

# Parole Board 101

Vermont Parole Board

# General Information

- Parole is established in Title 28, Chapter 7 of the Vermont Statutes.
- Parole Board Members & Office Staff
  - The Parole Board is comprised of 7 board members and 3 full time office staff.
  - Hearings are held with a quorum of 3 board members. All board members, including alternates, are distributed between the hearings.

Board Members	Office Staff
Dean George, Chair	Mary Jane Ainsworth, Director
Patricia Boucher, Vice Chair	Colby Leno, Administrative Staff
Wayne Dengler	Carla Vecchione, Administrative Staff
Tom Giffin	
Katie Aiken	
Linn Caroleo, Alternate	
Samantha Drake, Alternate	

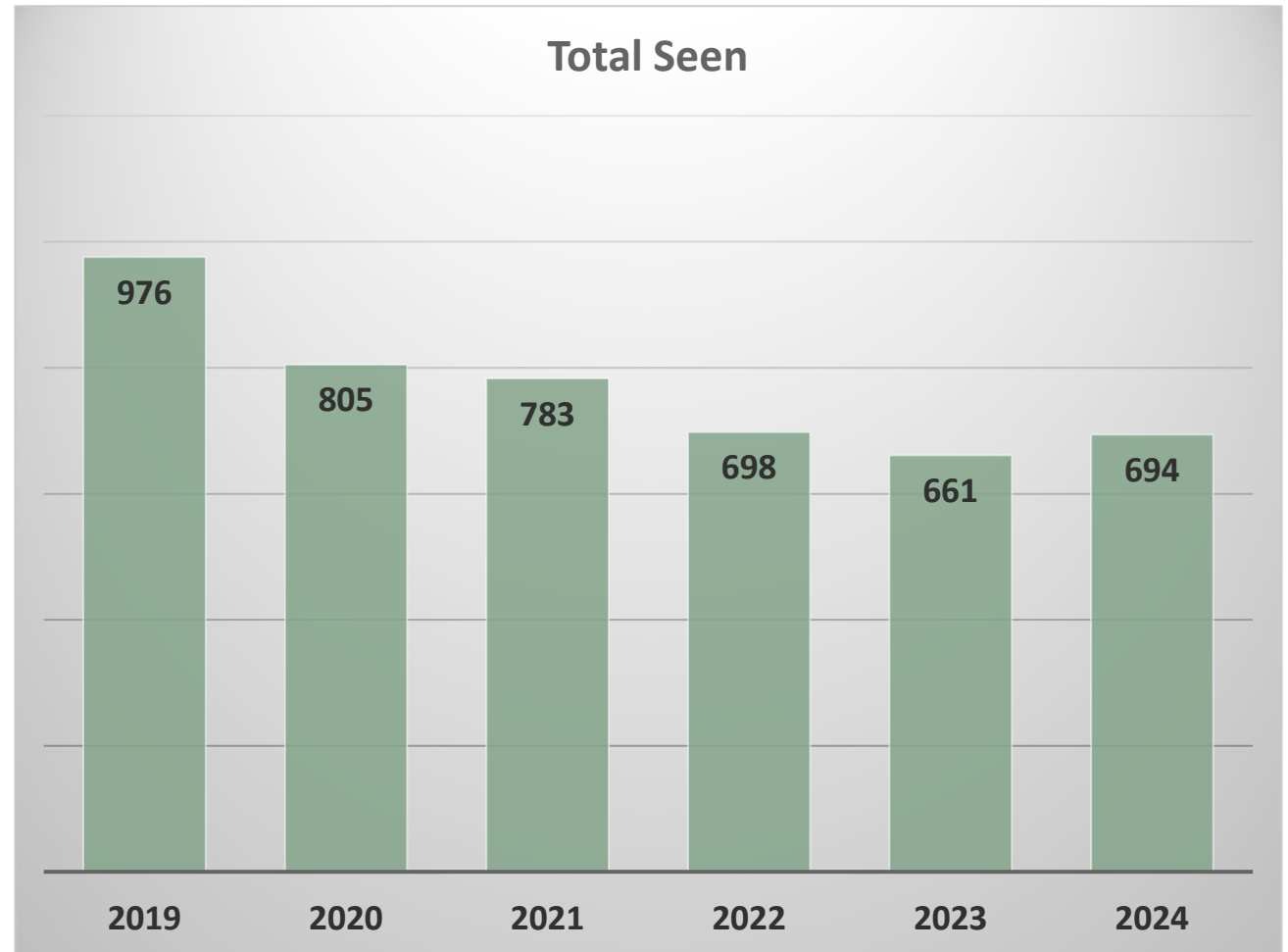
# Hearings

The Parole Board conducts the following types of hearings and reviews virtually using Microsoft Teams at 19 DOC sites each month:

- Parole Hearings
- Presumptive Parole Administrative Reviews
- Annual Record Reviews
- Parole Violation
- Reprimand
- Early Termination of Parole
- Condition Modification
- Parole Rescission
- SCS Hearings (Violations, Minimum, Early Termination)
- Probable Cause/Bail Hearings

# Total Number of Individuals Seen 2019-2024

*In 2024 the Board saw 694 individuals for various hearings. In addition to those that were seen, 152 individuals waived their hearing (128 for initial eligibility hearings and 24 for parole violation hearings).*

