

<p style="text-align: center;">STATE OF VERMONT</p> <p style="text-align: center;">AGENCY OF HUMAN SERVICES</p> <p style="text-align: center;">DEPARTMENT OF CORRECTIONS</p>	<p>Associated Policy #385</p>	<p>Page 1 of 10</p>
<p>Court, Attorney, and Third Party Processes Standard Operating Procedure</p>		
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VERMONT COURTS

A. Scheduling of Vermont Court Proceedings

1. Vermont Department of Corrections (DOC) staff shall collaborate to schedule remote or hybrid Vermont court proceedings involving incarcerated individuals, including those housed in a supplemental housing correctional facility.
 - a. Correctional facility staff shall only schedule proceedings that are requested by the court through the appropriate DOC court alias (see Attachment A, Facility Aliases).
 - b. Staff will check the availability of staff and court equipment and either:
 - i. Confirm as requested; or
 - ii. Coordinate an alternative time for the proceeding with the court.
 - c. Prior to scheduling State hearings for primary federal incarcerated individuals, staff shall ensure an approved State Writ of Habeas Corpus from the United States Marshals Service is uploaded into the Offender Management System (OMS), and confirm the appearance date on the Writ.
 - d. Staff will not be able to accommodate any proceeding that is not scheduled through the appropriate DOC court alias.
 - e. In addition to accommodating criminal proceedings as outlined in this standard operating procedure, DOC will accommodate the following types of Vermont court proceedings:
 - i. Civil rights complaints pertaining to treatment or conditions of confinement;
 - ii. Motions for sentence reconsideration;
 - iii. Post-conviction relief petitions;
 - iv. Habeas corpus petitions;
 - v. Reviews of governmental action;
 - vi. Furlough revocation appeals;
 - vii. Small claims against DOC; and
 - viii. Vermont Supreme Court appeals.
 - f. DOC may accommodate other types of Vermont court proceedings, at the discretion of the facility Superintendent, as time and resources allow.

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2. DOC staff shall facilitate remote court proceedings in correctional facilities only under the following conditions:
 - a. DOC will facilitate court proceedings through the equipment and method provided by the court.
 - b. DOC will accommodate criminal court proceedings until 2:00 p.m.
 - c. DOC may accommodate remote court proceedings scheduled for up to four hours per day at a time. If four hours is insufficient, the incarcerated individual shall request the court to provide an alternative.
 - d. Scheduled court proceedings requiring remote participation of an incarcerated individual should be heard before in-person cases scheduled for the same timeframe. If remote cases are not heard before in-person cases and the remote proceeding can no longer be accommodated during the scheduled time, DOC staff shall advise the court to reschedule them.
3. DOC staff shall reschedule Vermont court proceedings using the same process if the court submits a request through the appropriate DOC court alias. These aliases are monitored between the hours of 8 a.m. and 3 p.m.
4. DOC staff shall strictly follow the scheduled timeframe for court proceedings and shall not accommodate proceedings that extend beyond the allocated time.
5. The DOC recognizes that it is in the best interest of incarcerated individuals that the following proceedings be held in-person, and therefore the DOC will not accommodate Vermont remote or hybrid:
 - a. Proceedings that require an interpreter for the incarcerated individual; or
 - b. Proceedings involving an incarcerated individual who is visually-impaired, D/deaf, Hard of Hearing, DeafBlind (blind or low vision), DeafPlus, DeafDisabled.
6. DOC staff shall not accept lodgings of pre-arraigned, arrested individuals during Vermont court business hours (see Attachment B, Court Schedule and Contact Information). When the court is closed during normal business hours, DOC may make an exception and accept the lodging of an arrested individual.

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B. Release Documentation from Vermont Courts

1. The DOC requires an official order of release from the court to process the release of an incarcerated individual. DOC staff shall not accept informal communications for the purposes of release (e.g., an email from the court clerk).
2. DOC will accept release-related court documentation through the appropriate DOC court alias prior to 3:00 p.m. DOC staff will not actively monitor the alias after 3:00 p.m.
3. DOC staff shall process releases as soon as reasonably possible after receiving notification and a release order from the court.
 - a. Court staff may contact the correctional facility's main telephone number to make DOC staff aware of a release after 3:00 p.m.
 - b. If such telephone notification is not made and DOC staff are not otherwise aware of release documentation sent after 3:00 p.m., they may process the documentation the following business day, which will result in the delayed release of the incarcerated individual.
4. DOC staff shall collect bail and bonds for incarcerated individuals only outside court business hours (typically 8:00 a.m. to 4:30 p.m., Monday through Friday). In such cases, DOC staff shall provide the incarcerated individual a bail receipt form instructing the individual when and where to report to court.
5. Each morning, DOC staff shall provide the court with copies of the newly issued bail receipt forms and a report listing the previous day's lodgings.

