

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Alternative Community Sentence</p>		<p style="text-align: center;">Page 1 of 7</p>						
<p style="text-align: center;">CHAPTER: DISTRICT OFFICES – GENERAL</p>	<p style="text-align: center;">#343</p>	<p style="text-align: center;">Supersedes: New</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%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>02/25/2025</u></td> <td style="width: 33%; border: none;"><u>03/13/2025</u></td> </tr> <tr> <td style="border: none;">Nicholas J. Deml, Commissioner</td> <td style="border: none;">Date Signed</td> <td style="border: none;">Date Effective</td> </tr> </table>				<u>SIGNED</u>	<u>02/25/2025</u>	<u>03/13/2025</u>	Nicholas J. Deml, Commissioner	Date Signed	Date Effective
<u>SIGNED</u>	<u>02/25/2025</u>	<u>03/13/2025</u>							
Nicholas J. Deml, Commissioner	Date Signed	Date Effective							

PURPOSE

This policy outlines the procedures by which the Vermont Department of Corrections (DOC) supervises individuals sentenced to an alternative community sentence (ACS).

AUTHORITY

13 V.S.A. § 7030; 28 V.S.A. § 808a

POLICY

The DOC’s policy is to supervise individuals sentenced to an ACS, to ensure they complete court-ordered community service hours. An ACS is a type of pre-approved furlough (PAF) served in daily intervals, in which the court orders the supervised individual to complete a specified number of community service hours, monitored by DOC.

Individuals with an ACS sentence will receive a sentencing mittimus that states that the term is to be served, interrupt daily, on alternative community sentence, pre-approved furlough. There are three possible structures for an ACS. The sentence begins upon a sentencing date set by the court and shall require the supervised individual to complete:

- 10 hours of community service during a 14-to-15 day sentence;
- 20 hours of community service during a 29-to-30 day sentence; or
- 40 hours of community service during a 59-to-60 day sentence.

The DOC shall require the individual to complete the community service as outlined in [Section E., Supervision](#) of this policy. Failure to complete the community service within the specified timeframes shall result in a return to incarceration for the remainder of the sentence.

GENERAL PROCEDURES

A. Referrals

1. Individuals who meet the following criteria are eligible for an ACS:
 - a. Are a resident of Vermont with a Vermont address, as this is necessary for DOC to supervise the individual;
 - b. Have no detainers or warrants, as these will require the individual to be incarcerated;
 - c. Are not currently incarcerated;
 - d. Are not currently serving on parole, furlough, or supervised community sentence; and
 - e. Have not earned credit for pretrial detention on the charge resulting in the ACS.
2. If field staff determine that a supervised individual sentenced to an ACS does not meet the eligibility criteria, they shall advise the individual and the court that the criteria is not met for an ACS.

B. Intake

1. Upon sentencing, a supervised individual sentenced to an ACS shall report to the probation and parole office immediately, but no later than the next business day for an intake.
2. Administrative staff is responsible for the completion of the following steps during the intake of a supervised individual sentenced to an ACS:

- a. Ensure the ACS form and the sentencing mittimus align with one another and the parameters of the program. The mittimus should include:
 - i. That the individual is sentenced to a term to be served, interrupt daily, on ACS, pre-approved furlough;
 - ii. The number of hours of community service; and
 - iii. Any intervention referrals;
 - b. Take a digital picture on a plain white background, with no board, and import into the Offender Management System (OMS);
 - c. As needed, enter or update the supervised individual's:
 - i. Home and work and/or school address(es);
 - ii. ACS legal status and type; and
 - iii. Charges and charge status;
 - d. Verify, all information on the Booking Info tab in OMS, and update as needed;
 - e. Upload, or verify, all case documents, and that they are in each of the relevant charges and counts;
 - f. Print an ID face sheet, and put one copy into the supervised individual's local record; and
 - g. Assign a field staff member to supervise the individual.
3. The assigned field staff member is responsible for the completion of the following steps during the intake of a supervised individual sentenced to an ACS:
- a. Review and explain the following documents to the supervised individual, have the individual sign them, and provide a copy to the individual, as applicable:
 - i. Conditions of supervision;
 - ii. Orientation to ADA;
 - iii. DOC grievance policy and notice of right to grieve; and
 - iv. Notice – Potential Collateral Consequences of a Conviction;
 - b. Collect DNA, if required by statute, and document the date of collection into all applicable charges;
 - c. Review Sex Offender Registry requirements and, if applicable:
 - i. Complete the Sex Offender Registry Requirement Form; or
 - ii. Complete Sex Offender Registry Update Form;

