

Total number of statutorily eligible offenders for work camp placement	243	
Explanation of placement of statutorily work camp eligible offenders	Total number of offender under this category	Total number of offenders remaining after each category
Offenders already at the Caledonia county work camp	50	193
Female offenders	44	149
Awaiting resolution of new charges.	13	136
Maxing within 30 days	12	124
Currently serving or previously convicted of a sex offense.	12	112
Awaiting transportation to CCWC	4	108
Awaiting medical clearance	6	102
Graduated Sanctions	2	100
Just returned awaiting release determination	8	92
Facility classification does not allow for placement in the CCWC: Offenders classified as medium custody or higher.	28	64
Offenders at SE earning Work Camp goodtime	11	53
Convicted of an assault DR within the last 12 months	10	43
Awaiting initial classification	2	41
Released since the list was generated	6	35
Level of violence included in the affidavit does not support placement at the work camp	18	17
Determined not medically appropriate for placement	10	7
Misuse of medication	1	6
Release scheduled within 30 days	4	2
Staffed to not be appropriate do to criminal history	2	0

Taken from title 28 VSA section 817: *Therefore, specific plans and programs developed by the department of corrections shall restrict placement in new work camps to those offenders who have been convicted of a nonviolent offense...*

Explanation of categories for discussion

- **Awaiting Resolution of new charges:** These are offenders who are sentenced who have unresolved criminal charges which do not have bail imposed by the court.
- **Maxing within 30 days:** These offenders are within 30 days of their maximum release date, transferring to another facility may disrupt the release planning process.
- **Currently serving or previously convicted of a sex offense:** Not all sex offenses are identified as listed offenses or are pled down from a sex offense to charge not identified as a sex offense. Failing to register as a Sex offender is not a listed offense, however the department does not feel comfortable placing an offender in a work camp environment who is serving time for this type of offense.
- **Awaiting transportation to CCWC:** These offenders are medically cleared to be at the work camp however the department has not been able to transport them at the time of these numbers were compiled. They will be transferred within a day or two of being found eligible.
- **Awaiting medical clearance:** These offenders have been identified to be appropriate but are awaiting medical/mental health review to determine if their needs can be managed within the CCWC.
- **Just returned awaiting release determination:** These offenders have been recently returned from furlough or parole, they are awaiting determination of their release eligibility. If they are determined to not be appropriate for release to the community, they will be reviewed for appropriateness of placement at the work camp.
- **Facility classification does not allow for placement in the CCWC:** The departments facility classification system has determined that these offenders present a security risk that does not qualify for placement at the CCWC; medium or close custody offenders.
- **Offenders at SESCOF earning work camp goodtime:** Offenders housed at SESCOF who are participating in work camp and earning good time. Some of these offenders may be at this facility because of separation issues with offenders at NECC.
- **Convicted of an assault DR in the last 12 months:** These offenders are within the exclusionary time frame as identified in the eligibility memo for work camp placement.
- **Awaiting initial classification:** These offender have just arrived in the facility, they have yet to have their initial classification completed which included release determinations, medical clearance, programming determination.
- **Release since the list was generated:** These offenders have been release to furlough, probation or maxed their sentence since the list was generated.
- **Level of violence included in the affidavit does not support placement at the work camp:** Many convictions are pled down from violent offenses to nonviolent offenses, the department reviews the affidavits of many offenses to determine if the offenders behavior as described in the affidavit supports placement in the work camp.
- **Determined not medically appropriate for work camp placement:** The facility has restrictions as to how healthy an offender must be to be safely housed. Example: the CCWC does not have full time nursing so insulin dependent offenders would not be able to receive proper care if a medical emergency would arise.
- **Misuse of Medication:** Some offenders divert medication to either sell or accumulate in larger doses only to be consumed at a later time. This is a security risk and does not support their placement at the work camp.
- **Release scheduled within 30 days:** The department assists offender in the preparation for release into the community if the offender is not already in the work camp prior to this starting the movement of an offender interrupts the release planning process and can adversely affect the offender's success upon release.

- **Staffed to not be appropriate do to criminal history:** Offenders who have a significant violent or extensive criminal history are reviewed to determine the appropriateness of work camp placement. Example one of these offenders has a criminal history that dates back nearly 30 years, to include high speed chases, burglary, multiple escape convictions and is serving a life sentence for a habitual offender enhancement.