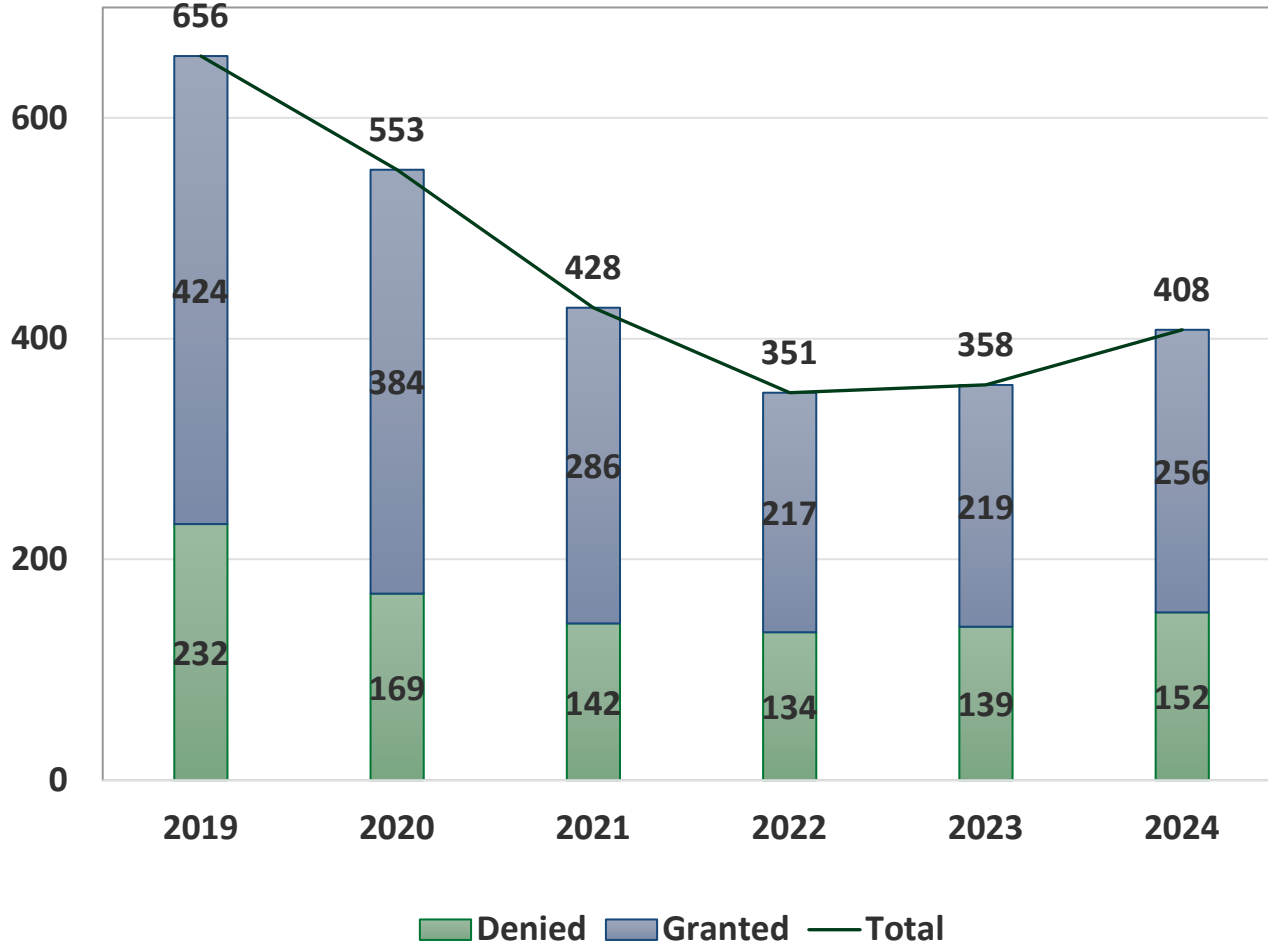


# Parole Process

An inmate may be granted parole through one of four processes:

1. Presumptive Parole
  - An individual must meet presumptive parole criteria outlined in 28 V.S.A. §501a.
  - The Board conducts an administrative review of all inmates meeting the criteria that are referred to the Board by DOC.
  - The Board may deny presumptive release and set an initial parole interview hearing if it determines, through its administrative review, that a victim or victims should have the opportunity to participate in a parole hearing.
2. Initial Parole Interview
  - Inmates are eligible for an initial parole interview as follows:
    - Not eligible for presumptive parole.
    - Denied presumptive parole and a hearing is set (see third bullet in 1 above).
    - Inmate has served the minimum term of their sentence.
    - Within 12 months after commitment to a correctional facility for inmates receiving a sentence with no minimum term or a zero minimum.
    - Offenders' who are designated by the Department of Corrections as high-risk sex offenders while serving his or her sentence shall not be eligible for parole until the expiration of 70 percent of his or her maximum sentence. (28 V.S.A. § 204b).
    - An offender may waive their initial parole interview. 128 offenders waived their initial parole interview in 2024.
3. Subsequent Consideration for Parole
  - Interview requested by DOC, often with a positive recommendation.
  - Interview requested by the offender at the time of their annual review.
  - The Board requests an interview based on the information reviewed during an annual review.
4. Medical Parole
  - Medical parole can occur prior to the expiration of the minimum sentence length.
  - An offender must have a serious medical condition that would render the offender unlikely to be physically capable of presenting a danger to the community.

