

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p>Release Notifications</p>		<p>Page 1 of 10</p>						
<p>CHAPTER: PROGRAMS – CLASSIFICATION AND CASE PLANNING</p>	<p>#371.28</p>	<p>Supersedes: #371.28, dated 11/01/12; #371.29, dated 11/3/2014</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;"> <p><u>SIGNED</u></p> </td> <td style="width: 33%; border: none;"> <p><u>04/03/2025</u></p> </td> <td style="width: 33%; border: none;"> <p><u>04/03/2025</u></p> </td> </tr> <tr> <td style="border: none;"> <p>Nicholas J. Deml, Commissioner</p> </td> <td style="border: none;"> <p>Date Signed</p> </td> <td style="border: none;"> <p>Date Effective</p> </td> </tr> </table>				<p><u>SIGNED</u></p>	<p><u>04/03/2025</u></p>	<p><u>04/03/2025</u></p>	<p>Nicholas J. Deml, Commissioner</p>	<p>Date Signed</p>	<p>Date Effective</p>
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Policy 371.28, Release Notifications

PURPOSE

This policy outlines procedures for designating and managing cases that require release notifications.

AUTHORITY

13 V.S.A. § 5305, 13 V.S.A. § 5411, 13 V.S.A. § 5411c, 28 V.S.A. § 102(c)(22)

DEFINITIONS

Level C Offender: Level C designation was applied to individuals whose listed offenses were egregiously harmful and who have been assessed as high risk for future violent criminality.

POLICY

The DOC's policy is to prepare and plan for the release and reintegration of individuals who are returning to the community following incarceration. This includes taking additional steps to notify and consult with all required parties and appropriate community members prior to the release of incarcerated individuals who are high profile or convicted of a serious crime.

REQUIRED RELEASE NOTIFICATIONS AND DESIGNATION PROCESS

A. Selection and Criteria for Individuals Who Require Release Notification

1. The DOC shall issue a release notification when preparing to release an incarcerated individual who:
 - a. Is convicted of a registerable sex offense or has sex offender registry requirements, as required by 13 V.S.A. § 5406; or
 - b. Is designated as meeting the criteria for release sensitive notification (RSN) designation.

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2. The DOC shall automatically designate an incarcerated individual who meets any of the following criteria as RSN:
 - a. Designated as a high risk sex offender;
 - b. Convicted of murder, as defined in 13 V.S.A. § 2301;
 - c. Convicted of habitual criminal, as defined in 13 V.S.A. § 11;
 - d. Currently classified as risk-contained. For the purposes of this policy, this includes individuals previously designated Level C; or
 - e. Previously designated RSN, unless the designation has been removed.
3. The DOC considers the following factors when determining whether to designate an individual as RSN:
 - a. Seriousness of the offense;
 - b. Offender's current or prior offense history;
 - c. Offender's characteristics, such as response to prior treatment efforts;
 - d. Adequacy of community resources to address the individual's criminogenic needs;
 - e. Whether the offender has indicated, or credible evidence in the record indicates, that the offender will reoffend if released into the community;
 - f. Public safety or victim concerns identified by the assigned Correctional Services Specialist (CSS) or Probation and Parole Officer (PPO) that have not been addressed; or
 - g. Strong community sentiment, anger, or fear about the individual or the offense due to the egregious nature or notoriety of the crime.

B. Designation Process for RSN

1. RSN designations for incarcerated individuals who do not meet the automatic designation criteria in [Section A., Selection and Criteria for Individuals Who Require Release Notification](#) shall follow the process below:
 - a. The assigned CSS or PPO shall identify the case of any incarcerated individual they believe may meet the criteria for RSN designation, and refer the case to the Central Case Staffing Committee.
 - b. The Committee shall determine if the case is appropriate for RSN designation.

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2. Upon RSN designation, the:
 - a. Central Case Staffing shall directly proceed with the review required in [Section A, Central Staffing Release Planning Review under the Planning for RSN Cases Heading below](#), for cases in which there is less than 21 months to the incarcerated individual's projected release date; and
 - b. CSS shall notify the following of the designation:
 - i. The Victim Services Specialist (VSS), if the incarcerated individual's case already has an assigned VSS; and
 - ii. The Victim Services Unit (VSU) Director, or designee, if there is no assigned VSS. Upon notification, the VSU director shall then assign a VSS to the case.

PLANNING FOR RSN AND DESIGNATED HIGH-RISK SEX OFFENDER CASES

A. Services Determination Central Staffing

1. The assigned CSS and PPO shall submit the case of incarcerated individuals with an RSN designation or who has been designated as a high-risk sex offender for a Central Case Staffing five years prior of their earliest possible release date, or as soon as possible for incarcerated individuals who do not have five years remaining.
2. The Central Case Staffing Committee shall decide if provisional release planning is supported.
 - a. If provisional release planning is supported, the Committee shall determine:
 - i. Services required in advance of release; and
 - ii. Release considerations that require planning (e.g., medical, competency).
 - b. If provisional release planning is not supported, the Committee shall:
 - i. For incarcerated individuals who are eligible for parole review, deny a positive recommendation for parole;
 - ii. For incarcerated individuals with a risk-containment classification, review the case in accordance with the policy on risk-containment;

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- iii. For all other RSN and designated high-risk sex offender cases, the Committee shall set forth:
 - a) A timeframe for the next Central Case Staffing Committee review; and
 - b) Criteria which must be met for DOC to consider supporting provisional release planning at that time, if appropriate.

