

# Parole Board Information & Data

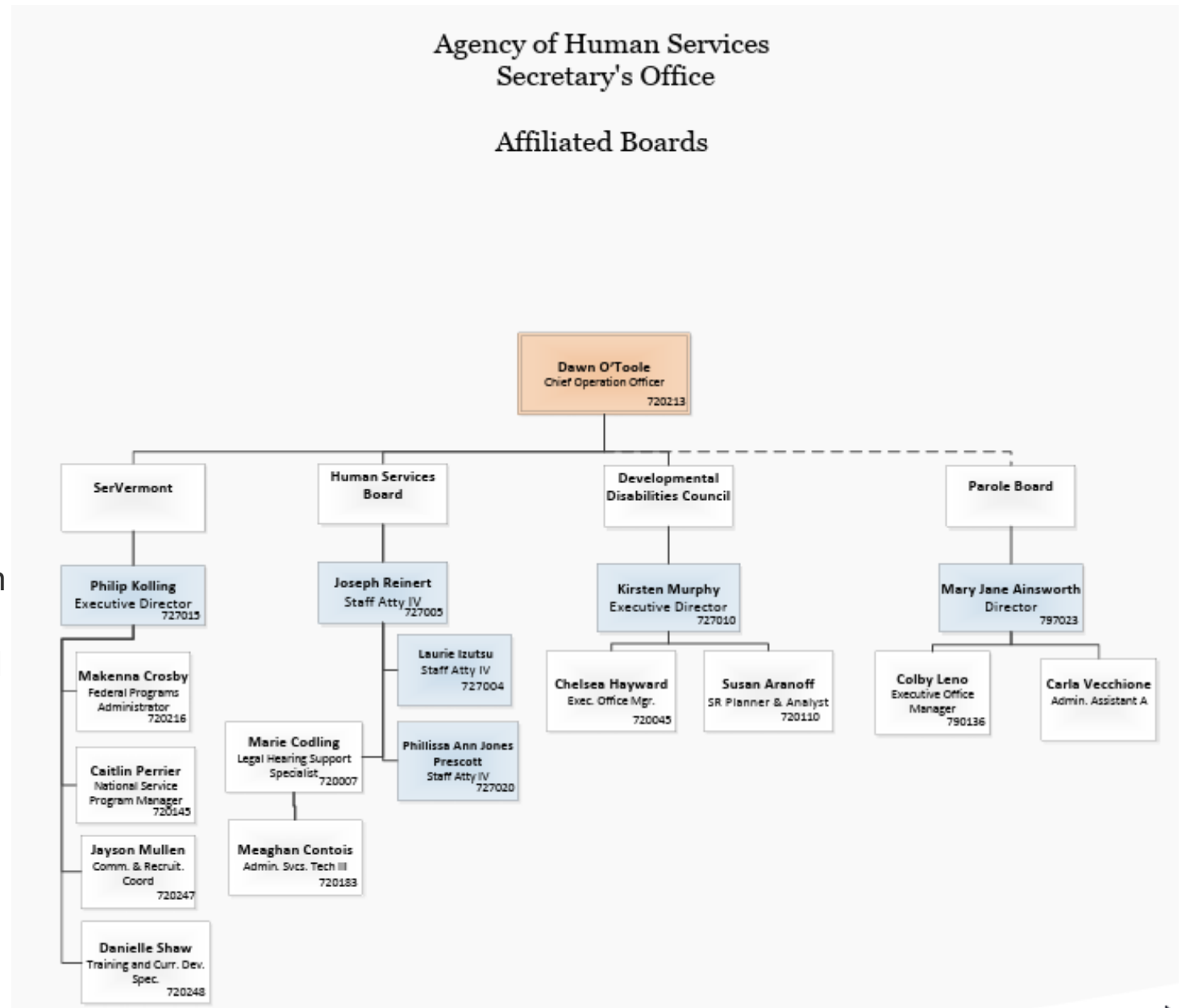
Vermont Parole Board

# 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	

- The Parole Board falls under the Agency of Human Services Secretary's Office organizational chart due to the Board being an independent board.
- The Parole Board budget however is a line item within the Department of Corrections budget.
  - The Parole Board's budget was not removed from the DOC budget when the Board became independent.
  - When the budget is being developed the Board has not been consulted with to discuss our operational needs.



# 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

# Current Legal Representation

The Board is currently assigned the Assistant Attorney General who is assigned to the Department of Corrections (DOC) litigation team and supervises the three additional Assistant Attorney Generals for the DOC litigation team.

# The current legal representation is not working for the following reasons:

1. The Parole Board is an independent and impartial body (28VSA§456(a)).

*28VSA§456(a) reads, “The Parole Board shall be an independent and impartial body.”*

2. The Parole Board cannot be counseled in pending parole revocation hearings by an Assistant Attorney General or an attorney employed by the Department of Corrections (28VSA§456(b)(1)(2)).

*28VSA§456(b)(1)(2) reads, (b) In a pending parole revocation hearing, the Parole Board shall not be counseled by: (1) Assistant Attorneys General; and (2) any attorney employed by the Department of Corrections.*

3. The Parole Board cannot receive any training specific to parole revocation hearings by the Department of Corrections, an Assistant Attorney General or the direct supervisor of an Assistant Attorney General who represents the Department of Corrections without the Defender General being notified and given the opportunity to participate (28VSA§456(c)).