## Total Parole Hearings



# Parole Hearings 2019-2024

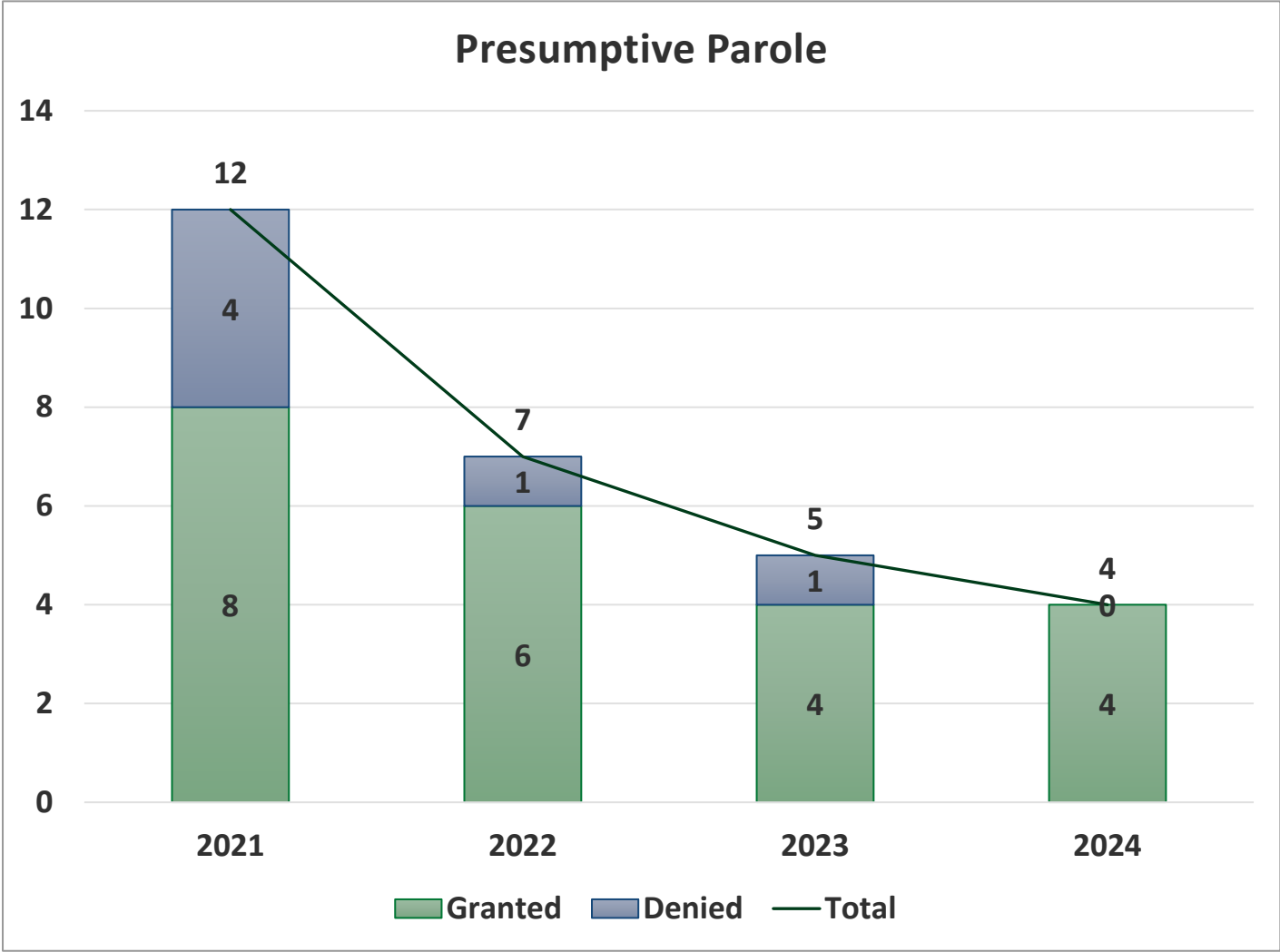
# Changes to Parole Supervision

Justice Reinvestment II legislation (Act 148 of 2020) led to changes to parole supervision. Changes made:

- Decrease the number of individuals on furlough supervision and increase the number of individuals on parole supervision.
- Supervise all supervised individuals by risk level. Previously parole was seen as a step-down status.
- Institute presumptive parole.

# Presumptive Parole

- Presumptive parole was created in the Justice Reinvestment II legislation (Act 148). It went into effect on January 1, 2021
- For the first two years, presumptive parole applied to individuals who were not serving a sentence for a crime specified in 13 V.S.A § 5301 (listed offenses).
- Beginning January 1, 2023, the presumptive parole statute changed to include individuals sentenced to a crime specified in 13 V.S.A § 5301 (listed crimes) but is not serving a sentence for committing a crime specified in 33 V.S.A § 5204(a).





# Presumptive Parole Eligibility

28 V.S.A. § 501a: An inmate who is serving a sentence of imprisonment shall be eligible for presumptive release in accordance with subsection 502a(e) of this title at the expiration of the inmate's minimum or aggregate minimum term of imprisonment if the inmate:

- (1) has acquired no new criminal conviction while incarcerated or on supervision for the current offense;
- (2) has no outstanding warrants, detainers, commitments, or pending charges;
- (3) is compliant with the required services and programming portion of the inmate's case plan during the period of incarceration if the inmate is incarcerated for less than 90 days or is compliant for the 90 days preceding the completion of the inmate's minimum term if the inmate is incarcerated for 90 days or more;
- (4) is compliant with the conditions of supervision if the offender is supervised in the community on furlough during:
  - (A) the entire period of supervision if the term of supervision is less than 90 days; or
  - (B) the 90 days prior to the consideration of parole eligibility if the term of supervision is 90 days or more;
- (5) has no major disciplinary rule violation or pending infractions during the period of incarceration if the inmate is incarcerated for less than 12 months or has no major disciplinary rule violations or pending infractions during the preceding 12 months if the inmate is incarcerated for 12 months or more;
- (6) has not had parole revoked on the inmate's current sentence; and
- (7) is not serving a sentence for committing a crime specified in 33 V.S.A. § 5204(a)

# Presumptive Parole Review Process

## 28 V.S.A. § 502a

(e)(1) The Department shall identify each inmate meeting the presumptive parole eligibility criteria in section 501a of this title and refer each eligible inmate who does not meet the risk criteria set forth in subdivision (2) of this subsection to the Parole Board for an administrative review at least 60 days prior to the inmate's eligibility date.

(2) The Department shall screen each inmate it identifies as eligible for presumptive parole for the risk criteria set forth in this subdivision. If the Department determines that, based on clear and convincing evidence, there is a reasonable probability that the inmate's release would result in a detriment to the community, or that the inmate is not willing and capable of fulfilling the obligations of parole, the Department shall, at least 60 days prior to the inmate's eligibility date, refer the inmate to the Parole Board for a parole hearing.

(3)(A) Within 30 days of the inmate's eligibility date, the Parole Board shall conduct an administrative review of each inmate the Department identifies as eligible for presumptive release who does not meet the risk criteria set forth in subdivision (2) of this subsection. The Board may deny presumptive release and set a hearing if it determines, through its administrative review, that a victim or victims should have the opportunity to participate in a parole hearing. If the Board determines there is a victim or victims who should be notified, the Department shall notify the victim or victims, and the Board shall provide them with the opportunity to participate in a parole hearing.

