

<p style="text-align: center;">STATE OF VERMONT AGENCY OF HUMAN SERVICES DEPARTMENT OF CORRECTIONS</p>	<p style="text-align: center;">Pretrial Supervision</p>		<p style="text-align: center;">Page 1 of 6</p>
<p style="text-align: center;">CHAPTER: DISTRICT OFFICES – GENERAL</p>	<p style="text-align: center;">#349</p>	<p>Supersedes: New</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> <hr style="width: 30%; margin-left: 0;"/> <p>Nicholas J. Deml, Commissioner Date Signed Date Effective</p>			

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, 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; ensure defendants’ attendance at court appearances; and decrease their potential to recidivate while awaiting trial.

GENERAL PROCEDURES

A. Referrals

1. Upon receiving a referral from the court for a defendant to be placed in the PSP, the assigned Probation and Parole Officer (PPO) shall review the case to determine if the defendant has either:
 - a. Violated conditions of release pursuant to 13 V.S.A. § 7559; or
 - b. Five or more pending court dockets.
2. In addition, the PPO 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 DOCs Telephone Reporting Monitoring 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 PPO 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 PPO shall:
 - a. 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

- b. Complete the Pretrial Supervision 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 PPO 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 PPO shall not recommend them as a candidate for the PSP. The PPO 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 PPO 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 PPO as directed; and
 - c) Complying with telephone monitoring or report in person, as required by the PPO.

B. Intake of Defendants on Pretrial Supervision

1. Administrative staff shall complete of the following steps during the intake of a defendant on pretrial supervision:
 - a. Take a digital picture on a plain white background, with no board, and import into OMS;
 - 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 in OMS;
 - c. Enter the individual's legal status and type;
 - d. Enter the individual's charges and charge status as needed;
 - e. Upload, or verify, all case documents, and that they are in each of the relevant charges and counts;
 - f. Print an ID face sheet, and put one copy into the defendant's local record; and
 - g. Assign a PPO.
2. The assigned PPO shall complete 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, outlining the current offense(s), and the individual's supervision status in OMS; and
 - d. Conduct the TRSP intake, and regularly update the system, by completing the following:
 - i. Enter a thorough and complete contact note in OMS prior to referring the case to TRSP;
 - ii. Enter the TRSP conditions and any completion dates that are set by the court;

- iii. Enter, and regularly update, any court dates in the TRSP;
- iv. Explain to the defendant that failing to follow through with TRSP expectations or meet completion deadlines for court-ordered conditions of release will result in the State's Attorney being notified of the violation; and
- v. Ensure the proper legal status is in OMS to document the enrollment of a defendant in TRSP;
- vi. Upload the TRSP agreement to OMS.

C. Supervision of Defendants on Pretrial Supervision

1. The assigned PPO shall supervise individuals in the PSP according to their PTSL, as follows:
 - a. Individuals with a PTSL of P1 shall be monitored through the Telephone Reporting Supervision Program (TRSP) system only;
 - b. Individuals with a PTSL of P2 shall be monitored through:
 - i. The TRSP system; and
 - ii. Two calls from their assigned PPO per month;
 - c. Individuals with a PTSL of P3 shall be monitored through:
 - i. The TRSP system;
 - ii. One call from their assigned PPO per week; and
 - iii. One required in-person office visit per month.
2. The PPO shall coordinate the provision of the AGO's pretrial services, when applicable.

D. Case Reviews

The assigned PPO 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.

E. Violations

If a defendant violates a condition of supervision, the PPO 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 detailing the details of the violation.

F. 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 sentenced on all dockets associated with the pretrial supervision;
or
3. Have had the pretrial supervision revoked by the court.