*28VSA§456(c) reads, (c) If any attorney employed by the Department of Corrections or an Assistant Attorney General or the direct supervisor of an Assistant Attorney General who represents the Department of Corrections in parole revocation hearings provides training to the Parole Board members on the subject of parole revocation hearings, the Defender General shall be notified prior to the training and given the opportunity to participate.*

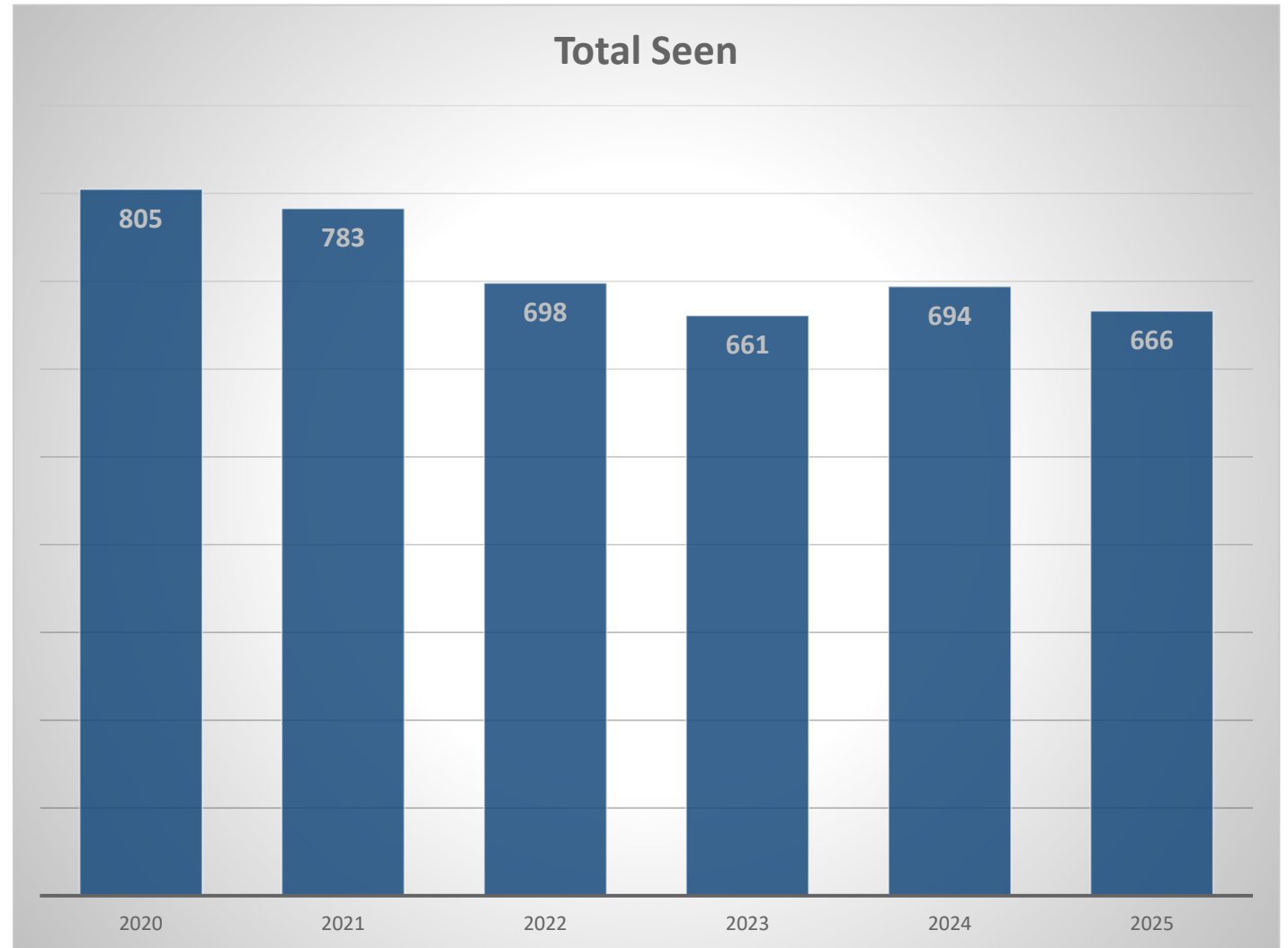
# Budget Allocation for Legal Representation

In FY24, the Parole Board to solicit for conflict counsel. At that time, we issued a Request for Proposal (RFP) for conflict counsel. No one responded to the RFP. We have continued to seek counsel using the \$25,000. It was removed from the FY27 budget due to the contract not being fulfilled.

We have since been informed that the Attorney General's Office has attorneys that they contract with for other quasi-judicial Boards. They believe we may be able to retain one of those attorneys if funding is extended. The exact hours and time spent providing counsel is unknown therefore estimating the cost for services was difficult to derive.

# Total Number of Individuals Seen 2020-2025

*In 2025 the Board saw 666 individuals for various hearings. In addition to those that were seen, 172 individuals waived their hearing (129 for initial eligibility hearings, 2 for parole rescission hearings and 41 for parole violation hearings).*