(B) The Parole Board shall conduct a parole hearing pursuant to section 502 of this title for each eligible inmate that the Department determines meets the risk criteria in subdivision (2) of this subsection.

# Annual Reviews

- For individuals who are denied parole at their initial parole interview, the Board shall review the individual's Parole Board file annually, which shall include an updated parole summary from DOC, for possible parole at the anniversary of their eligibility date. These reviews are done administratively without an interview of the offender. An interview may be scheduled under the following circumstances:
  - The individual requests in writing an in person review; or
  - After review of the individual's Parole Board file and updated parole summary, the Board may request an interview of the individual based on the information reviewed. The in person review request, shall follow a majority vote of the board members present at the annual review, supporting the request.

The Parole Board conducted the following in 2024:

- 200 annual reviews
- 47 Offender Requested In Person Reviews
- 6 Board Requested In Person Reviews

# Responding to Violating Behavior

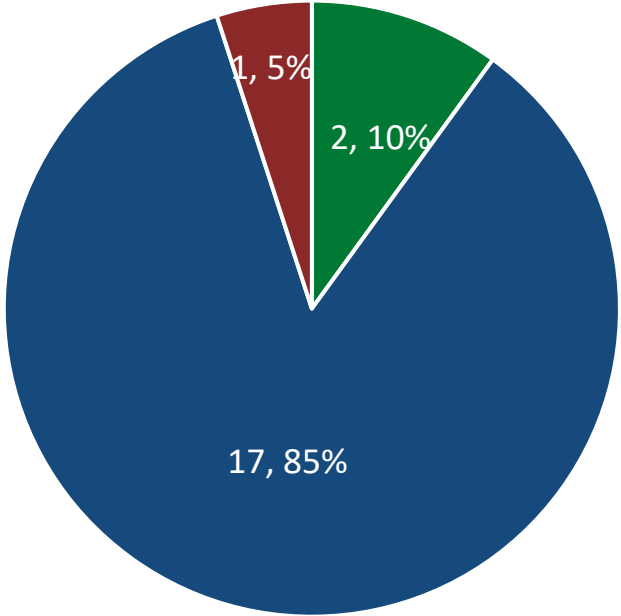
The Parole Board holds reprimand and violation proceedings for individuals alleged to have violated the terms and conditions of their parole.

- Reprimand Proceeding
  - In lieu of formal violation proceedings, a supervising parole officer may request that the Board deliver a verbal reprimand to a parolee who has exhibited conduct in violation of his or her parole conditions.
  - The Board determines if they will deliver a formal reprimand to the parolee, or the Board may request that the supervising parole officer initiate formal violation proceedings.
- Parole Violation Proceeding
  - Offender has the right to be represented by counsel. Generally, counsel from the Prisoners' Rights Office represents the individual.
  - Proceeding is held in two parts:
    - Evidentiary – All evidence is presented, and each side may call witnesses to testify. The Board will determine if the parolee violated one or more conditions.
    - Disposition - If the Board determines the parolee did violate one or more conditions, the Board will seek recommendations from the supervising officer and the parolee for the outcome of the hearing. The Board will determine the outcome.
      - Hearing Outcomes
        - Continue the parolee on parole with a reprimand, and may also include:
          - A requirement for additional or modified parole conditions and/or
          - An incarcerative sanction of no more than 30 days.
        - Revoke parole. The individual will be reincarcerated if in the community pending the violation hearing.

# Reprimand Hearing Data

Reprimand Hearings			
2024	Technical	New Offense	Both
Reprimanded	14	2	1
Move to Parole Violation Hearing	3	0	0
<b>Total Cases</b>	<b>17</b>	<b>3</b>	<b>1</b>

