Administrative Procedures - Emergency Rule Filing

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" (CVR 04-000-001) adopted by the Office of the Secretary of State, this emergency filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, the Legislative Committee on Administrative Rules and a copy with the Chair of the Interagency Committee on Administrative Rules.

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person, and all filings are to be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

This emergency rule may remain in effect for a total of 180 days from the date it first takes effect.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801(b)(11) for a definition), I believe there exists an imminent peril to public health, safety or welfare, requiring the adoption of this emergency rule.

The nature of the peril is as follows (*PLEASE USE ADDITIONAL SHEETS IF SPACE IS INSUFFICIENT*). The peril requirement of this emergency rule was deemed to have been met by legislature pursuant to 28 V.S.A. § 818(a).

I approve the contents of this filing entitled:

Earned Good Time -	- Repeal of Emergency Rule	
/s/Michael K. Smith (signature)	<u>May 11</u> , <u>2021</u>	(date)
Printed Name and Title: Michael K. Smith,	Secretary of Human Services	

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	Covers	sheet							
	Adopti	ing Pa	ge						
	☐ Economic Impact Analysis								
	☐ Environmental Impact Analysis								
	☐ Strategy for Maximizing Public Input								
	Scienti	ific Inf	formation State	ement (if applicable)					
	Incorp	orated	by Reference	Statement (if applical	ble)				
	Clean	text of	the rule (Ame	ended text without and	otatio	on)			
	Annota	ated te	xt (Clearly ma	rking changes from p	reviou	ıs rule)			

Emergency Rule Coversheet

1. TITLE OF RULE FILING:

Earned Good Time - Repeal of Emergency Rule

2. ADOPTING AGENCY:

Agency of Human Services

3. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Anne Corbin

Agency: Agency of Human Services

Mailing Address: Department of Corrections, Central Office, NOB South, 280 State Drive, Waterbury, VT 05671-2000

Telephone: 802 760 - 8077 Fax:

E-Mail: anne.corbin@vermont.gov

Web URL (WHERE THE RULE WILL BE POSTED):

https://doc.vermont.gov/policies-directives-and-rules

4. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Monica Weeber

Agency: Agency of Human Services

Mailing Address: Department of Corrections, Central Office, NOB South, 280 State Drive, Waterbury, VT 05671-2000

Telephone: 802 598 - 4112 Fax: -

E-Mail: monica.weeber@vermont.gov

5. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE EXEMPTING IT FROM INSPECTION AND COPYING?) NO

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

Emergency Rule Coversheet

6. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).
28 V.S.A. §818 (a)

7. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

The Agency of Human Services is directed by statute to operate a Department of Corrections which is directed to carry out this rule pursuant to 28 V.S.A. §818.

8. CONCISE SUMMARY (150 WORDS OR LESS):

The rule being repealed reinstituted an Earned Good Time (EGT) program for Vermont's Department of Corrections' incarcerated and furloughed offenders. The Rule was implemented on 1/01/2021, per statute. 2021 Act 12 amended the enabling statute, invalidating this Emergency Rule. The Final Proposed Rule, consistent with 2021 Act 12, is scheduled to replace the Emergency Rule. The Department of Corrections continues to implement the Rule, as amended by 2021 Act 12, as it awaits adoption of the Final Proposed Rule (deadline, June 30, 2021).

9. EXPLANATION OF WHY THE RULE IS NECESSARY:

28 V.S.A. §818(a) required the DOC to adopt an emergency rule outlining a "good time" program.

10. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This rule was required by 28 V.S.A. §818, but is now invalid due to 2021 Act 12.

11. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

This rule affected several people, enterprises, and government entities. The eligible offenders, their loved ones, communities, victims, and victims' loved ones are affected. Among the enterprises affected wereprofessional legal advocates, local nonprofit organizations such as the American Civil Liberties Union, O.U.R. House of Central Vermont, Center on Crime Victim Services, and Vermont Network Against Domestic & Sexual Violence. Finally, the government entities affected by the rule included: the Agency of Human Services, specifically the Departments of Corrections, Children and Families, Mental Health, Emergency Rule Coversheet

Health Access, and Disabilities, Aging, and Independent Living as well as the Departments of Labor and Commerce and Community Development and States Attorneys & Defender General Offices. This rule affected victims seeking accurate offender release date information. Making relevant information

available to victims, in support of their empowerment and healing, was of paramount importance to this rule.

12. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

This Emergency Rule imposed substantial economic impact on the DOC, especially for the Sentence Computation (SCU) and Victims Services (VSS) units. Both currently operate at, or beyond, capacity in staff hours; both required the equivalent of 1 full-time staff member (SCU: \$79,890.72) as well as the development and facilitation of training for all relevant staff. The Rule required significantly more work associated with victim notification and supports to crime victims, yet the Department was not in a position to hire new staff. Therefore, VSS and Probation and Parole staff, both already at - or beyond - capacity, were required to spend more staff hours managing victims and included significant overtime and delays in addressing victim-related issues.

13. A HEARING IS NOT SCHEDULED .

14. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION NEEDED FOR THE NOTICE OF RULEMAKING.

Date:	
Time:	AM
Street Address:	
Zip Code:	
Date:	
Time:	AM
Street Address:	
Zip Code:	

Emergency Rule Coversheet

- 15. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):
- 16. EMERGENCY RULE EFFECTIVE: 01/01/2021
- 17. EMERGENCY RULE WILL REMAIN IN EFFECT UNTIL (A DATE NO LATER THAN 180 DAYS FOLLOWING ADOPTION OF THIS EMERGENCY RULE): 04/26/2021
- 18.NOTICE OF THIS EMERGENCY RULE SHOULD NOT BE PUBLISHED IN THE WEEKLY NOTICES OF RULEMAKING IN THE NEWSPAPERS OF RECORD.
- 19.KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Administrative Procedures – Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

- TITLE OF RULE FILING:
 Earned Good Time Repeal of Emergency Rule
- 2. ADOPTING AGENCY: Agency of Human Services
- 3. TYPE OF FILING (PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU BASED ON THE DEFINITIONS PROVIDED BELOW):
 - **AMENDMENT** Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment as long as the rule is replaced with other text.
 - **NEW RULE** A rule that did not previously exist even under a different name.
 - **REPEAL** The removal of a rule in its entirety, without replacing it with other text.

This filing is A REPEAL OF AN EXISTING RULE

4. LAST ADOPTED (PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF THE LAST ADOPTION FOR THE EXISTING RULE):

20-E15, 1/01/2021

Administrative Procedures – Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

Earned Good Time - Repeal of Emergency Rule

2. ADOPTING AGENCY:

Agency of Human Services

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

This rule affected several people, enterprises, and government entities. The eligible offenders, their loved ones, communities, victims, and victims' loved ones are affected. Among the enterprises affected were professional legal advocates, local nonprofit organizations such as the American Civil Liberties Union, O.U.R. House of Central Vermont, Center on Crime Victim Services, and Vermont Network Against Domestic & Sexual Violence. Finally, the government entities

Economic Impact Analysis

affected by the rule included: the Agency of Human Services, specifically the Departments of Corrections, Children and Families, Mental Health, Health Access, and Disabilities, Aging, and Independent Living as well as the Departments of Labor and Commerce and Community Development and States Attorneys & Defender General Offices. This rule affected victims seeking accurate offender release date information. Making relevant information available to victims, in support of their empowerment and healing, was of paramount importance to this rule. The benefits would primarily be borne by the offenders and their loved ones in the form of an earlier release date. These offenders' communities may also incur benefits from the added human capital offenders' presence may provide.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