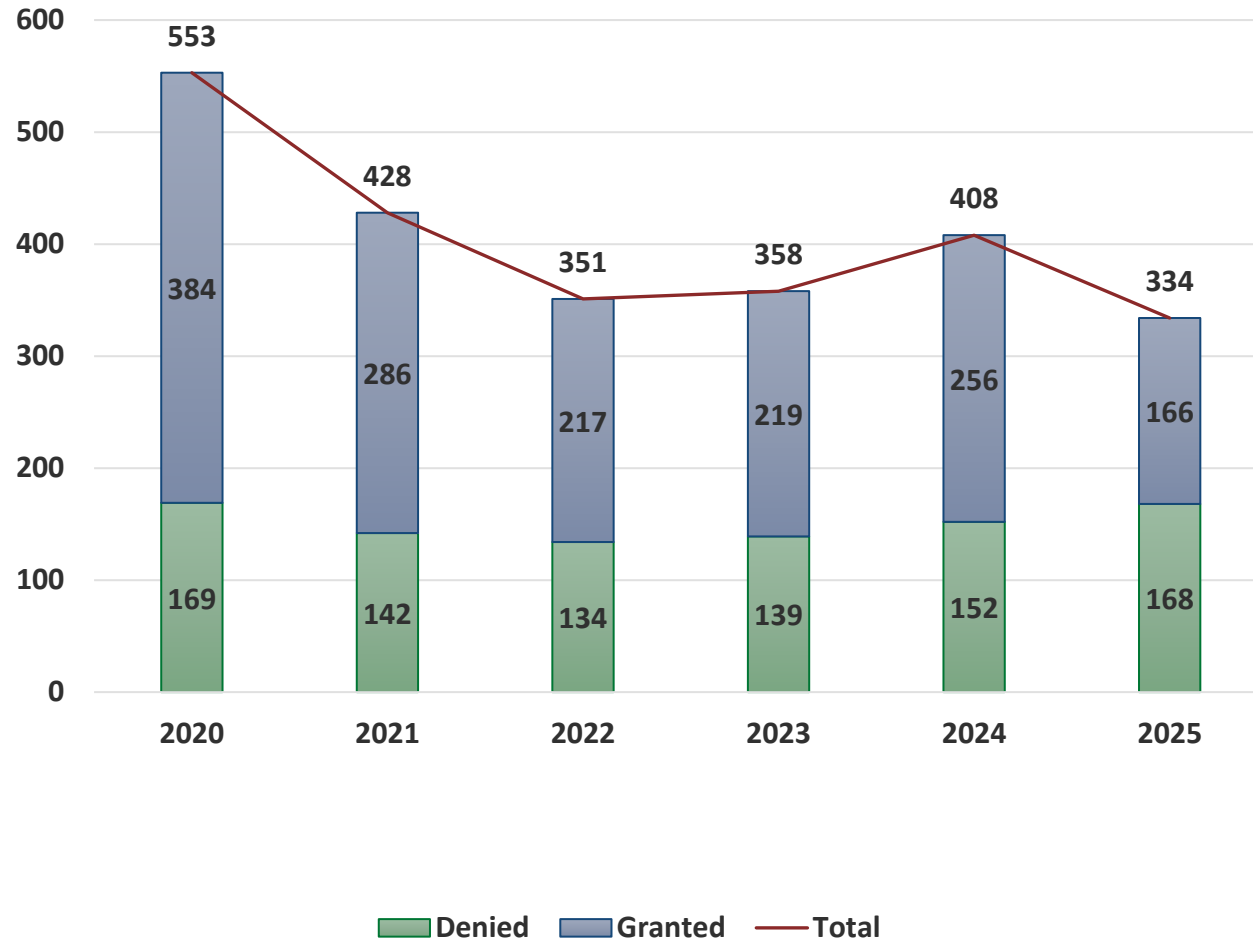


# Parole Process

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.