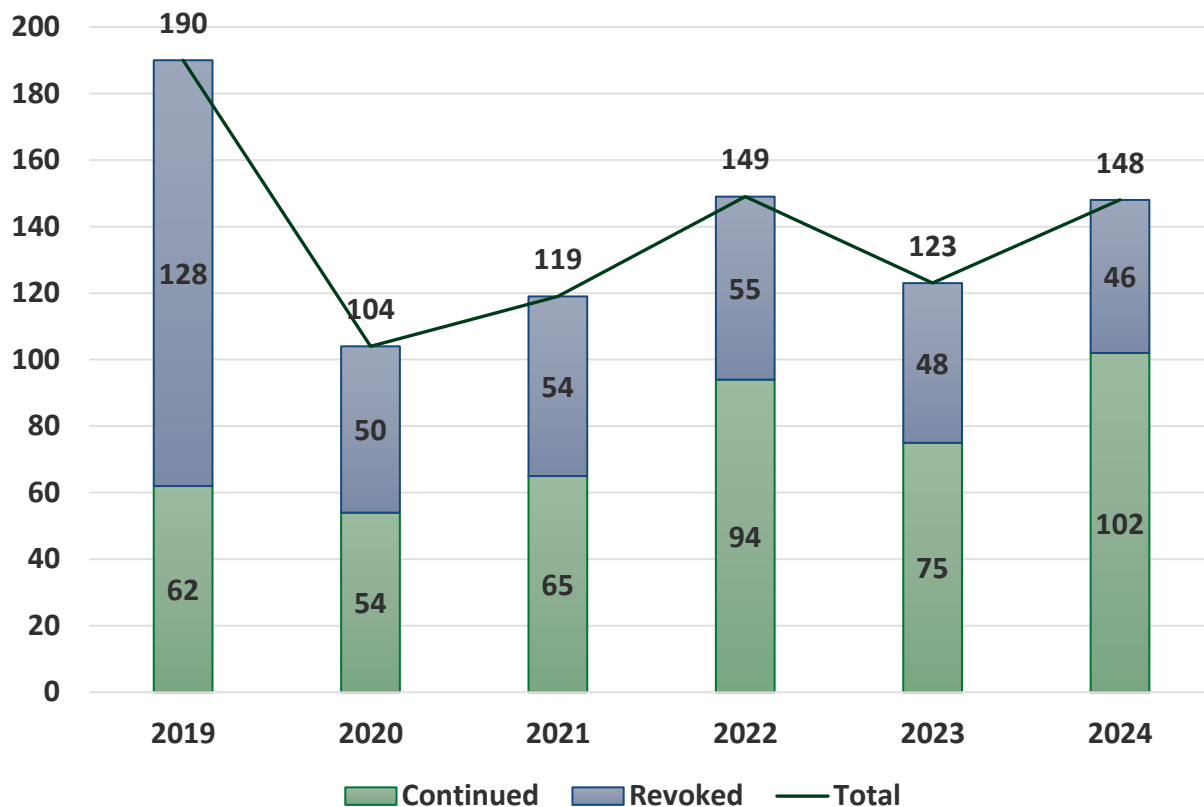
Type of Reprimand



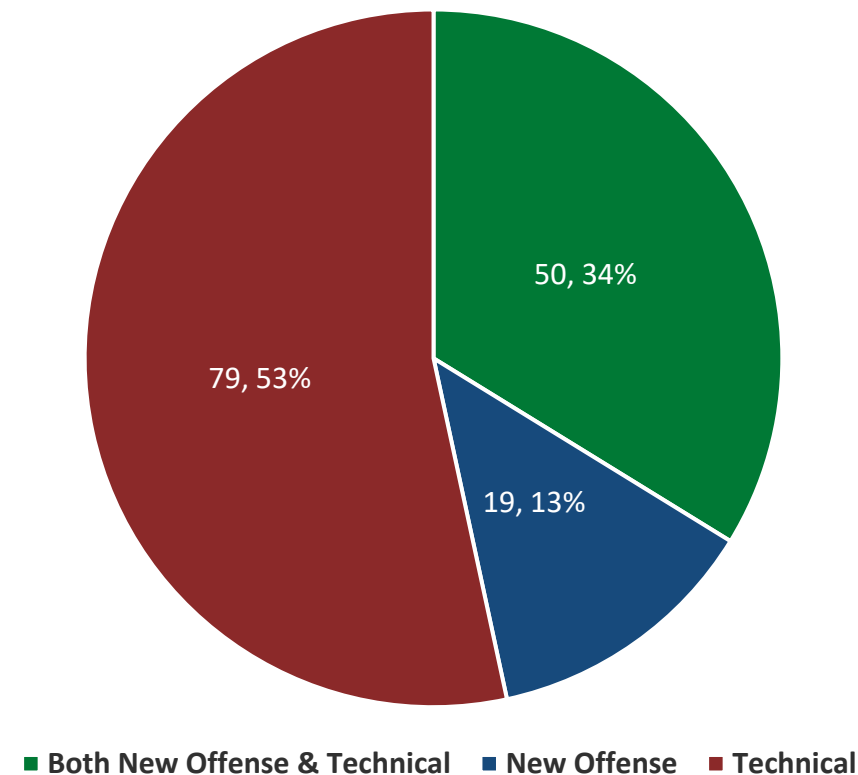
■ New Offense ■ Technical ■ Both New Offense & Technical

