

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Home Detention</p>		<p style="text-align: center;">Page 1 of 6</p>						
<p style="text-align: center;">CHAPTER: PROGRAMS – SECURITY & SUPERVISION</p>	<p style="text-align: center;">#431</p>	<p>Supersedes: 431.01, dated 1/6/2014; IM: Home Detention, dated 7/1/2018; IM: <i>Electronic Monitoring and After-Hours Response</i>, dated 6/25/2017</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>07/04/2023</u></td> <td style="width: 33%; border: none;"><u>08/01/2023</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>07/04/2023</u>	<u>08/01/2023</u>	Nicholas J. Deml, Commissioner	Date Signed	Date Effective
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PURPOSE

This policy provides direction for Department of Corrections (DOC) staff as it pertains to defendants referred to the home detention program.

AUTHORITY

13 V.S.A. §7554b

DEFINITION

Electronic Monitoring: The use of any electronic device or technology that automates, replicates, or supports supervision tactics that would normally require direct staff presence or resources.

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 authorized absences, and is enforced by appropriate means of surveillance and passive electronic monitoring by the Department of Corrections. The court may authorize scheduled absences such as work, school, or treatment. Any changes in the schedule shall be solely at the discretion of the Department of Corrections. A defendant who is on home detention shall remain in the custody of the Commissioner of Corrections with conditions set by the court.

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.
2. The court will review the application, and if approved, will issue an entry order directing DOC to investigate the suitability of home detention.
3. Field staff shall conduct the investigation for suitability of home detention.
 - a. This investigation determines if the proposed residence supports the use of electronic monitoring devices, either through cellular or landline telephone communications.
 - b. The responsibility of determining the defendant's level of risk or appropriateness for home detention is solely within the court's discretion and is not the responsibility of the DOC. If the investigating officer observes anything that would necessitate a mandated reporting requirement, they shall notify the court. This notice does not alleviate the mandated reporting requirement.
 - c. The investigating officer shall:
 - i. Document the investigation using the Home Detention Investigation custom form in OMS; and
 - ii. Reply to the court using the Home Detention Investigation form within seven days of receipt of the entry order.

4. If the court orders home detention for the defendant, the court will issue a home detention bail mittimus including 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 using the Home Detention Screening custom form within the Offender Management System (OMS) record.
2. Upon completion, OMS will send a notification to the Site Legal Administrator (SLA) for any detainee who:
 - a. Is detained for a non-listed, non-violent offense;
 - b. Does not have a hold from another jurisdiction;
 - c. Does not have a current imposed sentence;
 - d. 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.
3. The SLA shall print from OMS and forward the DOC Request for Review for Home Detention form to the appropriate court clerk for review by the court.
4. The court will review the form, and if approved, will issue a request for DOC to investigate the suitability of the residence for home detention.
5. The assigned field staff member shall:
 - a. Conduct the investigation for suitability of home detention, as outlined in [subsection 3. of section A., Court Referral Process above](#); and
 - b. Complete the Home Detention Investigation custom form in OMS.
6. If the court orders home detention for the defendant, the court will issue a home detention bail mittimus including conditions of supervision.
7. If an incarcerated individual believes they are eligible for home detention at any point after their 5-day classification, staff should refer them to their legal counsel, who may petition the court for placement on home detention.

C. Home Detention Supervision

1. 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. Explaining electronic monitoring devices assigned to the defendant;
 - c. 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; and
 - e. Entering an OMS contact note outlining the current offense(s) and court approved absences.
2. The DM will designate a Community Corrections Program Supervisor (CCPS) who will be responsible for the home detention program for their site.
3. Community Corrections Officers (CCOs) shall be responsible for the day-to-day monitoring of detainees on home detention. They:
 - a. Are responsible for providing surveillance through the use of electronic monitoring;
 - b. Shall perform a review of all electronic monitoring device reports on each scheduled workday and determine if defendants are in compliance with their conditions; and
 - c. Shall document all electronic monitoring alert responses in OMS contact notes.
4. At the discretion of the DM, another staff member may be directed to review the electronic monitoring device reports when a CCO is not on duty.
5. The CCPS, or designee, is responsible for:
 - a. Attending and reporting-out at any court hearings at which the court requires a DOC staff presence;
 - b. Approving any changes to the schedule. Such changes shall only be approved when there are extenuating circumstances impacting health or safety, or when modifying a condition already approved by the court. Staff shall document these changes in OMS contact notes;
 - c. Ensuring the defendant's compliance with the electronic monitoring;

- d. Determining when a violation of home detention status has occurred and the response to that violation which includes re-incarceration.
6. In response to notifications or discoveries of violation of court conditions from electronic monitoring, or when DOC receives a credible report of a violation, field staff shall:
 - a. If appropriate and safe for staff, they shall check on the defendant at their residence to ensure their presence and that the electronic monitoring equipment is working; and
 - b. Request assistance from law enforcement in the individual's return to a correctional facility.
7. The defendant may travel Out-of-State if it is approved by the court or for medical emergencies. A travel permit is not required to authorize Out-of-State travel.

D. Electronic Monitoring

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.

E. Response to Violating Behavior

1. If through the course of supervision, the defendant violates a condition of their home detention, DOC staff may suspend the defendant's home detention status and return the defendant to the custody of a correctional facility.
2. Whenever possible, DOC staff shall take custody of the defendant at the local field site.
 - a. If it is not possible to safely take the defendant into custody at the field site staff shall utilize law enforcement in making the arrest.
 - b. If law enforcement is unavailable or unable to make the arrest, staff shall notify the court.
3. When lodging a defendant in a correctional facility, field staff shall ensure that the facility has a copy of the *notice to court of home detention revocation* form as the basis for the lodging. This form shall be uploaded into the violation in OMS.

4. The assigned field staff member shall complete the *violation of home detention* and send it to the assigned court.
5. The court will determine if home detention is revoked or if the defendant will be released back on home detention with or without modification to the original home detention order.

F. Absconding from Home Detention

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

1. Forward the court the Violation of Home Detention report generated by OMS; 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 CCPS, 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. Staff shall attach the invoice to the incident or violation in OMS and forward a copy to the State's Attorneys Office.

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 receives official documentation from the court stating that the defendant has posted bail, they shall release the defendant from home detention status.