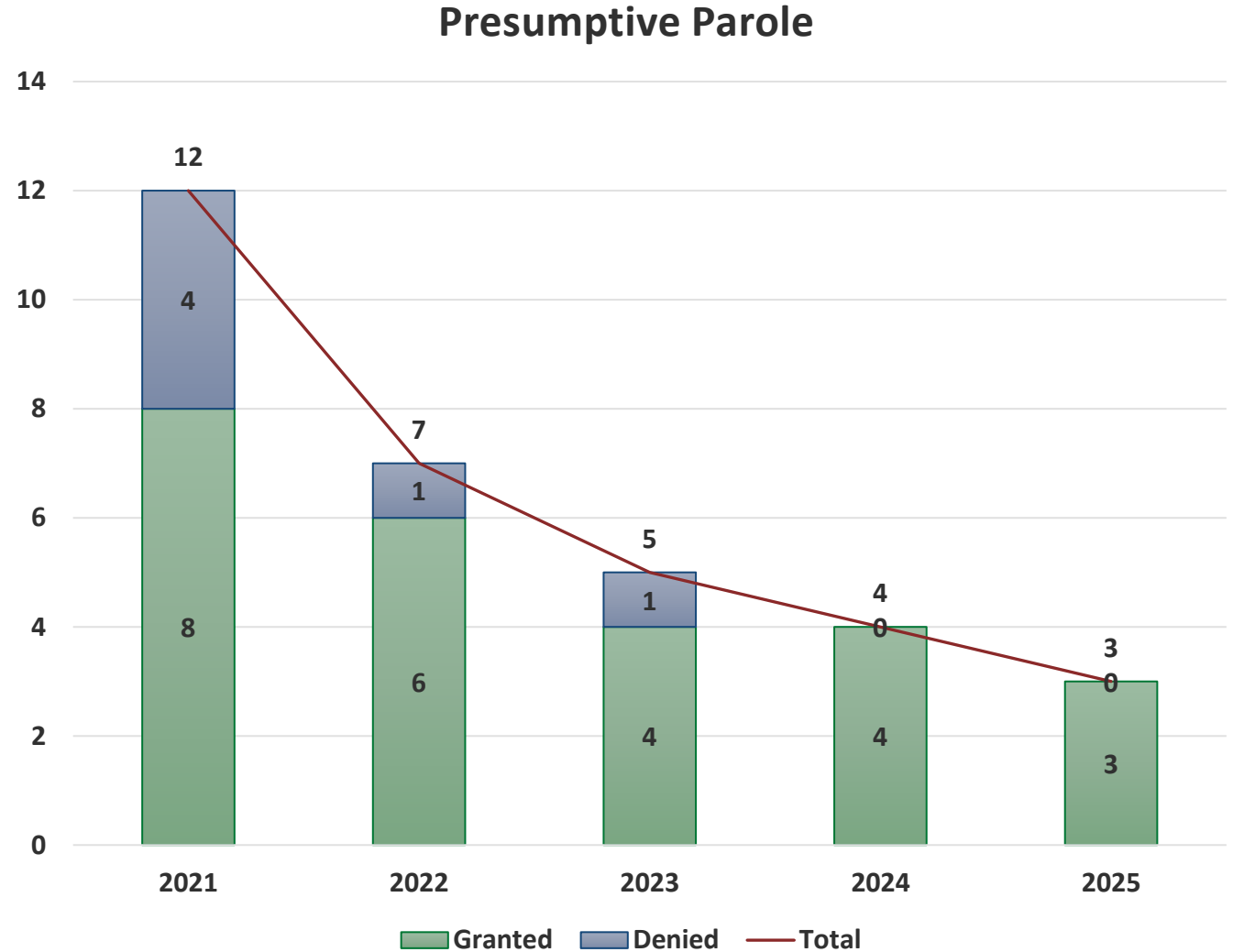
## Total Parole Hearings



# Parole Hearings 2020-2025

# 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 2025:

- 175 annual reviews
- 48 Offender Requested In Person Reviews
- 5 Board Requested In Person Reviews