# Violation Hearing Data

## Total Parole Violation Hearings



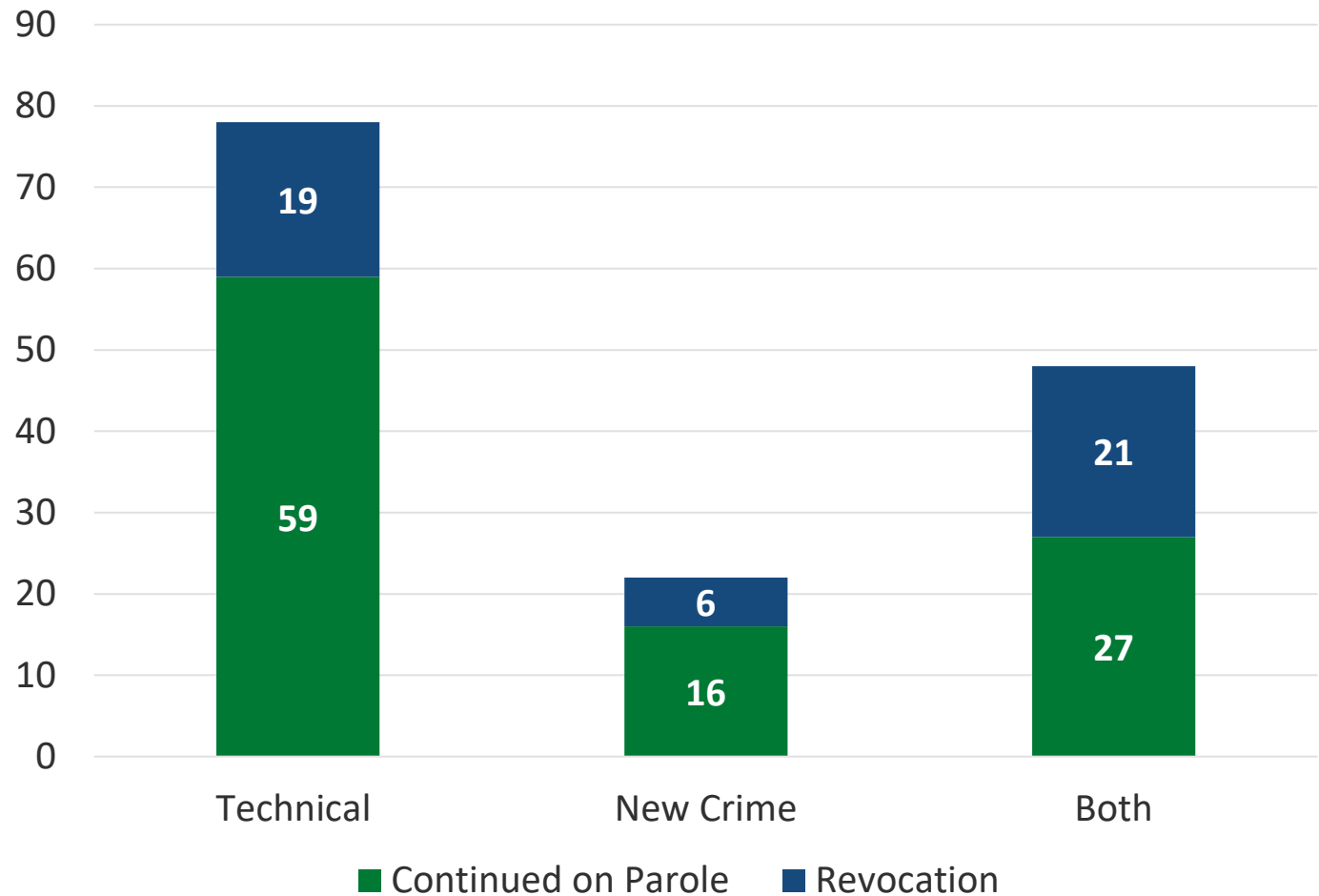
## Type of Violation



*Note: Data is actual hearings conducted. Does not include those who waived their parole violation hearing, where the Board took no action on the violation, or the Board found no violation. 24 individuals waived their parole violation hearing and were revoked as a result of the waiver. Of those 24 cases the violation types were: 16 Both New Offense & Technical, 3 New Offense, and 5 Technical. The Board took no action on 1 alleged parole violations, which was for a technical violation. The Board found no violation on 1 alleged parole violation, which was for both new offense and technical violations.*

# Violation Hearing Data Continued

Parole Violations by Type & Outcome



# Probable Cause / Bail Hearings

- Upon receiving notice from the Department of Corrections that a parolee was detained by the Department of Corrections subsequent to an arrest without a warrant, or an arrest based on a Parole Board warrant, the parolee’s detention may be continued pending proceedings before the Board. Board staff shall schedule the proceedings as follows:
  - If a final violation hearing can be scheduled to convene within 20 days after the arrest and detention of the parolee, a final hearing only shall be scheduled. However, the parolee’s counsel may request a bail hearing (not contested on chart) prior to the final violation hearing.
  - If a final violation hearing cannot be scheduled within 20 days after the arrest and detention of the parolee, a Probable Cause hearing shall be scheduled within 20 days after the date of arrest of the parolee.
- A parolee may waive their right to have a probable cause hearing.
- Pending a hearing upon any charge of violation, the Parole Board Chair or designee may authorize the offender’s release from detention, or authorize continued detention, subsequent to a Bail Hearing.
  - The hearing officer shall determine if the parolee is to be released pending formal violation proceedings or remain at the correctional facility and determine any temporary conditions to include electronic monitoring that may apply to the parolee’s release.

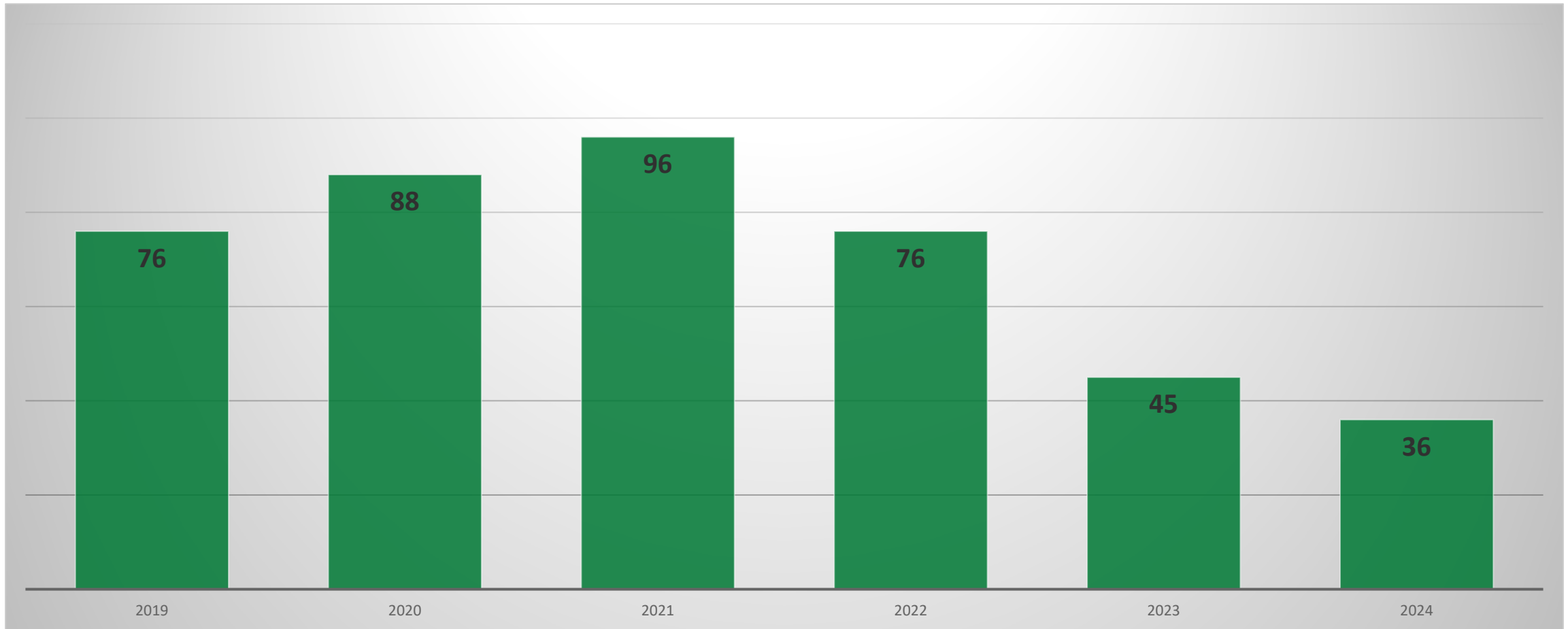
Probable Cause Hearings		
2024	Contested	Not Contested
Released	6	44
Not Released	4	31
<b>Total Cases</b>	<b>10</b>	<b>75</b>



