation to the court for discharge or term reduction if the probationer does not meet the above guidelines in either 2 a or b.

Note: Nothing in this administrative directive precludes staff from recommending an offender's discharge from probation upon satisfactory completion of the conditions of probation, or a request for an extension of term filed before the required probation deadline.

3. Victim Notification

If there is a victim associated with the case, the PO must notify the offender in accordance with administrative directive #502.01 *Victim Notification-Automated (VANS) and Non-automated*.

4. Appeal

Any decision to make or refrain from making a motion pursuant to section 252 (d) shall be made at the sole discretion of the Commissioner and shall not be subject to appeal. All decisions are final, not reviewable, and not subject to challenge.

TRAINING

District Managers shall ensure that all appropriate staff is trained in this directive.

QUALITY ASSURANCE

The District Manager at each site will implement local quality assurance activities to ensure compliance with the procedures in this directive.