

POLICY

The DOC's policy is to supervise individuals on home detention, in accordance with statutory requirements. Home detention is a program of confinement and supervision that restricts a defendant to a preapproved residence continuously, except for court authorized absences such as work, school, or treatment. This program is enforced by appropriate means of surveillance and passive electronic monitoring by the DOC.

GENERAL PROCEDURES

A. Court Referral Process

1. A defendant, or their legal counsel, may petition the court to consider a defendant's placement on home detention by submitting the appropriate application for home detention program form to the court for either:
 - a. The inability to pay bail in accordance with 13 V.S.A. § 7554b(c); or
 - b. Violating court conditions of release in accordance with 13 V.S.A. § 7554b(d).
2. If approved, the court will issue an entry order directing DOC to investigate the suitability for home detention in accordance with [Section C., Investigation into Suitability for Home Detention](#).
3. If the court orders home detention for the defendant, the court will issue a home detention bail mittimus to include court conditions of release and conditions of supervision.

B. DOC Referral Process

1. The Corrections Services Specialist (CSS) shall screen all detainees for potential placement on home detention within five business days of intake, in accordance with the Offender Management System (OMS) technical guide.
2. Once completed, the Site Legal Administrator (SLA) will receive an automatic notification from OMS for any detainee who:
 - a. Is detained for a non-listed, non-violent offense;
 - b. Has a residence in Vermont where they intend to live, and the individual has reported that the residence has cellular service or a land line;

- c. Does not have a hold from another jurisdiction; and
 - d. Does not have a current imposed sentence.
3. The SLA shall print the DOC request for review for home detention form from OMS and forward it to the appropriate court clerk for the court's review.
 4. If approved, the court will issue a request for DOC to investigate the suitability of the residence for home detention in accordance with [Section C., Investigation into Suitability for Home Detention](#).
 5. If after the DOC's determination that a detainee is not eligible for home detention and the detainee still believes they are eligible, the CSS shall refer them to their legal counsel, who may petition the court for consideration.

C. Investigation into Suitability for Home Detention

1. The designated field officer shall conduct the investigation into suitability for home detention.
2. The investigation determines if the proposed residence supports the use of electronic monitoring devices, either through cellular or landline telephone communications.
3. The responsibility of determining the defendant's appropriateness for home detention is solely within the court's discretion. If the designated field officer observes any behavior or circumstances that would necessitate a mandated reporting requirement, they shall notify the court. This notice does not alleviate other statutory mandated reporting requirements.
4. The designated field officer shall:
 - a. Document the investigation using the home detention investigation custom form in OMS; and
 - b. File the completed investigation to the court within seven days of receipt of the entry order.

D. Home Detention Supervision

1. The DOC shall monitor all defendants on home detention by global positioning satellite (GPS) or other location-monitoring devices, in accordance with the policy on electronic monitoring. Alcohol monitoring devices may also be used, if ordered by the court.

2. The District Manager (DM) will establish a process for the intake of defendants on home detention status, including:
 - a. Reviewing the defendant's information (e.g., address, charges, etc.) in OMS to ensure accuracy;
 - b. Reviewing the electronic monitoring device(s) assigned to the defendant;
 - c. Reviewing and obtaining the defendant's acknowledgement and signature on the electronic monitoring contract;
 - d. Reviewing the authorized absences and conditions assigned by the court with the defendant;
 - e. Confirming with the court which home detention status the defendant is placed on, and assigning the appropriate legal status of either [7554b\(c\)](#) or [7554b\(d\)](#), in accordance with the OMS technical guide; and
 - f. Entering an OMS contact note outlining the current offense(s) and court approved absences.
3. The DM will designate a Probation and Parole Supervisor (PPS) who will be responsible for the home detention program for their site.
4. A designated field officer shall be responsible for the day-to-day monitoring of defendants on home detention. They:
 - a. Are responsible for the review of the daily surveillance reports through the use of electronic monitoring;
 - b. Shall review surveillance reports on their scheduled workdays to determine if defendants are in compliance with their conditions; and
 - c. Shall document all electronic monitoring alert responses in OMS contact notes.
5. At the discretion of the DM, a field staff member may be assigned to review the electronic monitoring device daily surveillance reports when the designated field officer is not available.
6. The PPS, or designee, is responsible for:
 - a. Attending and reporting at any court hearings at which the court requires the designated field officer's presence;
 - b. Approving changes to the court's schedule;
 - i. Changes shall only be approved when there are extenuating circumstances impacting health or safety, or when a condition is modified by the court; and
 - ii. Staff shall document these changes in OMS contact notes; and

- c. Ensuring the defendant's compliance with the electronic monitoring.
- 7. The defendant may travel out-of-state if it is approved by the court or for medical necessities. A travel permit is not required to authorize out-of-state travel.

E. Response to Violating Behavior

- 1. If a defendant placed on home detention under 13 V.S.A. § 7554b(c) violates a condition of their home detention:
 - a. The designated field officer staff shall:
 - i. Document all incidents of violations in OMS in accordance with the OMS technical guide on violations;
 - ii. Use the home detention revocation form as the lodging documents when returning a defendant to a correctional facility. This form shall be uploaded into the violation tab in OMS; and
 - iii. Complete the violation of home detention form and submit notice to the assigned court.
 - b. If authorized by the DM, or designee, a field officer may suspend the defendant's home detention status and return them to the custody of a correctional facility.
 - i. The field officer shall take custody of the defendant at the local field site;
 - ii. If unable to take the defendant into custody at the field site, the field officer shall utilize law enforcement in making the arrest; or
 - iii. If law enforcement is unavailable or unable to make the arrest, the field officer shall notify the court.
- 2. If a defendant placed on home detention under 13 V.S.A. § 7554b(d) violates a condition of their home detention:
 - a. The designated field officer shall:
 - i. Document all incidents of violations in OMS, in accordance with the OMS technical guide on violations; and
 - ii. Submit the report to the State's Attorneys Offices; and
 - iii. Forward a copy to the defendant.
 - b. The State's Attorney may file a formal violation with the court.
- 3. When a formal violation is filed with the court, the court will determine if:

- a. Home detention is revoked; or
- b. The defendant will be released back on home detention, and if so whether any modifications need to be made to the original home detention order.

F. Absconding from Home Detention

If the designated field officer cannot locate a defendant on home detention or there is reason to believe the defendant is avoiding monitoring, they shall:

1. Forward the violation of home detention report generated by OMS to the court and State's Attorneys Offices; and
2. Document the unapproved absence in OMS, in accordance with the OMS technical guide.

G. Damaged and Destroyed Equipment

1. If the defendant damages, destroys, or causes the loss of, an electronic monitoring unit, the PPS, or designee, shall submit an affidavit to the State's Attorneys Offices for prosecution and restitution.
2. Field staff shall coordinate directly with the vendor to obtain an invoice reflecting the cost of repairs or replacement. Field staff shall attach the invoice to the incident or violation in OMS and forward a copy to the State's Attorneys Offices.

H. Bail

The defendant may post bail while on home detention status.

1. The defendant shall post the bail at court, during court hours. Field staff are not authorized to collect bail money.
2. Once field staff receive official documentation from the court stating that the defendant posted bail, they shall release the defendant from home detention status.