N/A

5. ALTERNATIVES: Consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objective of the rule.

N/A

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

N/A

7. SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.

N/A

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

N/A

Revised May 5, 2020

Economic Impact Analysis

9. SUFFICIENCY: EXPLAIN THE SUFFICIENCY OF THIS ECONOMIC IMPACT ANALYSIS. The goals of Justice Reinvestment as outlined in Act 148 of 2020 are to create savings in the criminal justice system through the use of data-supported analysis to implement policies and evidence-informed practices that can reduce the population of incarcerated Vermonters. The creation of an earned good time program is one of several strategies that will contribute to the overall savings. If any savings were to be realized, they are intended to be reinvested in strategies that improve public safety and reduce recidivism. A study by the Council of State Governments (CSG) suggested that Vermont has the potential to avert between \$11M to \$14M in criminal justice costs over a 5 year period. However, this averted-cost estimate assumed that the state would make an initial investment of \$2 million to bolster community services around housing and programming that support successful reentry after incarceration. The funding was included in the original version of Act 148 and removed prior to passage. CSG stated that the changes to the earned time program as outlined in Act 12 of 2021 would not have a dramatic impact on the bed savings and diverted costs presented in their original plan. Additionally, CSG recognizes that the projections made in 2019 were made prior to the COVID-19 pandemic. Over the past year, Vermont has seen dramatic reductions in the incarcerated population. Therefore, the projections for any saving or averted costs should be considered within that limited context.

Administrative Procedures - Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

Earned Good Time - Repeal of Emergency Rule

2. ADOPTING AGENCY:

Agency of Human Services

- 3. GREENHOUSE GAS: EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.): N/A
- 4. WATER: EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):

 N/A
- 5. LAND: EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):

 N/A
- 6. RECREATION: EXPLAIN HOW THE RULE IMPACT RECREATION IN THE STATE: N/A
- 7. CLIMATE: EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE: N/A

Environmental Impact Analysis

- 8. OTHER: EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:

 N/A
- 9. SUFFICIENCY: EXPLAIN THE SUFFICIENCY OF THIS ENVIRONMENTAL IMPACT ANALYSIS.

 N/A

Administrative Procedures – Public Input

Instructions:

In completing the public input statement, an agency describes the strategy prescribed by ICAR to maximize public input, what it did do, or will do to comply with that plan to maximize the involvement of the public in the development of the rule.

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

Earned Good Time - Repeal of Emergency Rule

2. ADOPTING AGENCY:

Agency of Human Services

3. PLEASE DESCRIBE THE STRATEGY PRESCRIBED BY ICAR TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE:

ICAR advised the Department to ensure incarcerated persons had an opportunity to provide comment on the proposed rule.

4. PLEASE LIST THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

The Department distributed the proposed rule to incarcerated persons for review and gave them instructions for submitting written comments to the Policy Manager.

5. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

N/A



Vermont Department of Corrections Emergency Earned Good Time Rule #20-E15

I. Authority

This rule is adopted pursuant to 28 V.S.A. § 818 which states that the Department of Corrections shall implement a program of earned good time, and the Vermont Administrative Procedures Act, 3 V.S.A. §§ 800 et seq.

II. Purpose

The purpose of this rule is to ensure the earned good time program implemented by the Department complies with the standards identified in 28 V.S.A. § 818(b).

III. Program

A. Definitions

- 1. Month: is defined as a calendar unit of 28-31 days, proration of which will be determined through the Department of Corrections' Sentence Computation Unit.
- Proration: is the method used to determine earned good time for eligible offenders who are incarcerated for a portion of the month.

B. Eligibility

Sentenced offenders, including those on furlough, are eligible for earned good time beginning January 1, 2021. Earned good time is not available retroactively, and is not available to offenders on probation or parole, offenders eligible for a reduction of term pursuant to 28 V.S.A. § 811, or offenders sentenced to life without parole.

C. Criteria

Offenders will be awarded earned good time for each month they meet both of the following criteria:

- 1. The offender has not been adjudicated of a major disciplinary rule violation as outlined in Department facility rules. "Adjudicated" rule violations do not include pending violations, or violations that remain subject to appeal rights.
- 2. The offender is not reincarcerated from the community for a violation of release conditions. Offenders who lose their residences through no fault of their own, however, shall not be deemed reincarcerated under this provision and shall remain eligible for earned good time.

IV. Term Reductions

A. Amount

Offenders who meet the eligibility criteria shall earn a reduction of seven (7) days on the minimum and maximum sentence for each month during which the offender adheres to such criteria.