The statutorily defined listed crimes are below:

- (A) stalking as defined in section 1062 of this title;
- (B) aggravated stalking as defined in subdivision 1063(a)(3) or (4) of this title;
- (C) domestic assault as defined in section 1042 of this title;
- (D) first degree aggravated domestic assault as defined in section 1043 of this title;
- (E) second degree aggravated domestic assault as defined in section 1044 of this title;
- (F) sexual assault as defined in section 3252 of this title or its predecessor as it was defined in section 3201 or 3202 of this title;
- (G) aggravated sexual assault as defined in section 3253 of this title;
- (H) lewd or lascivious conduct as defined in section 2601 of this title;
- (I) lewd or lascivious conduct with a child as defined in section 2602 of this title;
- (J) murder as defined in section 2301 of this title;
- (K) aggravated murder as defined in section 2311 of this title;
- (L) manslaughter as defined in section 2304 of this title;
- (M) aggravated assault as defined in section 1024 of this title;
- (N) assault and robbery with a dangerous weapon as defined in subsection 608(b) of this title;
- (O) arson causing death as defined in section 501 of this title;
- (P) assault and robbery causing bodily injury as defined in subsection 608(c) of this title;
- (Q) maiming as defined in section 2701 of this title;
- (R) kidnapping as defined in section 2405 of this title or its predecessor as it was defined in section 2401 of this title;
- (S) unlawful restraint in the second degree as defined in section 2406 of this title;
- (T) unlawful restraint in the first degree as defined in section 2407 of this title;
- (U) recklessly endangering another person as defined in section 1025 of this title;
- (V) violation of abuse prevention order as defined in section 1030 of this title, excluding violation of an abuse prevention order issued pursuant to 15 V.S.A. § 1104 (emergency relief) or 33 V.S.A. § 6936 (emergency relief);

(W) operating vehicle under the influence of intoxicating liquor or other substance with either death or serious bodily injury resulting as defined in 23 V.S.A. § 1210(e) and (f);

(X) careless or negligent operation resulting in serious bodily injury or death as defined in 23 V.S.A. § 1091(b);

(Y) leaving the scene of an accident with serious bodily injury or death as defined in 23 V.S.A. § 1128(b) or (c);

(Z) burglary into an occupied dwelling as defined in subsection 1201(c) of this title;

(AA) the attempt to commit any of the offenses listed in this section;

(BB) abuse (section 1376 of this title), abuse by restraint (section 1377 of this title), neglect (section 1378 of this title), sexual abuse (section 1379 of this title), financial exploitation (section 1380 of this title), and exploitation of services (section 1381 of this title);

(CC) aggravated sexual assault of a child in violation of section 3253a of this title;

(DD) human trafficking in violation of section 2652 of this title; and

(EE) aggravated human trafficking in violation of section 2653 of this title.

Directive 371.09 Designation of Listed Offenses Appendix A Date of Rev 12/30/02

The following are violent crimes that the Department of Corrections has determined that meet the rational that established the listed offenses:

1. Abuse of Disabled Adult – as defined in section 6913 of 33VSA
2. Arson 1st degree – as defined in section 502 of 13 VSA
3. Assault Law Enforcement 2nd – as defined in section 1028, (2) of 13 VSA
4. Accessory Arson
5. Possession Deadly Weapon During Felony – as defined in section 4005 of 13 VSA
6. Hate Crime – as defined in section 1455 of 13 VSA
7. Use of a Child in a Sexual Performance Title 13 V.S.A § 2822
8. Consenting to a Sexual Performance Title 13 V.S.S § 2823
9. Promoting a Recording of a Sexual Act Title 13 V.S.A §2824
10. Possession of Child Pornography Title 13 § 2827 and meeting penalty requirements in Title 13 V.S.A § 2825(c)(2)(d)
11. Use of Electronic Communications to Lure a Child 13 V.S.A § 2828
12. Careless or negligent operation resulting in serious bodily injury or death as defined in section 1091(b) of Title 23;

The commissioner has authority to add to this list as future review of cases would dictate that they meet the same rational that establish the listed offenses.

Administrative qualifications: To reiterate, the Department is amenable to adjusting the administrative factors which currently preclude an offender from being eligible for work camp, if the town Of St. Johnsbury is also in agreement with those changes. As noted on the front page, under *Convicted of an assault DR within the last 12 months*, an administrative reduction to, for example, 6 months could potentially result in an additional 10 offenders eligible for work camp.

Work Camp Eligibility- The DOC continually evaluates the incarcerated population to identify those who may be eligible for a work camp placement.