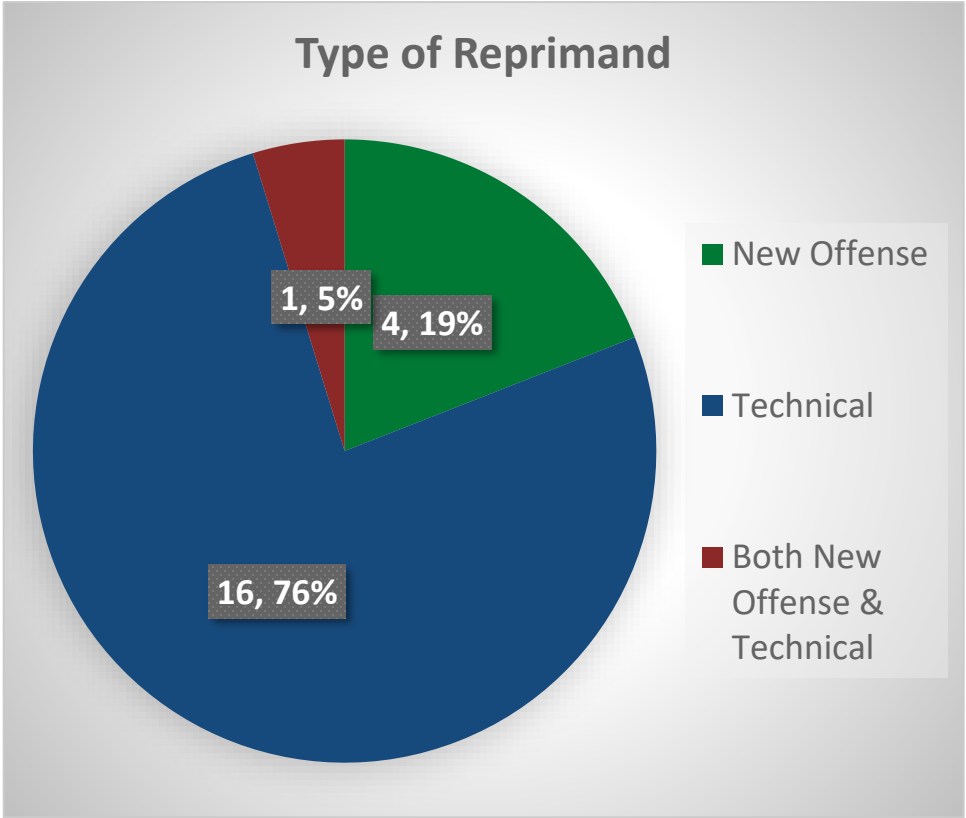
# Responding to Violating Behavior

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

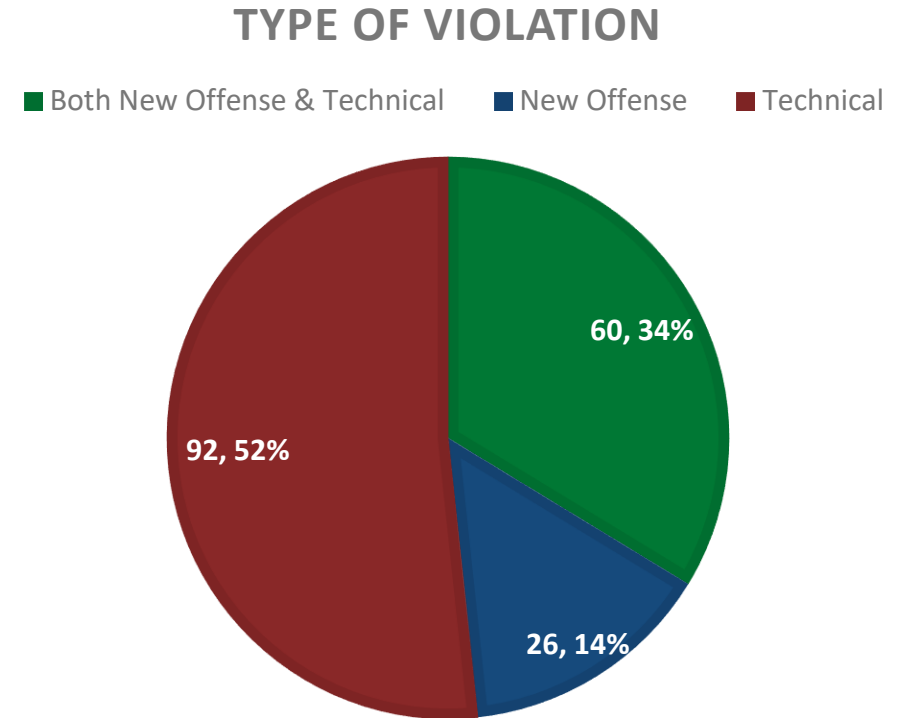
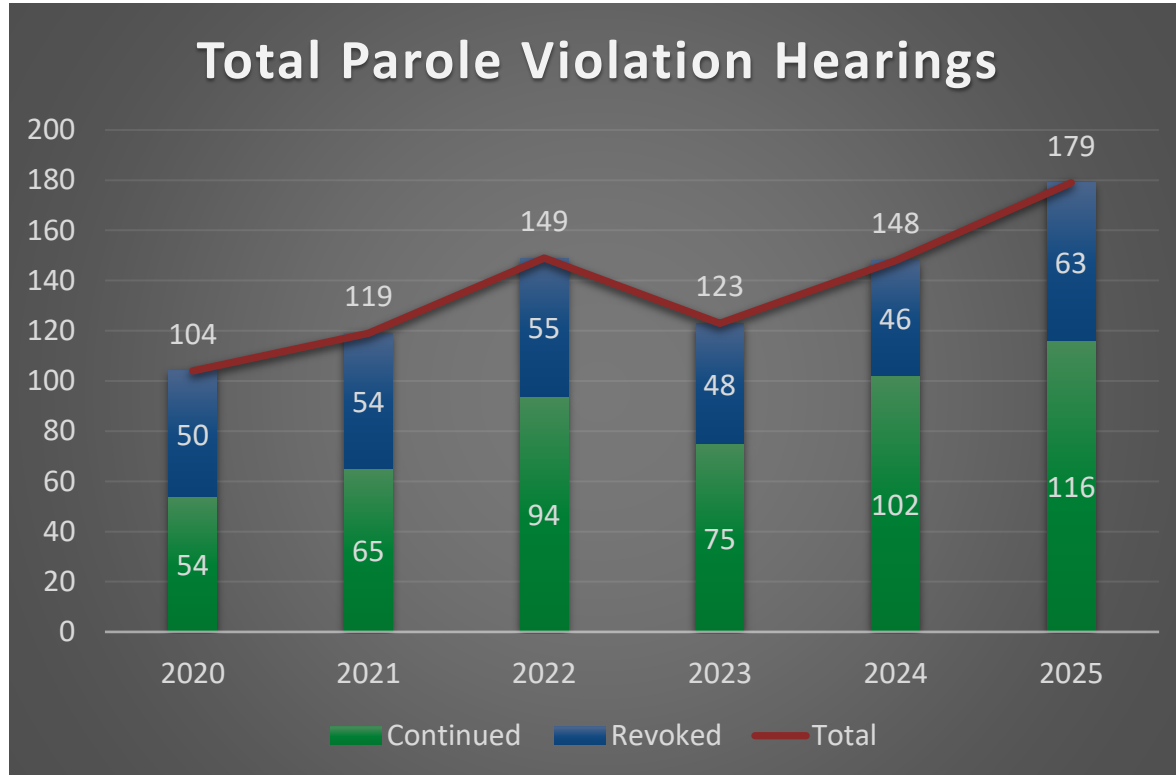
- Reprimand Proceeding
  - In lieu of formal violation proceedings, a supervising parole officer may request that the Board deliver a verbal reprimand to a parolee who has exhibited conduct in violation of his or her parole conditions.
  - The Board determines if they will deliver a formal reprimand 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			
2025	Technical	New Offense	Both
Reprimanded	14	3	1
Move to Parole Violation Hearing	2	1	0
<b>Total Cases</b>	<b>16</b>	<b>4</b>	<b>1</b>