- d. Request:
 - i. An updated criminal record check, including Vermont criminal history, Interstate Identification Index (III) (i.e., “triple eye”), and any other states of residence;
 - ii. An NCIC wanted person check; and
 - iii. A Department of Motor Vehicle check for Vermont or the state in which the supervised individual’s license is issued;
- e. Refer the supervised individual to community partners for the completion of community service hours;
- f. Enter a contact note documenting the intake, outlining the current offense(s) and the individual’s supervision status in OMS; and
- g. Complete and sign, and have the supervised individual sign, a supervision contract, which includes:
 - i. The court-ordered community service hours and timeframe; and
 - ii. Any court-recommended referrals that outline the individual’s responsibilities to comply with recommendations.

C. Failure to Report for Intake

- 1. If a supervised individual sentenced to an ACS fails to report to the probation and parole office for their intake, field staff shall attempt to contact the supervised individual by phone and provide specific reporting instructions.
- 2. If the supervised individual fails to report within two days of their sentencing, field staff shall:
 - a. Enter an incident and violation in OMS for failure to report, in accordance with the OMS technical guide;
 - b. Issue a return on mittimus (ROM) for program failure; and
 - c. Request a Commissioner’s warrant, in accordance with the policy on unauthorized absence from furlough.

D. Transfers

- 1. All transfers of community supervision cases between field sites are handled by field staff.
- 2. A supervised individual shall only be eligible for a transfer to another field site if they were a resident in the receiving field district at the time of sentencing.

E. Supervision

1. Field staff shall:
 - a. Define and guide services by the terms outlined in the mittimus and number of community service hours;
 - b. Conduct in-person contacts with supervised individuals sentenced to an ACS, to support them in completing the community service and follow-up to referrals; and
 - c. Confirm with the agreed-upon community partners that the community service hours were completed within the following timeframes, and document on the supervision contract. To allow DOC enough time to respond in the individual does not complete the required number of community service hours, individuals required to complete:
 - i. 10 hours of community service shall be required to complete those hours within the first 10 days of their sentence;
 - ii. 20 hours of community service shall be required to complete those hours within the first 20 days of their sentence; or
 - iii. 40 hours of community service shall be required to complete those hours within the first 45 days of their sentence.
2. Field staff shall not complete or submit the following for supervised individuals sentenced to an ACS:
 - a. A parole summary; or
 - b. Any assessments.
3. A supervised individual sentenced to an ACS shall not be required to pay supervision fees.

F. Violations

1. If a supervised individual sentenced to an ACS violates a supervision condition while performing their required community service, field staff shall document the violation in OMS.
2. Field staff shall seek and receive approval from the District Manager (DM), or designee prior to starting the furlough revocation process.
3. The DM may approve initiation of the furlough revocation process when:
 - a. Any of the following occurs while the supervised individual is performing their required community service:
 - i. The supervised individual was arrested or cited for a new felony or listed offense;

- ii. The supervised individual's behavior directly threatens or harms another individual; or
- iii. There is evidence of behavior that poses a direct risk to public safety;
- b. The supervised individual is returned from absconding; or
- c. The supervised individual has failed to complete the total court-ordered community service hours within the completion timeframe, outlined in Heading, General Procedures, Section E., Supervision, subsection 1., division c..

G. Abscondence

1. Field staff shall use the following criteria to determine if a supervised individual has absconded from serving an ACS if the supervised individual has not met supervision requirements, cannot be located within reasonable efforts, and has not reported as directed by field staff.
2. If a supervised individual has absconded from serving an ACS, field staff shall issue a ROM.
3. If the supervised individual is not detained on the ROM, field staff shall request a commissioner's warrant, in accordance with the policy on unauthorized absence from furlough.

APPENDIX
VERMONT DEPARTMENT OF CORRECTIONS
ALTERNATIVE COMMUNITY SENTENCE CONDITIONS OF SUPERVISION

The following Standard Conditions are required of *all* individuals in the Alternative Community Sentence.

ACS C1. I will report to my supervising officer, or designee, as required.

ACS C2. I will allow my supervising officer, or designee, to visit me in my home or elsewhere at any time, as necessary.

ACS C3. I will provide accurate contact information to my supervising officer. If my contact information changes, I will contact my supervising officer on the next business day with the updated information including my address, telephone number or e-mail address.

ACS C4. I will not engage in threatening, violent, or assaultive behavior.

ACS C5. I will complete any treatment, educational, job assessment or community service as outlined in the program rules or recommended by the Court and at the direction of my supervising officer or designee and will sign releases to permit them to monitor my progress.