

<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>Supervised Community Sentence (SCS)</b></p>		<p style="text-align: center;"><b>Page 1 of 4</b></p>						
<p><b>CHAPTER: PROGRAMS – SECURITY &amp; SUPERVISION</b></p>	<p style="text-align: center;"><b>#424</b></p>	<p><b>Supersedes:</b> #424, dated 02/18/1994; #424.06, dated 11/01/1995</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: 33%; border: none;"><u>SIGNED</u></td> <td style="width: 33%; border: none;"><u>03/25/2024</u></td> <td style="width: 33%; border: none;"><u>04/08/2024</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>03/25/2024</u>	<u>04/08/2024</u>	Nicholas J. Deml, Commissioner	Date Signed	Date Effective
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**PURPOSE**

This policy identifies the Department of Correction’s (DOC’s) requirements outlined in statute regarding the Supervised Community Sentence (SCS) Program and the required governance by the Parole Board.

**AUTHORITY**

28 V.S.A. §351 *et. seq.*

**POLICY**

The DOC’s policy is to provide guidance on developing recommendations for those eligible for a supervised community sentence. The SCS Program’s goal is to encourage or assist the supervised individual to lead a law-abiding life while reasonably assuring the safety of the community.

## **GENERAL PROCEDURES**

### **A. SCS Eligibility and Process**

1. SCS is a sentence imposed by the court for a supervised individual who must have a one year minimum and three years maximum sentence structure. An individual with an SCS sentence reports directly to a probation and parole field office to serve that sentence.
2. At the request of the court, the Probation and Parole Officer (PPO) shall investigate and file an Intermediate Sanction Report (ISR), in accordance with the policy on legal reports:
  - a. If the individual is appropriate for SCS, as determined by the ISR process, the ISR shall include:
    - i. A recommendation that a person is placed on SCS; and
    - ii. The conditions of supervision for the individual if they are placed on SCS. The conditions of supervision should reflect:
      - a) Conditions of supervision,
      - b) Objectives for treatment and supervision, and
      - c) Any recommendations for reparations to the community.
  - b. If the individual is not appropriate for SCS the ISR shall include the reasons for denial.
3. The supervised individual is not eligible for SCS if they have:
  - a. Outstanding warrants;
  - b. Detainers;
  - c. Commitments; or
  - d. Pending charges.
4. The court may approve or reject, but not modify, the plan.

### **B. Community Supervision of an Individual on SCS**

1. The PPO shall supervise the individual, in accordance with their conditions of supervision and the policy on community supervision.
2. The PPO may impose graduated sanctions for behavior that violates the conditions of supervision.
3. If the conditions of supervision require modification, they can only be added, deleted, or modified by the authority of the Parole Board.
  - a. If the individual violates their conditions of supervision the PPO may request the Parole Board change the conditions through the formal violation process.

- b. If the individual has not violated their conditions of supervision the PPO may request the Parole Board change the conditions by petitioning the Parole Board.
    - c. The supervised individual may petition the Parole Board to change their conditions of SCS.
  4. The supervised individual may request the Parole Board to review modifications of their conditions of supervision when circumstances warrant changes to their conditions.

**C. Communication with the Parole Board**

Field staff shall communicate with the Parole Board about individuals placed on SCS in the following circumstances:

1. When an individual is sentenced to SCS, the District Manager (DM), or their designee, shall notify the Parole Board of the admission, and provide:
  - i. A copy of the SCS mittimus;
  - ii. The conditions of SCS; and
  - iii. All sentencing documents including the ISR.
2. When a supervised individual reaches their minimum sentence the PPO shall prepare and submit a parole packet, including their recommendation, to the Parole Board. In accordance with the policy on parole board reviews and recommendations, the PPO shall either make a recommendation for discharge or a positive recommendation for parole.
3. If the Parole Board continues the individual on SCS at the initial review, the Department may request that the Parole Board discharge the individual from SCS at any time during their sentence.

**D. Parole Board Authority of Individuals on SCS**

1. When a supervised individual is placed on SCS the Parole Board determines the following aspects of the sentence structure:
  - a. The Parole Board will review the individual's case upon reaching their minimum sentence and determine if the individual should be:
    - i. Discharged from SCS;
    - ii. Continued on SCS; or
    - iii. Placed on Parole.
2. The Parole Board reviews the cases of supervised individuals on SCS who have violated and makes a determination on the outcome.

## **E. Violation of SCS**

1. If the PPO has reason to believe that a supervised individual on SCS violated their conditions of supervision, they may:
  - a. Issue a graduated sanction;
  - b. Issue a notice to appear before the Parole Board;
  - c. Conduct an emergency arrest of the individual in accordance with the policy on response to non-compliant behavior of supervised individuals; or
  - d. Request the Parole Board to issue a warrant for the supervised individual's arrest.
2. The PPO shall submit a violation packet to the Parole Board whenever:
  - a. A notice to appear is issued;
  - b. An emergency arrest is conducted; or
  - c. A warrant is requested for the supervised individual's arrest.
3. Whenever a supervised individual is arrested the PPO shall
  - a. Notify the Parole Board immediately, including the arrest documentation; and
  - b. Submit an updated SCS violation report to the Parole Board, if necessary.