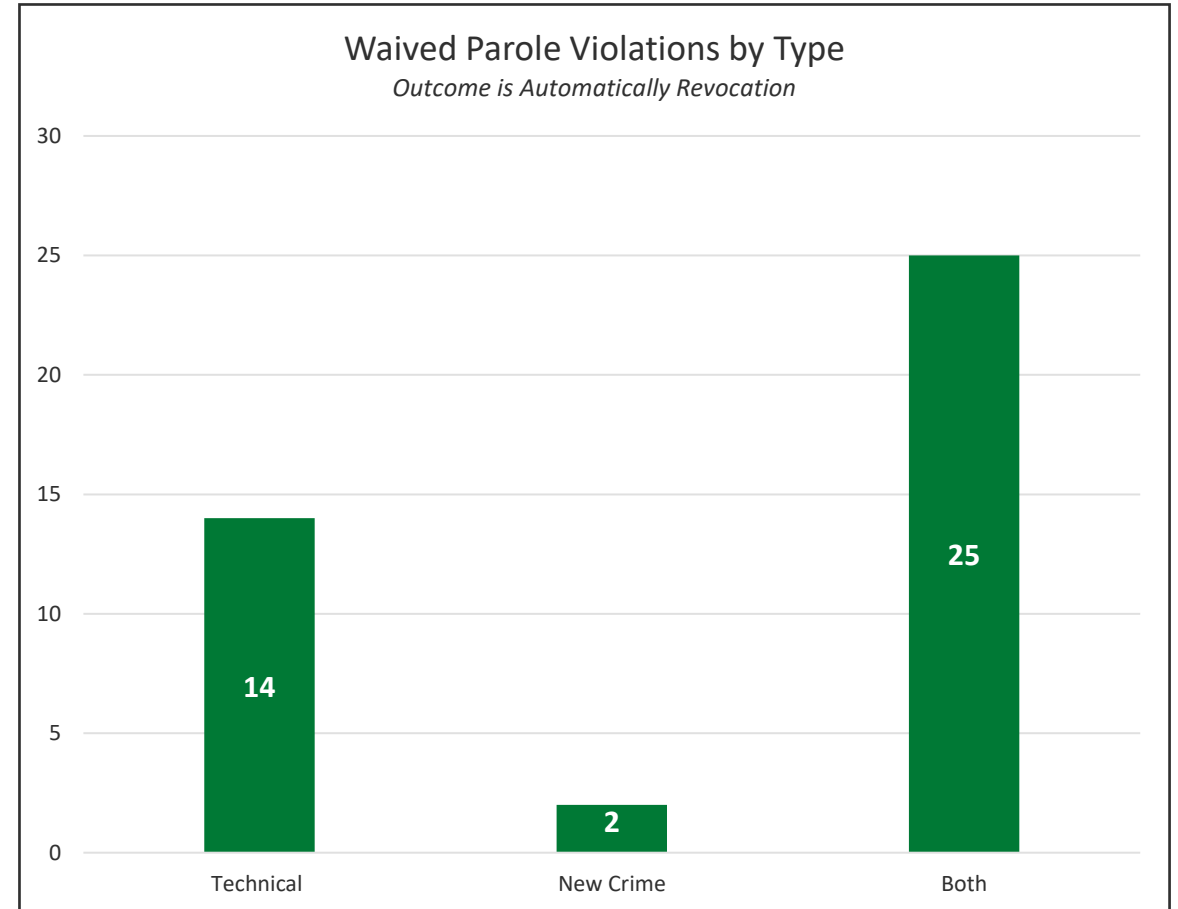
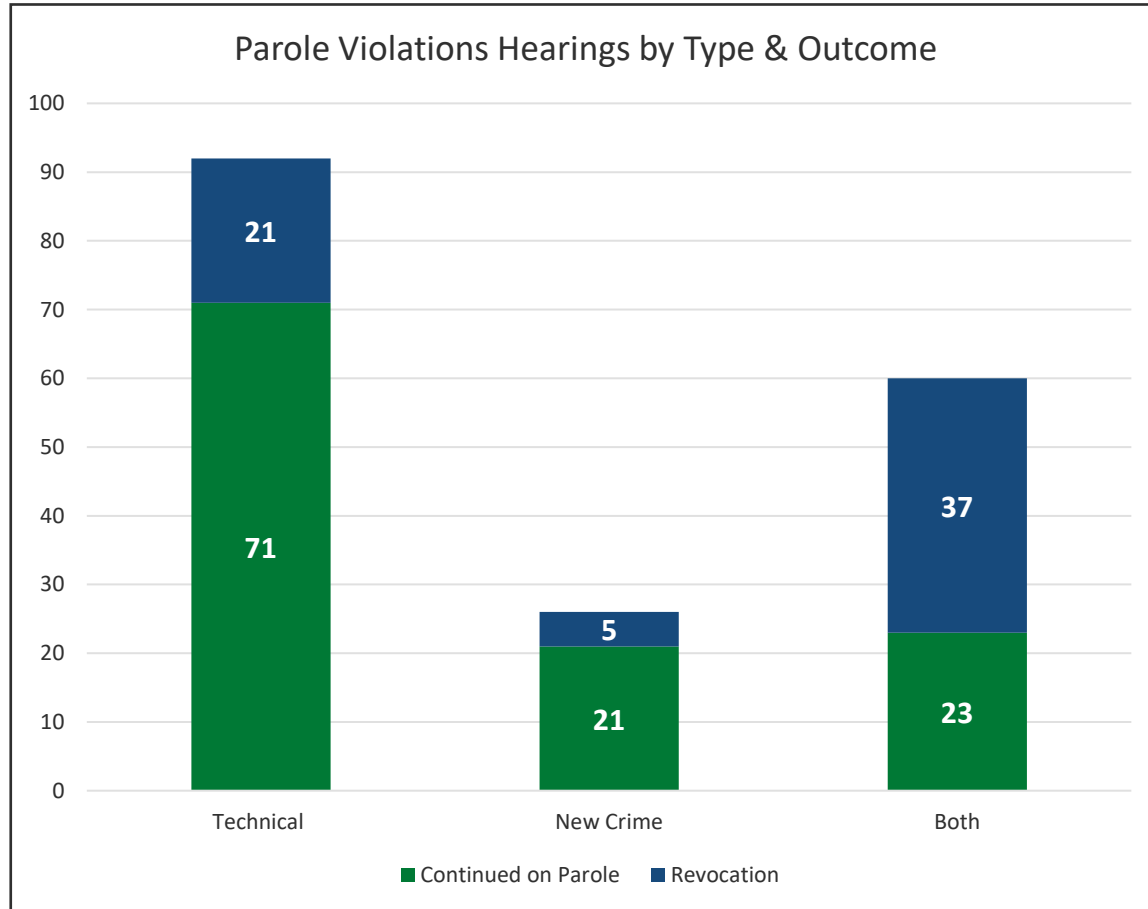