B. Exception

An offender receiving post-adjudication treatment for a substance abuse disorder in a residential setting is not eligible to earn a reduction of seven (7) days each month, but shall earn a reduction of one day on the minimum and maximum sentence for each day the offender receives the inpatient treatment.

C. Calculation

The Department will calculate and award earned good time to offenders, as provided in 28 V.S.A. § 818(b)(2), for each month they meet the criteria listed in Sections III and IV, above. The Department will apply a calculation rubric of proration (see Earned Good-Time Prorate Chart, below) that equitably awards earned good time in whole days based on the number of incarcerated whole days for offenders who are incarcerated for less than the whole month (i.e., fewer than 28 days). This rubric applies the 7 day/month-formula established by 28 V.S.A. § 818.

Earned Good Time Prorate Chart

Eligible offenders can earn up to 7 days of Earned Good Time each month on their minimum and maximum sentence. Prorated Earned Good Time will be determined by the number of days per month earned.

# days	1-9 days	10-18 days	19 27 days	28-31 days
incarcerated				•
(includes)	
furloughs) per				
month				
# days on	2	4	6	7
minimum &				
maximum				
sentence				

D. Notification

1. Offender Notification

No less frequently than every 90 days, the Department will provide notice to the offender of any earned good time reduction to the offender's term of supervision.

The Department will document and record all such reductions in each offender's permanent record monthly.

2. Victim Notification

The Department will maintain a victim-accessible system of information on earned good time sentence reductions. The Department will ensure that all victims of record are notified of the earned good time program and of their right to access information on earned good time-related changes to offenders' sentences. Victims may choose to decline access to such information.

V. Considerations

A. Out-of-State Offenders

Offenders serving Vermont sentences in out-of state facilities can earn good time under the same process as if they were housed in a Vermont facility, as long as they are otherwise eligible pursuant to the requirements set out in 28 V.S.A. § 818(b).

B. Minimum Release Eligibility

Offenders earning good time credit on their minimum sentences are *eligible* for release on the new minimum date. They are not automatically released on the new minimum date.

The Vermont Statutes Online

Title 28: Public Institutions And Corrections

Chapter 011: Supervision Of Adult Inmates At The Correctional Facilities

Subchapter 003: Care Of Inmates

(Cite as: 28 V.S.A. § 818)

§ 818. Earned good time; reduction of term

- (a) On or before September 1, 2020, the Department of Corrections shall file a proposed rule pursuant to 3 V.S.A. chapter 25 implementing an earned good time program to become effective on January 1, 2021. The Commissioner shall adopt rules to carry out the provisions of this section as an emergency rule and concurrently propose them as a permanent rule. The emergency rule shall be deemed to meet the standard for the adoption of emergency rules pursuant to 3 V.S.A. § 844(a).
- (b) The earned good time program implemented pursuant to this section shall comply with the following standards:
- (1) The program shall be available for all sentenced offenders, including furloughed offenders, provided that the program shall not be available to offenders on probation or parole, to offenders eligible for a reduction of term pursuant to section 811 of this title, or to offenders sentenced to life without parole. Offenders currently serving a sentence shall be eligible to begin earning a reduction in term when the earned good time program becomes effective.
- (2) Offenders shall earn a reduction of seven days in the minimum and maximum sentence for each month during which the offender:
 - (A) is not adjudicated of a major disciplinary rule violation; and
- (B) is not reincarcerated from the community for a violation of release conditions, provided that an offender who loses a residence for a reason other than fault on the part of the offender shall not be deemed reincarcerated under this subdivision.
- (3) An offender who receives post-adjudication treatment in a residential setting for a substance use disorder shall earn a reduction of one day in the minimum and maximum sentence for each day that the offender receives the inpatient treatment. While a person is in residential substance abuse treatment, he or she shall not be eligible for good time except as provided in this subsection.
 - (4) The Department shall:
 - (A) ensure that all victims of record are notified of the earned good time program

at its outset and made aware of the option to receive notifications from the Department pursuant to this subdivision;

- (B) provide timely notice not less frequently than every 90 days to the offender any time the offender receives a reduction in his or her term of supervision pursuant to this section;
- (C) maintain a system that documents and records all such reductions in each offender's permanent record; and
- (D) record any reduction in an offender's term of supervision pursuant to this section on a monthly basis and ensure that victims who want information regarding changes in scheduled release dates have access to such information. (Added 2019, No. 56, § 2, eff. June 10, 2019; amended 2019, No. 148 (Adj. Sess.), § 14, eff. July 13, 2020.)



