

<p style="text-align: center;"><b>STATE OF VERMONT</b> <b>AGENCY OF HUMAN SERVICES</b> <b>DEPARTMENT OF CORRECTIONS</b></p>	<p style="text-align: center;"><b>Pretrial Supervision</b></p>		<p style="text-align: center;"><b>Page 1 of 6</b></p>								
<p style="text-align: center;"><b>CHAPTER: DISTRICT OFFICES – GENERAL</b></p>	<p style="text-align: center;"><b>#349</b></p>	<p style="text-align: center;"><b>Supersedes: New</b></p>									
<p><b>Local Procedure(s) Required:</b> No  <b>Applicability:</b> All staff (including contractors and volunteers)  <b>Security Level:</b> “B” – Anyone may have access to this document.</p>											
<p><b>Approved:</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 40%; border: none;"><u>SIGNED</u></td> <td style="width: 20%; border: none;"><u>01/15/2025</u></td> <td style="width: 20%; border: none;"><u>02/03/2025</u></td> <td style="width: 20%; border: none;"></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> <td style="border: none;"></td> </tr> </table>				<u>SIGNED</u>	<u>01/15/2025</u>	<u>02/03/2025</u>		Nicholas J. Deml, Commissioner	Date Signed	Date Effective	
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**PURPOSE**

This policy outlines the process by which an individual is placed in the pretrial supervision program (PSP) and supervised by the Vermont Department of Corrections (DOC) while awaiting trial.

**AUTHORITY**

13 V.S.A. § 7555

**POLICY**

The DOC’s policy is to supervise defendants placed in the PSP, in counties where it is operational, using evidence-based strategies, to: assist defendants in complying with conditions of release; support the provision of pretrial services through the Attorney General’s Office (AGO), when appropriate; support defendants’ attendance at court appearances; and reduce the likelihood of them violating their conditions of pretrial release or accruing new criminal charges.

## GENERAL PROCEDURES

### A. Referrals

1. Upon receiving a referral from the court for a defendant to be placed in the PSP, the assigned Pretrial Officer shall review the case to determine if the defendant has either:
  - a. Been charged with violating conditions of release pursuant to 13 V.S.A. § 7559; or
  - b. Five or more pending court dockets.
2. In addition, the Pretrial Officer shall determine if the defendant:
  - a. Is a resident of Vermont with a Vermont address, as this is necessary for DOC to supervise the individual;
  - b. Has no detainers, warrants or holds, as these will require the individual to be incarcerated;
  - c. Is not currently under community supervision, as inclusion in the PSP would be redundant; and
  - d. Has the ability to make phone calls to the remote compliance monitoring (RCM) system or the ability to report to the Probation and Parole Office, as this is necessary for DOC to supervise the individual.
3. If the defendant does not meet the criteria in [Subsection 1. of this section](#), the Pretrial Officer shall notify the court that the defendant is not eligible for participation in the PSP.
4. If the defendant meets the criteria in [Subsection 1. of this section](#), the Pretrial Officer shall:
  - a. Review the pretrial supervision screening advisement with the individual, and have them sign the agreement;
  - b. Conduct the Ohio Risk Assessment System (ORAS) Pretrial Assessment Tool (PAT), which will be used to determine the individual's pretrial supervision level (PTSL), using the following grid:

### Pretrial Supervision Level Grid

Offense	Low ORAS Risk Level (0-2)	Moderate ORAS Risk Level (3-5)	High ORAS Risk Level (6-9)
Non-Violent Misdemeanor	P1	P1	P2
Non-Violent Felony	P1	P2	P3
Violent Offense	P2	P2	P3

- c. Complete the pretrial supervision services report and submit it to the court within 10 business days of the DOC's receipt of the referral. The report shall include:
- i. The DOC's recommendation of whether the defendant is a candidate for the PSP, as follows:
    - a) If the defendant meets all the criteria in [Subsection 2. of this section](#), the Pretrial Officer shall recommend them as a candidate for the PSP; or
    - b) If the defendant does not meet all the criteria in [Subsection 2. of this section](#), the Pretrial Officer shall not recommend them as a candidate for the PSP. The Pretrial Officer shall include the reason for this determination in the report;
  - ii. The defendant's recommended supervision level, based on the ORAS PAT;
  - iii. A request for the assigned Pretrial Officer to be a named party to the case; and
  - iv. Recommended conditions of supervision that would allow the DOC to supervise the individual, including:
    - a) Notifying the DOC of their residence and any change of address;
    - b) Reporting to the Pretrial Officer as directed; and
    - c) Complying with telephone monitoring or report in person, as required by the Pretrial Officer.