C. Collaboration with Vermont Courts

1. DOC Central Office staff shall attend Vermont court staff in-service days, upon request from the court, to exchange updates, review changes, and address problems and concerns.
2. The most effective way for DOC staff to facilitate court proceedings is to have direct contact with court clerks. Staff shall contact the court through:
 - a. The court's main telephone number or the court unit email address (see Attachment B, Court Schedule and Contact Information) during business hours; and
 - b. A court personnel contact telephone number when the court is closed.

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3. DOC staff shall only accept court communications through the appropriate facility alias, including the supplemental housing correctional facility. When a staff member receives a direct email, they shall reply with the appropriate facility alias and direct the sender to resubmit the request through that alias.
4. DOC staff shall not print or provide incarcerated individuals faxed or emailed court or attorney documentation. Communication and documentation to incarcerated individuals from the court shall be transmitted through the United States Postal Service or by the attorney meeting with the incarcerated individual in person. Attorneys may also provide eligible discovery materials electronically, in accordance with the policy on access to courts.
5. It is the individual's responsibility to comply with their conditions of release. DOC staff shall not aid detained individuals in complying with any imposed conditions, including:
 - a. Securing a residential treatment bed;
 - b. Securing housing; or
 - c. Finding a responsible adult for the release.

D. Court-Installed Equipment for Vermont Remote and Hybrid Proceedings

1. Incarcerated individuals shall not use State-issued DOC staff equipment (e.g., computers, laptops, telephones) to access or participate in remote or hybrid Vermont court proceedings.
2. DOC will not install, upgrade, or maintain technology necessary to enable incarcerated individuals to participate in remote or hybrid Vermont court proceedings from the correctional facility. This includes ensuring the equipment functions properly to allow incarcerated individuals to fully participate in remote or hybrid proceedings and consult with their attorney during the proceeding.
3. DOC staff shall contact the Vermont court administrative office, at JUD.Helpdesk@vermont.gov, for any maintenance needs or operational issues that arise with any Vermont court-provided equipment used for remote or hybrid proceedings.
4. Courts and attorneys can utilize the attorney telephone line, as described [under the Attorneys Heading](#), to facilitate:
 - a. Third-party calls for court proceedings if court-provided equipment is not available; and

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- b. Court proceedings not accommodated by DOC, as outlined in [Section A, Scheduling of Vermont Court Proceedings, subsection 1., division d.](#)

E. Transportation

1. The DOC shall not provide, or arrange for, transportation to any Vermont court for incarcerated individuals. If DOC staff receive an order for transportation, they shall notify the court that DOC does not provide transportation to court and suggest the court contact the sheriff's department.
2. It is not within the scope of DOC's responsibilities to transport individuals upon their release from a correctional facility.

UNITED STATES DISTRICT COURT, DISTRICT OF VERMONT

A. Scheduling of Federal Court Proceedings

1. DOC staff shall collaborate to schedule United States District Court, District of Vermont (federal) court proceedings involving incarcerated individuals, including those housed in a supplemental housing correctional facility.
 - a. Correctional facility staff shall only schedule federal court proceedings that are requested by the court through the appropriate DOC court alias (see Attachment A, Facility Aliases).
 - b. Staff will check the availability of staff and court equipment and either:
 - i. Confirm as requested; or
 - ii. Coordinate an alternative time for the proceeding with the court.
 - c. Prior to scheduling federal hearings for primary State incarcerated individuals, staff shall ensure an approved federal Writ of Habeas Corpus from the United States Marshals Service is uploaded into the Offender Management System (OMS), and confirm the appearance date on the Writ.
 - d. Staff will not be able to accommodate any federal court proceeding not scheduled through the appropriate DOC court alias.

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- e. In addition to accommodating criminal proceedings as outlined in this standard operating procedure, DOC will accommodate the following types of Vermont court proceedings:
 - i. Civil rights complaints pertaining to treatment or conditions of confinement;
 - ii. Habeas corpus petitions; and
 - iii. Appeals.
 - f. DOC may accommodate other types of Vermont court proceedings, at the discretion of the facility Superintendent, as time and resources allow.
2. DOC staff shall facilitate remote court proceedings in correctional facilities only under the following conditions:
 - a. DOC will facilitate court proceedings through the method provided by the court.
 - b. DOC will accommodate criminal court proceedings until 2:00 p.m.
 - c. DOC may accommodate remote court proceedings scheduled for up to four hours per day at a time. If four hours is insufficient, the incarcerated individual shall request the court to provide an alternative.
 - d. Scheduled court proceedings requiring remote participation of an incarcerated individual should be heard before in-person cases scheduled for the same timeframe.
 3. DOC staff shall reschedule proceedings that are delayed or cancelled, provided the scheduling request is submitted by the court through the appropriate DOC court alias.
 4. DOC staff shall strictly follow the scheduled timeframe for court proceedings and shall not accommodate proceedings that extend beyond the allocated time.
 5. The DOC recognizes that it is in the best interest of incarcerated individuals that the following proceedings be held in-person, and therefore the DOC will not accommodate remote or hybrid:
 - a. Arraignments;
 - b. Proceedings that require an interpreter for the incarcerated individual; or
 - c. Proceedings involving an incarcerated individual who is visually-impaired, D/deaf, Hard of Hearing, DeafBlind (blind or low vision), DeafPlus, DeafDisabled.