B. Law Enforcement Notification Approval

1. No less than six months prior to the projected release date of an incarcerated individual with an RSN designation or who has been designated as a high-risk sex offender, the assigned PPO shall complete the appropriate form:
 - a. Designated High-Risk Sex Offender Law Enforcement Notification; or
 - b. RSN Law Enforcement Notification.

Upon completion, a notification will be sent to the Field Services Operations Manager responsible for release notifications.

2. The Field Services Operations Manager, or designee, shall review the case and either approve or deny the request for law enforcement notification. If the request is denied, the:
 - a. PPO shall make any necessary corrections and resubmit the form within three business days; and
 - b. The Field Services Operations Manager, or designee, shall review the case and either approve or deny the request.

Upon approval, a notification will be sent to the assigned staff members.

C. Final Release Review

1. The Central Case Staffing Committee shall review cases of incarcerated individuals with an RSN designation or who have been designated as a high-risk sex offender for consideration in advance of their release.
2. The assigned CSS shall submit the following documents when requesting the staffing:
 - a. Case staffing form (for release);
 - b. Approved law enforcement notification form; and
 - c. An RSN executive summary, which shall be digitally attached to the case staffing.
3. The Central Case Staffing Committee shall consider these cases no less than 60 days prior to their earliest possible release date for final release review.

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- a. In cases when the DOC does not have discretion in the release decision the Committee shall:
 - i. Determine what additional notifications, if any, are necessary;
 - ii. Provide any additional direction for release planning to the assigned CSS and PPO, if needed; and
 - iii. Submit the following to the Executive Leadership Team:
 - a) Case staffing form;
 - b) Approved law enforcement notification form; and
 - c) RSN executive summary.
- b. In cases when the DOC has discretion in the release decision, the Committee shall decide if release is supported.
 - i. If release is not supported, the Committee shall the set forth:
 - a) A timeframe for the next Central Case Staffing Committee review; and
 - b) Criteria which must be met for DOC to consider supporting the release at that time, if appropriate.
 - ii. If release is supported:
 - a) The Committee shall:
 - 1) Determine what additional notifications, if any, are necessary;
 - 2) Provide any additional direction for release planning to the assigned CSS and PPO, if needed; and
 - 3) Submit the following to the Executive Leadership Team for approval:
 - (a) A recommendation to release the individual;
 - (b) Case staffing form, including documentation of any specific factors the Committee considered and the rationale for specific recommendations;
 - (c) Approved law enforcement notification form; and
 - (d) RSN executive summary; and
 - b) The DOC shall make a decision on the incarcerated individual's release no later than 45 days prior to their scheduled release date.

D. Upon Release Approval

Upon release approval of an incarcerated individual with an RSN designation or who has been designated as a high-risk sex offender:

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1. The assigned CCS and PPO shall coordinate to execute the approved release plan;
2. The PPO shall:
 - a. Send the approved law enforcement notification to the following entities in the jurisdiction or county in which the incarcerated individual will be residing:
 - i. The municipal, county, and State law enforcement agencies;
 - ii. The State's Attorney Office; and
 - iii. For designated high-risk sex offenders, the Sex Offender Registry; and
 - b. Document the date on which the above notifications were sent in OMS;
3. The assigned VSS make any required victim/survivor notifications, in accordance with the policy on victim survivor services and support; and
4. DOC staff shall complete any other community notifications required by the approved release plan.

PLANNING FOR SEX OFFENDERS WITHOUT ADDITIONAL DESIGNATIONS

A. Law Enforcement Notification Approval

1. No less than six months prior to the projected release date of a sex offender without an additional designation, the assigned CSS shall complete the Sex Offender Law Enforcement Notification. Upon completion, a notification will be sent to the assigned PPO and the Field Services Operations Manager responsible for release notifications.
2. The Field Services Operations Manager, or designee, shall review the case and either approve or deny the request for law enforcement notification. If the request is denied, the:
 - a. CSS shall make any necessary corrections and resubmit the form within three business days; and
 - b. The Field Services Operations Manager, or designee, shall review the case and either approve or deny the request.

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B. Final Release Review

1. The Central Case Staffing Committee shall consider cases of a sex offenders without additional designations no less than 90 days prior to their projected release date for final release review.
 - a. The assigned CSS shall submit the following documents in advance of the staffing:
 - i. Case staffing form (for release); and
 - ii. Approved law enforcement notification form.
 - b. In cases when the DOC does not have discretion in the release decision the Committee shall:
 - i. Determine what additional notifications, if any, are necessary; and
 - ii. Provide any additional direction for release planning to the assigned CSS and PPO, if needed.
 - c. In cases when the DOC has discretion in the release decision, the Committee shall decide if release is supported.
 - i. If release is not supported, the Committee shall the set forth:
 - a) A timeframe for the next Central Case Staffing Committee review; and
 - b) Criteria which must be met for DOC to consider supporting the release at that time, if appropriate.
 - ii. If release is supported the Committee shall:
 - a) Determine what additional notifications, if any, are necessary; and
 - b) Provide any additional direction for release planning to the assigned CSS and PPO, if needed.

C. Upon Release Approval

Upon release approval of a sex offender without an additional designation:

1. The assigned CCS and PPO shall coordinate to execute the approved release plan;
2. The PPO shall:
 - a. Send the approved law enforcement notification to the following entities in the jurisdiction or county in which the incarcerated individual will be residing:
 - i. The municipal, county, and State law enforcement agencies;
 - ii. The State's Attorney Office; and

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- b. Document the date on which the above notifications were sent in OMS; and
3. DOC staff shall make any required victim/survivor notifications, in accordance with the policy on victim survivor services and support.