## **B. Intake of Defendants on Pretrial Supervision**

1. Administrative staff shall complete the following steps in OMS during the intake of a defendant on pretrial supervision:
  - a. Take a digital picture on a plain white background and import it;
  - b. Enter, or update, the defendant's home address, and work and/or school address(es) as needed, and verify all information on the Booking Info tab;
  - c. Enter the individual's legal status and type;
  - d. Enter the individual's charges and charge status as needed;
  - e. Upload all court documents into each of the relevant charges and counts or verify that this has been done;
  - f. Print an ID face sheet, and put one copy into the defendant's local record; and
  - g. Assign a Pretrial Officer.
2. The assigned Pretrial Officer shall complete all of the following steps during the intake of the defendant:
  - a. Review and explain the following documents to the defendant, have the individual sign them, and forward them to administrative staff, as applicable:
    - i. Court orders, conditions of pretrial supervision, and agreements as required by participation in PSP;
    - ii. Conditions of release, and provide a copy to the supervised individual;
    - iii. Orientation to ADA; and
    - iv. The DOC grievance policy and notice of right to grieve;
  - b. Request an updated record check including Vermont, NCIC, and any other states the defendant reports they resided in, as well as a Department of Motor Vehicles check;
  - c. Enter a contact note documenting the intake; and
  - d. Complete the following RCM process, and regularly update the system:
    - i. Enter the RCM conditions and any completion dates that are set by the court;
    - ii. Enter, and regularly update, any court dates in the RCM system;
    - iii. Explain to the defendant that failing to follow through with RCM expectations or meet completion deadlines for court-ordered

conditions of release will result in the State's Attorney being notified of the violation; and

- iv. Upload the RCM agreement to OMS.

**C. Victim Information Verification**

1. For cases in which there is an identified victim/survivor, the Pretrial Officer shall verify if victim/survivor contact information is in the victim notification system (VINE). If there is no contact information listed in VINE, the Pretrial Officer shall reach out to the appropriate State's Attorneys Victim Advocate (SAVA) to obtain relevant victim/survivor contact information.
2. The Pretrial Officer shall consult the SAVA when the case involves complicated victim issues.

**D. Supervision of Defendants on Pretrial Supervision**

1. The assigned Pretrial Officer shall supervise individuals in the PSP according to their PTSL, as follows:
  - a. Individuals with a PTSL of P1 shall be monitored through the RCM system;
  - b. Individuals with a PTSL of P2 shall be monitored through:
    - i. The RCM system; and
    - ii. Two contacts from their assigned Pretrial Officer per month. These contacts may be made by phone, video, or in person, at the discretion of the Pretrial Officer;
  - c. Individuals with a PTSL of P3 shall be monitored through:
    - i. The RCM system;
    - ii. One contact from their assigned Pretrial Officer per week. This contact may be made by phone, video, or in person, at the discretion of the Pretrial Officer; and
    - iii. At least one required in-person office visit per month; and
  - d. Individuals who do not have the ability to be monitored through the RCM system shall be required to report in-person to the Probation and Parole Office at a higher frequency.
2. The Pretrial Officer shall coordinate the provision of the AGO's pretrial services, when applicable.

**E. Case Reviews**

The assigned Pretrial Officer shall review the case every 90 days and provide an update to the court on the defendant's compliance. If the defendant is compliant, the court may consider:

1. Removing the defendant from the PSP; or
2. Lowering the defendant's level of supervision.

**F. Violations**

If a defendant violates a condition of pretrial supervision, the Pretrial Officer shall:

1. Use reasonable efforts to notify the defendant of the violation; and
2. Notify the State's Attorney of the violation, and submit a sworn affidavit outlining the details of the violation.

**G. Completion of Pretrial Supervision**

A defendant has completed pretrial supervision when they have:

1. Been removed from the PSP program by the court;
2. Been adjudicated on all dockets associated with the pretrial supervision;  
or
3. Have had the pretrial supervision revoked by the court.