# Violation Hearing Data

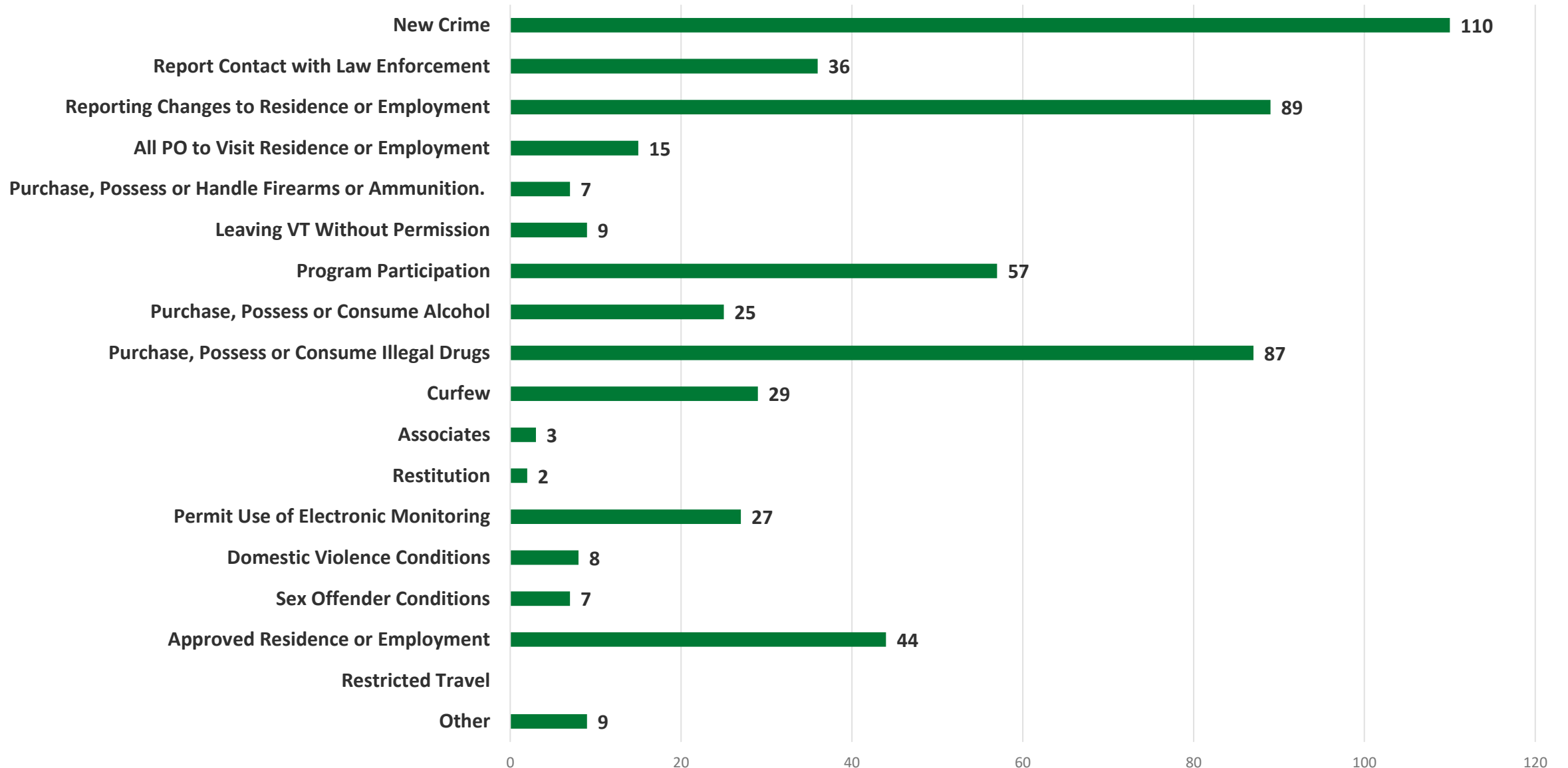


*Note: Data is actual hearings conducted. Does not include those who waived their parole violation hearing, where the Board took no action on the violation, or the Board found no violation. 41 individuals waived their parole violation hearing and were revoked as a result of the waiver. Of those 41 cases the violation types were: 25 Both New Offense & Technical, 2 New Offense, and 14 Technical. The Board took no action on 2 alleged parole violations, which 1 was for a technical violation and 1 was for both a new offense and technical violation.*

# Violation Hearing Data Continued



## Conditions Violated at Parole Violation Hearings



# Alleged Crimes Committed

At times individuals come before the Board with a violation of standard condition 1 prior to the alleged criminal charges being adjudicated. Below is a list of criminal charges that parolees were alleged to have committed when coming before the Board. This list is not reflective to the criminal court process in terms of charges that were dismissed, modified or the sentencing.