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B. Collaboration with Federal Courts

1. The most effective way for DOC staff to facilitate court proceedings is to have direct contact with court clerks. Staff shall confidentially maintain:
 - a. A direct contact phone number for court clerks, for use during business hours; and
 - b. An after-hours contact for court personnel.
2. DOC staff shall only accept court communications through the appropriate facility alias, including the supplemental housing correctional facility. When a staff member receives a direct email, they shall reply with the appropriate facility alias and direct the sender to resubmit the request through that alias.
3. DOC staff shall not print or provide incarcerated individuals any faxed or emailed court or attorney documentation. Communication and documentation to incarcerated individuals from the court shall be transmitted through the United States Postal Service or by the attorney meeting with the incarcerated individual in person.
4. It is the individual's responsibility to comply with their conditions of release. DOC staff shall not facilitate any aspect of the individual's compliance with these conditions, including:
 - a. Securing a residential treatment bed;
 - b. Securing housing; or
 - c. Finding a responsible adult for the release.

C. Court-Installed Equipment for Federal Court Remote and Hybrid Proceedings

1. Incarcerated individuals shall not use State-issued DOC staff equipment (e.g., computers, laptops, telephones) to access or participate in remote or hybrid court proceedings.
2. DOC will not install, upgrade, and maintain technology necessary to enable incarcerated individuals to participate in remote or hybrid court proceedings from the correctional facility. This includes ensuring the equipment functions properly to allow incarcerated individuals to fully participate in remote or hybrid proceedings and consult with their attorney during the proceeding.
3. DOC staff shall contact the federal court for any operational issues that arise with any equipment used for these remote or hybrid proceedings.

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D. Transportation

DOC shall comply with any effective intergovernmental agreement with the United States Government regarding the transportation of incarcerated individuals.

OTHER COURTS

A. Civil, Family, or Probate Court

DOC staff may facilitate civil, family, or probate proceedings involving incarcerated individuals, provided the proceeding does not have an impact on the overall sentence being served in Vermont. In these cases, the court may conduct hearings using the free and confidential attorney telephone line. Attorneys or out-of-state courts must have a DOC-issued personal identification number (PIN) provided by a Facility Operations Manager to access the attorney telephone line.

B. Court Proceedings from Other Jurisdictions

DOC staff shall contact the DOC Extradition Unit for guidance whenever they receive a request to facilitate any other court proceeding from another jurisdiction, including:

1. A criminal out-of-state court proceeding; or
2. Any other out-of-state court proceeding that may impact the overall sentence being served in Vermont.

ATTORNEYS

1. DOC staff shall schedule in-person attorney visits with incarcerated individuals with 24-hour notice.
2. The DOC shall provide a free and confidential attorney telephone line.
 - a. Attorneys must have a DOC-issued personal identification number (PIN) provided by a Facility Operations Manager to access the attorney telephone line.

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- b. Attorneys can utilize the attorney telephone line to facilitate third-party calls to treatment or other professionals. DOC staff shall not directly facilitate calls to treatment centers.
3. The DOC provides incarcerated individuals with free and confidential tablet calls with their attorneys.
4. DOC staff shall not print or provide incarcerated individuals any faxed or emailed court or attorney documentation. Communication and documentation to incarcerated individuals from attorneys shall be transmitted through the United States Postal Service.
5. DOC staff shall forward all inquiries requesting information or action from attorneys, or their agents, to the DOC Litigation Team within the Office of the Vermont Attorney General for guidance before taking any action.

THIRD PARTIES

DOC staff shall not facilitate the signing of releases of information (ROIs) for third parties. The third party may obtain signatures directly from the incarcerated individual.

STAFF INQUIRIES

DOC staff shall contact the Facility Operations Manager responsible for courts or the Director of Legal Education with related questions not covered in this document. For immediate events, as they are occurring with courts, state's attorneys, sheriffs, police, and others when the implementation of this SOP cannot be resolved, contact the Facilities Division Director or the General Counsel's Office to intervene.