

Pretrial Supervision Program

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Joint Legislative Justice Oversight Committee's Mandate

- Review the Pretrial Supervision Program
- Provide recommendations to the Department of Corrections and General Assembly on the most prudent use of any funds appropriated to the Program and the geographic areas to first implement the Program
 - Due to DOC by September 1, 2024
 - Due to GA by November 15, 2024



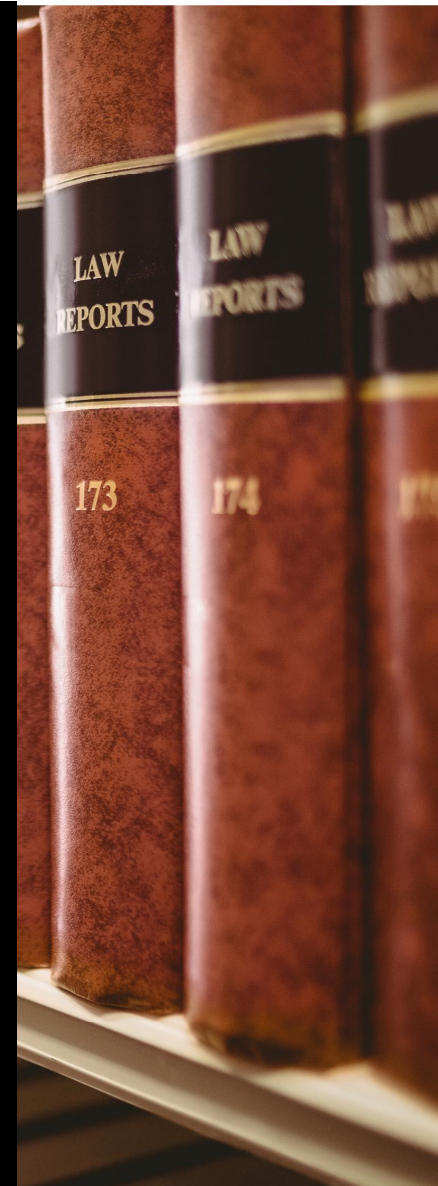
Overview of the Pretrial Supervision Program

- Governed by 13 V.S.A. § 7555
- Imposed as a condition of release under 13 V.S.A. § 7554(a)(1)(H) or § 7554(a)(2)(G)
- Only certain defendants are eligible for placement in the Program
- Court ordered – the court determines whether eligible defendants are suitable for placement
- DOC administered – various supervision levels, determined by evidenced-based screenings conducted by DOC
- Compliance and review procedure



Governing Statutes

- 13 V.S.A. § 7554
 - Governs release prior to trial
 - Court assesses various factors to determine if conditions of pretrial release need to be imposed on a defendant
 - Risk of flight; seriousness of offense; number of offenses, current conditions already imposed for pretrial release, probation, furlough, parole, or other type of release; compliance with court orders and appearances in a criminal prosecution; character and mental condition; ties and length of residence in community; record of convictions; and any other relevant factors
 - Pretrial supervision is a new condition added to those that can be imposed
- 13 V.S.A. § 7555
 - The purpose of the Pretrial Supervision Program is to assist eligible people through the use of evidence-based strategies to improve pretrial compliance with conditions of release, to coordinate and support the provision of pretrial services when appropriate, to ensure attendance at court appearances, and to decrease the potential to recidivate while awaiting trial

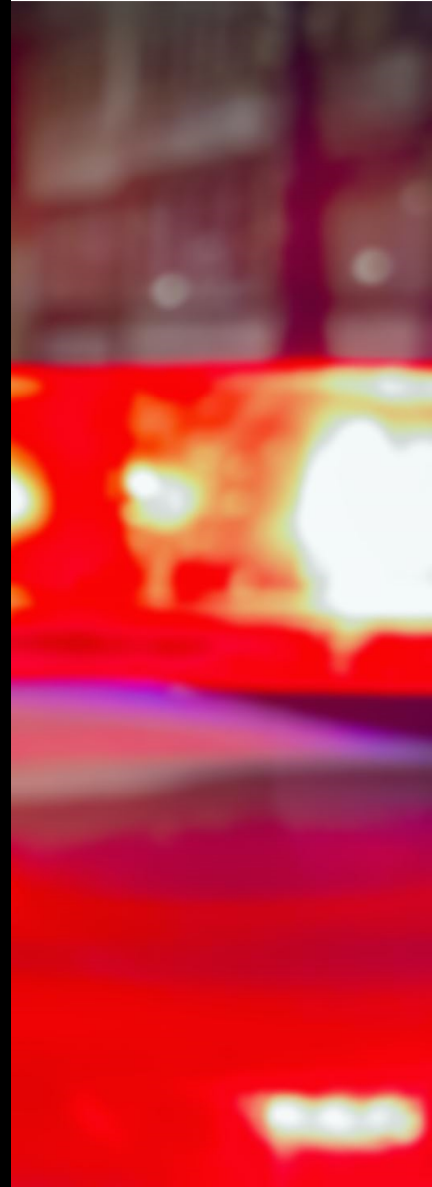


Eligibility Criteria

- Defendant accused of violating conditions of release pursuant to 13 V.S.A. § 7559

OR

- Defendant has not fewer than five pending court dockets



Procedure

- At arraignment or a subsequent hearing, a party or the court may move that an eligible defendant be reviewed to determine whether placement in the Program is appropriate
- Review is scheduled upon receipt of DOC report containing recommendations pertaining to defendant's supervision level
- Court reviews the report and schedules a hearing to determine if placing defendant in the Program will reasonably ensure defendant's appearance in court when required, will reasonably mitigate the risk of flight, or reasonably ensure protection of the public. Court considers:
 - Nature of the violation of conditions of release pursuant to 13 V.S.A. § 7559
 - Nature and circumstances of the underlying offense or offenses;
 - Prior convictions, history of violence, medical and mental health needs, history of supervision, and risk of flight;
 - Any risk or undue burden to third parties or risk to public safety that may result from placement; or
 - Any other factors that the court deems appropriate.



Supervision Levels

- DOC's telephonic monitoring system
- Telephonic meetings with a pretrial supervision officer
- In-person meeting with a pretrial supervision officer
- Electronic monitoring; or
- Any other means of contact deemed appropriate



Compliance and Review

- Pretrial supervision officers shall notify prosecutor and use reasonable efforts to notify the defendant of any violations of court-imposed Program conditions committed by defendant
- Pretrial supervision officers may notify the prosecutor and use reasonable efforts to notify the defendant of any violations of Department-imposed administrative conditions committed by defendant
- The parties or the court may move for the court to review the defendant's pretrial supervision conditions
- Prosecutor may file the Pretrial supervision officer's sworn affidavit with the court to issue an arrest warrant for a defendant who fails to report to the pretrial supervision officer, commits multiple violations of supervision requirements, or has absconded





Policies, Procedures, and Program Support

- By November 1, 2024, DOC must establish written policies and procedures for the Program for use by the Department and any contractors or grantees that the Department engages with to assist with the monitoring operations of the Program and to assist the courts in understanding the Program
- DOC must also develop policies and procedures concerning supervision levels, evidence-based criteria for each supervision level, and the means of contact appropriate for each level
- DOC may engage with any public entity that meets its criteria to assist in operating the Program through grants or contracts for services
- Program is contingent on funding for it to operate





Committee's task

Provide recommendations to the Department of Corrections and General Assembly on the most prudent use of any funds appropriated to the Program and the geographic areas to first implement the Program

