

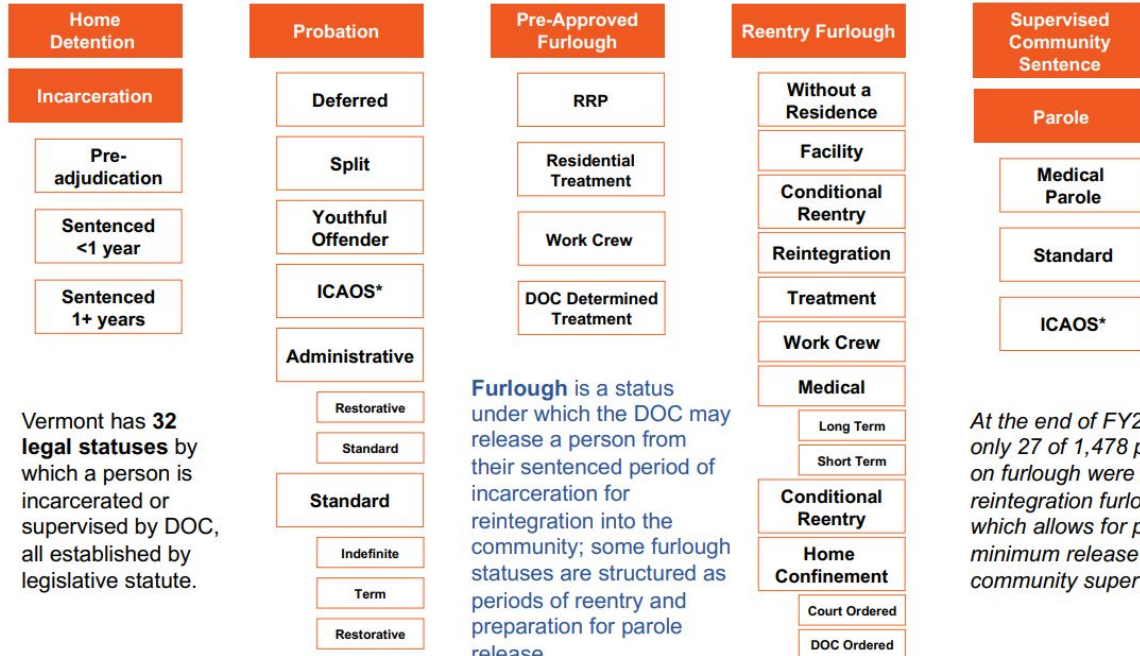


Department of Corrections

H.379

CSG: Vermont's Complicated Legal Statuses

Vermont's legal system for incarcerating and supervising people in the community is undermined by its complexity and the definition of furlough as an extension of incarceration.



Current Framework

During Justice Reinvestment II, CSG found Vermont has more than 30 different legal statuses, including some common current pathways for release:

- **Furlough**
- **Medical Furlough**
- **Parole**
- **Presumptive Parole**
- **Post-Conviction Relief (PCR)**
- **Probation (split to serve)**
- **Midpoint Review (discharge from probation)**
- **70% Rule (28 V.S.A. § 204b)**

Data

Estimated Vermont Per Diem Incarceration Cost

- \$299

Point in time:

- Individuals in custody today who have served at least 15 years: **104**

Min/Max Sentences:

- Minimum at least 15 years: **147**
- Maximum at least 15 years: **295**

Life With/Without Parole:

- LWP = **119***
- LWOP: **11**

**Estimate based on max release date*



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VERMONT DOC LEGAL STATUS OVERVIEW

Incarceration

1/28/2025 count: **1,452**

Detained

1/28/2025 count: **462**

Incarcerated while awaiting trial (pre-adjudicated)

Sentenced

1/28/2025 count: **895**

Incarcerated after conviction of crime(s) (adjudicated)

Hold

1/28/2025 count: **95**

Incarcerated for US Marshals or other jurisdiction

Home Detention

1/28/2025 count: **8**

Program of confinement and supervision that restricts an individual to a preapproved residence continuously, except for authorized absences

Furlough

1/28/2025 count: **183**

Pre-Approved Furlough

1/28/2025 count: **2**

Sentenced to community with prior approval of Commissioner of Corrections. Includes more stringent rules for behavior, such as treatment conditions

Alternative Community Sentence

1/28/2025 count: **0**

Community service program with sentence to **Pre-Approved Furlough** to a maximum of 60 days, with an interrupted daily sentence. The individual is only on supervision while conducting community service work.

Medical Furlough

1/28/2025 count: **1**

Released to accommodation deemed suitable by the Commissioner of Corrections due to terminal or debilitating condition

Community Supervision Furlough

1/28/2025 count: **180**

After minimum incarcerated sentence is reached, released to community under conditions of furlough

Supervised

Community Sentence

1/28/2025 count: **0**

Judge sentences individual to a set of conditions with an intermediate sanctions program under supervision of DOC. The Parole Board is the appointed authority and violations are resolved through a Parole Hearing

Parole

1/28/2025 count: **624**

The release of an incarcerated individual to the community before the end of their sentence subject to conditions imposed by the Parole Board and subject to the supervision and control of the Commissioner of Corrections. Violations are resolved through a Parole Hearing

Probation

1/28/2025 count: **3,330**

An individual found guilty of a crime upon verdict or plea, is released by the court without confinement, subject to the conditions and supervision by the Commissioner of Corrections. This is a contract between the individual and the court, to abide by conditions in return for the court not imposing a sentence of confinement. Violation of this sanction requires due process, with a court hearing, counsel, and preponderance of evidence

Pretrial Supervision

1/28/2025 count: **1**

Eligible defendants are referred by the court and supervised by the DOC to assist in compliance to conditions of release, support provision of pretrial services, ensure court attendance, and decrease potential to recidivate while awaiting trial

**The point-in-time counts include those under active supervision, so absconders are not included*

Less restrictive