# Termination & Early Discharge of Parole Supervision

- A parolee's term of parole supervision shall end when they have completed their predetermined maximum term of parole supervision, if they have not absconded during the term of their parole.
- The Board may terminate a parolee's period of parole supervision before their predetermined maximum term has expired pursuant to a hearing if the following requirements are met:
  1. The parolee is statutorily eligible (28 V.S.A § 506), and the early termination is recommended by the Department of Corrections.
  2. For Non-Listed Offenders – The offender has been on parole supervision without incident for more than (3) years or within (6) months of their parole expiration date.
  3. For Listed Offenders – The offender has been on parole supervision without incident for more than (8) years or within (6) months of their parole expiration date.
  4. Victim concerns have been addressed.

# Number of Early Discharge Hearings



# Early Discharge Hearings by Type

Board Review of Early Discharge Requests		
2024	Granted	Denied
Listed	2	1
Non-Listed	6	0
Total Cases	8	1

Early Discharge Hearings		
2024	Granted	Denied
Listed	2	0
Non-Listed	6	0
6 Months	27	1
Total Cases	35	1

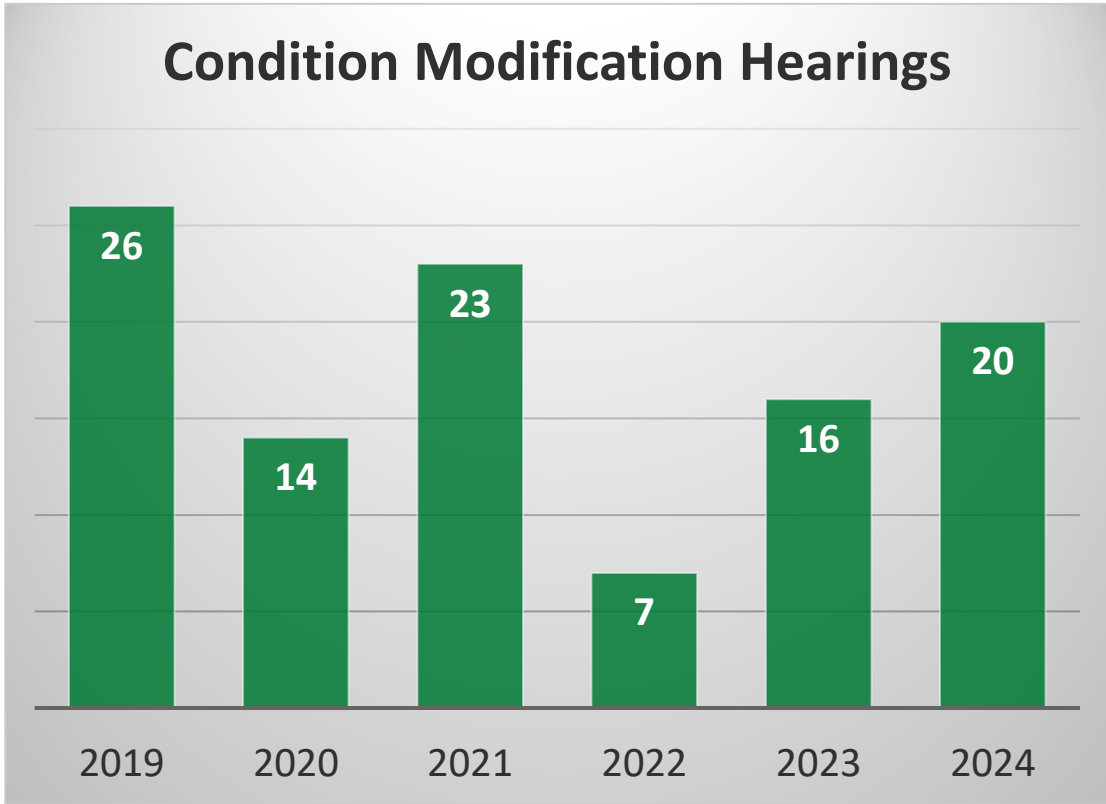
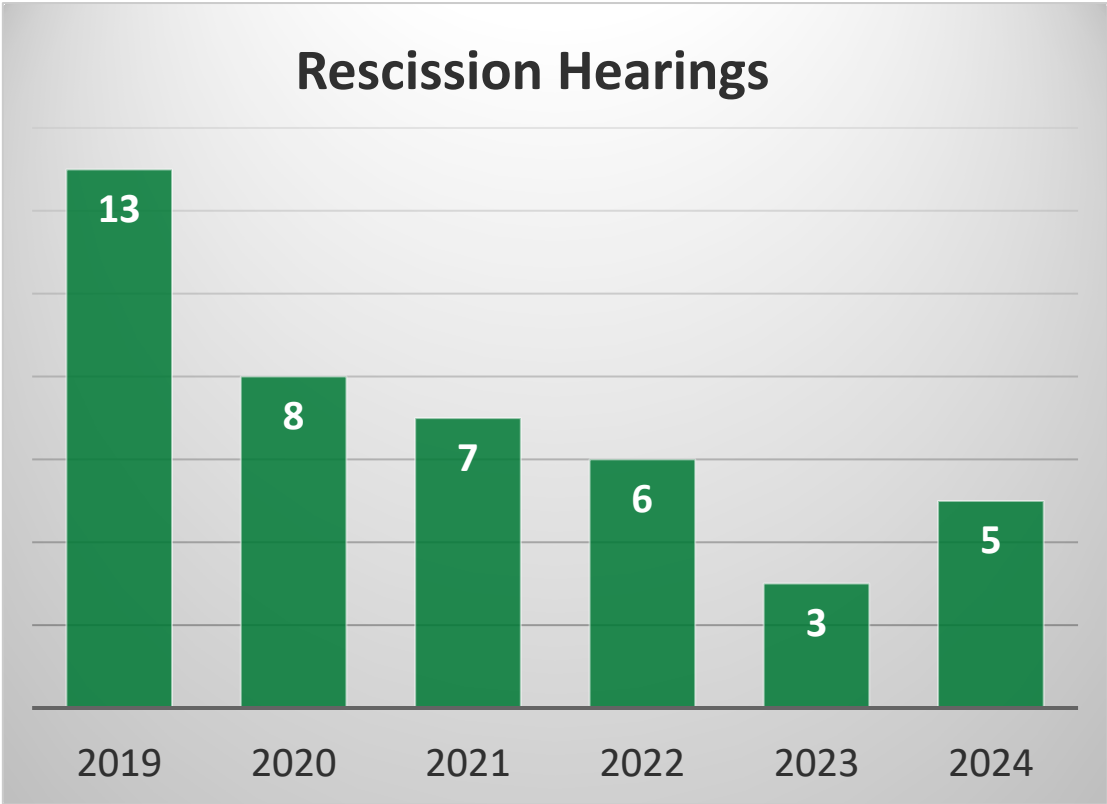
# Supervised Community Sentence (SCS)