Proposed Rules Postings A Service of the Office of the Secretary of State

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Search Rules

Deadline For Public Comment

Deadline: Unavailable.

The deadline for public comment is unavailable for this rule. Contact the agency or primary contact person listed below for assistance.

Rule Details

Rule Number:

21-E07

Title:

Earned Good Time - Repeal of Emergency Rule.

Type:

Emergency

Status:

Adopted

Agency:

Summary:

Department of Corrections, Agency of Human

Services

Legal Authority:

28 V.S.A. §818(a)

The rule being repealed reinstituted an Earned Good Time (EGT) program for Vermont's Department of

Corrections' incarcerated and furloughed

offenders. The Rule was implemented on 1/01/2021, per statute. 2021 Act 12 amended the enabling statute, invalidating this Emergency Rule. The Final

Proposed Rule, consistent with 2021 Act 12, is scheduled to replace the Emergency Rule. The Department of Corrections continues to implement the Rule, as amended by 2021 Act 12, as it awaits adoption of the Final Proposed Rule (deadline, June 30, 2021).

This rule affected several people, enterprises, and government entities. The eligible offenders, their loved ones, communities, victims, and victims' loved ones are affected. Among the enterprises affected were professional legal advocates, local nonprofit organizations such as the American Civil Liberties Union, O.U.R. House of Central Vermont, Center on Crime Victim Services, and Vermont Network Against Domestic & Sexual Violence. Finally, the government entities affected by the rule included: the Agency of Human Services, specifically the Departments of Corrections, Children and Families, Mental Health, Emergency Rule Coversheet Health Access, and Disabilities, Aging, and Independent Living as well as the Departments of Labor and Commerce and Community Development and States Attorneys & Defender General Offices. This rule affected victims seeking accurate offender release date information. Making relevant information available to victims, in support of their empowerment and healing, was of paramount This Emergency Rule imposed substantial economic

impact on the DOC, especially for the Sentence Computation (SCU) and Victims Services (VSS) units. Both currently operate at, or beyond, capacity in staff hours; both required the equivalent of 1 full-time staff member (SCU: \$79,890.72) as well as the development and facilitation of training for all relevant staff. The Rule required significantly morework associated with victim notification and supports to crime victims, yet the Department was not in a position to hire new staff. Therefore, VSS and Probation and Parole staff, both already at - or beyond - capacity, were required to spend more staff hours managing victims and included significant overtime and delays in addressing victim-related

issues.

May 12,2021

Persons Affected:

Economic Impact:

Posting date:

Hearing Information

There are not Hearings scheduled for this Rule

Contact Information

Information for Primary Contact

PRIMARY CONTACT PERSON - A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE.

Level:

Primary

Name:

Anne Corbin

Agency:

Department of Corrections, Agency of Human Services

Address:

Central Office, NOB South, 280 State Drive

City:

Waterbury

State:

VT

Zip:

05671-2000

Telephone:

802-760-8077

Fax:

Email:

anne.corbin@vermont.gov

Adding Selection

Website

https://doc.vermont.gov/policies-directives-and-rules

Address:

Information for Secondary Contact

SECONDARY CONTACT PERSON - A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON.

Level:

Secondary

Name:

Monica Weeber

Agency:

Department of Corrections, Agency of Human Services

Address:

NOB 2, 280 State Drive

City:

Waterbury

State:

VT

Zip:

05671-2000

Telephone:

802-598-4112

Fax:

Email:

monica.weeber@vermont.gov

Marie Land Land Land

Keyword Information

Keywords:

Good Time
Reduction
Release

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