



AN OVERVIEW OF POINTS OF INTERSECTION BETWEEN THE COURTS AND DOC

**House Committee on Corrections and Institutions
January 21, 2025**

1

Vermont Judiciary Mission Statement

The mission of the Vermont Judiciary is to provide equal access to justice, protect individual rights, resolve legal disputes fairly and timely, and provide everyone the opportunity to have their day in court.



2

DOC – Vision*

[To] create safety and equity by seeing potential, supporting change, and serving communities.

* From DOC website <https://doc.Vermont.gov>



3

Working together

- Statutes and Rules set out responsibilities
- DOC and the judicial system intersect in numerous ways every day
- During business hours and “after-hours”
- Both the courts and DOC are open for business 24/7/365



4

DOC having "custody" of persons (pre-sentence)

- Detention arising from arrests for new charges
- Detention arising from arrests on warrants



5

After Hours detention

- DOC follows bail/HWOB order
- Persons can be bailed out at the facility
- Holds person until they attend hearing
- Hearing may be remote or in person
- Transports for in person done by sheriff



6

Remote arraignments

- DOC facilitates remote arraignments (Note: often sheriff transport teams assist at SSCF)
- Facilitation includes contact with legal counsel
- Facilitation does NOT include DOC providing paperwork/having documents signed



7

Remote arraignments

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- Facilitation includes contact with legal counsel
- Facilitation does NOT include DOC providing paperwork/having documents signed
- DOC releases person if ordered by the court under conditions of release



8

Post Arraignment

- DOC provides reports for home detention consideration when ordered
- DOC provides supervision under home detention if ordered by court
- DOC provides presentence investigations
- DOC appears at court for sentencing



9

Post Arraignment

- DOC is available as a resource to court and parties to provide recommendations or information (i.e. treatment programs, sentence structure, suitability of proposed residences, conditions of supervision etc...)
- In some counties DOC as a matter of practice has a representative at court for proceedings to serve as a resource



10

Sentence

- DOC supervises sentenced persons in the community on probation
- DOC has custody of sentenced persons serving "to serve" sentences in a facility and on furlough
- DOC responsible for programming and treatment decisions



11

Probationers

- DOC responsible for filing violations of probation with court
- DOC may arrest probationer
- DOC appears at hearings relating to VOP and its disposition



12

Detained individuals

- DOC facilitates remote proceedings (for certain case types) for the court



13

Day to Day interactions

- Daily emails from DOC to criminal divisions advising who has been incarcerated and needs to be seen in lodging block as a result of bail, extradition, or arrest warrant
- Court sends Conditions of release, information about whether a lodged defendant is released after arraignment back to DOC



14

Day to Day interactions

- Court emails DOC through their alias email group to set up Webex hearing for criminal cases and TPR hearings only
- For all other hearing types, court calls DOC on attorney line using provided PIN number and requests defendant be brought to phone to participate in hearing



15

Day to Day interactions

- DOC sends monthly list of all defendants held on bail
- DOC takes bail payments afterhours and sends receipt and check from their bail account to the court
- Court notifies DOC and provides release order if bail is posted during court hours



16

Day to Day interactions

- DOC notified of all prisoner cases that are filed, enters appearance if appropriate
- DOC often helps prisoners with forms and legal resources for prisoner cases
- Litigants in some case types (case manager, RFA, some civil) ask the court to participate in hearings by phone often through their case worker



17

Day to Day interactions

- DOC communicates to courts if interest of justice hearing needs to be set in some cases
- All sentencing paperwork sent electronically to DOC and Probation if probation is ordered
- DOC attends criminal bench bar meetings
- Court sends paperwork to DOC for sentences and other case related information



18

Day to Day interactions

- Chief Superior Judge (CSJ) and TCO chief meet regularly with DOC representatives along with SA and Def Gen representatives
- CSJ meets with Commissioner and other DOC representatives to discuss issues and solutions to issues which may arise



19

Day to Day interactions

- DOC provides daily population count reports to Chief Superior Judge and other stakeholders
- DOC provides Judiciary with data and reports when requested
- DOC assists with new judge orientation session and facilitates facility tours for new judges



20

Questions?

Thank you for the opportunity to testify.