It is the policy of the Vermont Parole Board to consider requests from persons under Supervised Community Sentence (SCS). Currently, the Board is aware of zero offenders on this status.

- Consideration will include:
  - Review of any additions, deletions or modifications made by the Commissioner of the Department of Corrections to the conditions contained in his or her plan for SCS.
  - To review at expiration of the minimum sentence and render a decision. Decisional options of the Board are as follows:
    - Continue the offender under SCS supervision.
    - Terminate the offender from supervision completely.
    - Release the offender under parole supervision.
  - The Board also conducts SCS violation hearings in the event that an offender on SCS status has allegedly violated their conditions of SCS.

The Board held only 1 SCS hearing in 2024. It was an early discharge hearing.

# Results of Other Hearings



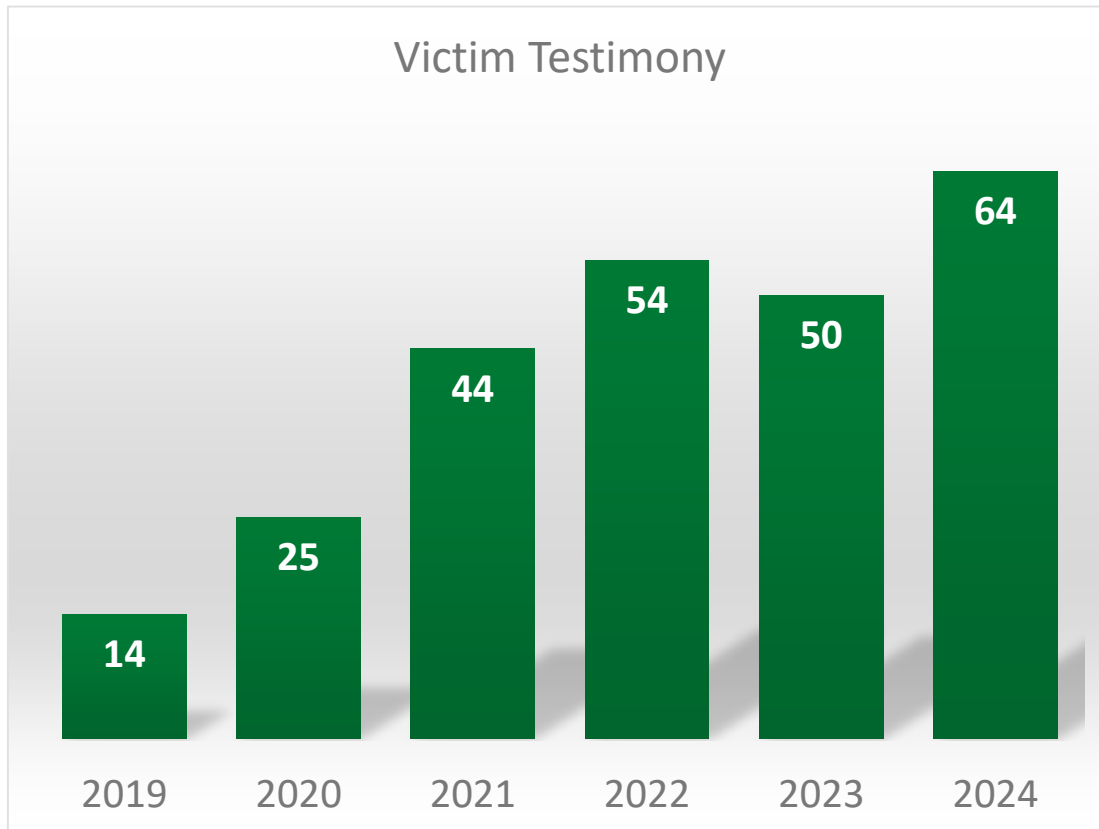
# Victim Testimony

It is the policy of the Vermont Parole Board to treat victims and survivors with respect and sensitivity, and to ensure that those hurt by crime are informed about and involved in the Board's activities.

All information provided by the victim shall be made part of the Board's files and marked confidential. This information shall only be available to the offender in a redacted summary. If the victim does not wish the information to be confidential, they shall indicate "non-confidential" at the time the information is provided.

Victims shall be allowed to testify prior to the offender's scheduled appearance before the Board for interviews or reviews in executive session. When scheduling parole proceedings that include victims and offenders, staff shall make every effort to prevent either visual, auditory, or physical contact between victims and offenders and their families.

# Victim Testimony Data



Type of Testimony	
Letter	7
Victim Presenting	36
Victim Service Specialist Presenting on Behalf of Victim	21

*Note: Victim testimony is received either by letter, in person testimony by the victim or presented by a DOC Victim Services Specialist. The data in the chart above represents the method in which the testimony is received.*

# Discuss Challenges Facing the Board



# Additional Questions?