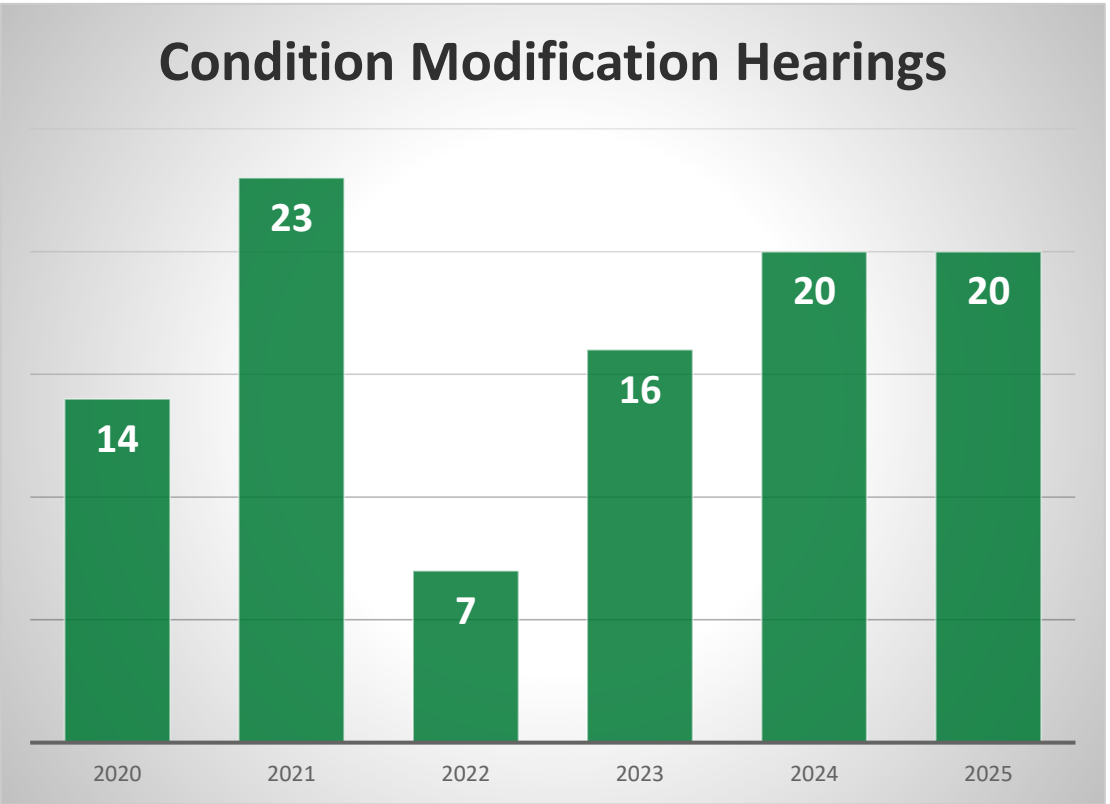
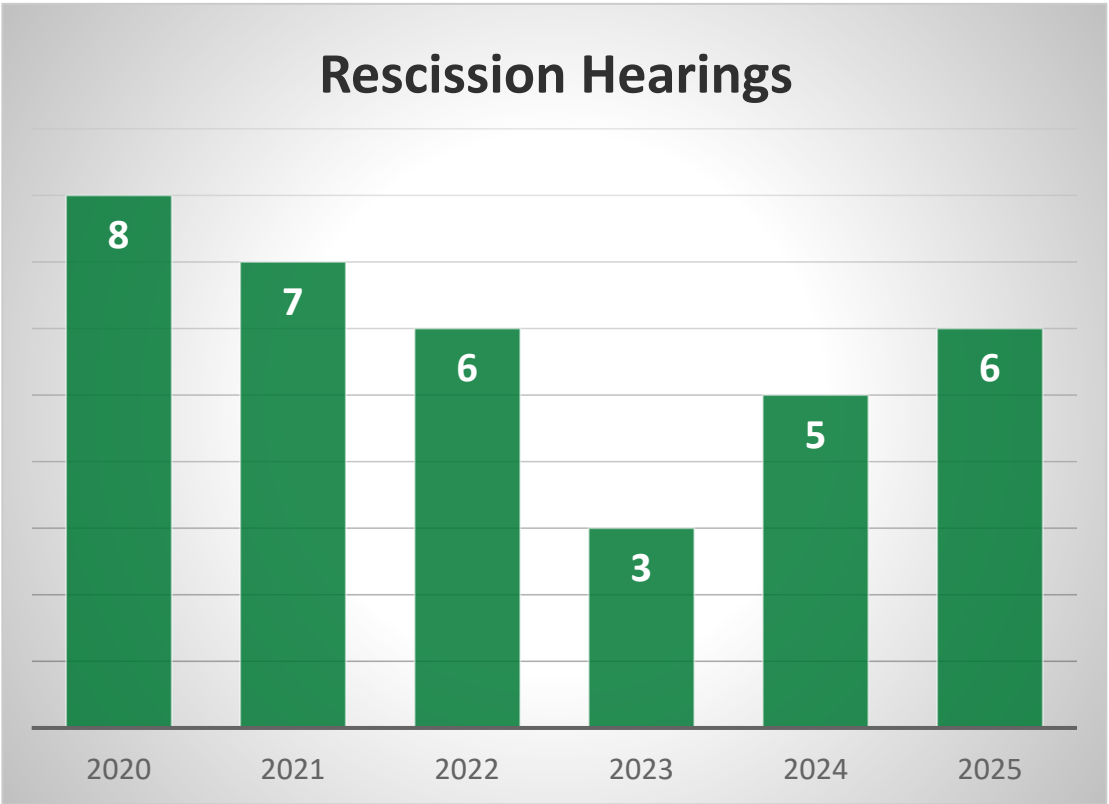
- Attempted Murder
- Aggravated Assault
- Assault & Robbery with a Weapon
- Domestic Violence Offenses
- Aggravated Sexual Assault with a Child
- Lewd & Lascivious Conduct with Child
- Assault & Robbery
- Drug Crimes – Possession, Selling
- Bank Robbery
- Burglary, Grand Larceny
- Possession of Firearms as a Felon
- Criminal Threatening
- Home Improvement Fraud
- Receiving Stolen Property
- Retail Theft
- Simple Assault
- Disorderly Conduct to include Aggravated
- Unlawful Trespass
- Larceny from a Person
- False Pretense
- DUI & DUI – Drug
- Vehicle Offenses – Gross Negligent Operation, Driving With License Suspended
- False Alarm

# Preliminary Violation 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.

Preliminary Violation Hearings		
2025	Probable Cause Contested	Probable Cause Not Contested
Released	7	40
Not Released	10	46
<b>Total Cases</b>	<b>17</b>	<b>86</b>

# Results of Other Hearings



*Of the 20 condition modification hearings in 2025, the modification was granted 12 times and denied 8 times.*