

<b>State of Vermont Agency of Human Services Department of Corrections</b>	<b>Title: Non-Compliant Behavior - Field</b>	<b>Page 1 of 3</b>
<b>Chapter: Security and Supervision</b>	<b>#430</b>	<b>Supersedes:</b> #430.11 (dated 03/01/2016); #405.01 (dated 05/18/1991); #413.06 (dated 08/30/1999);#346 (dated 11/24/2006); #407.03 (dated 07/17/2000); #410.04 (dated 04/11/2012)
<b>Attachments, Forms &amp; Companion Documents</b> 1. All attachments, forms, and companion documents will be available on the DOC website.		
<b>Applies to:</b> Field <b>Local Procedure(s) Required:</b> No <b>Applicability:</b> All staff (including contractors and volunteers) <b>Security Level:</b> A – This document is restricted.		
<b>For Public Comment</b>		

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**PURPOSE**

The purpose of this administrative directive is to provide authorized Vermont Department of Corrections’ (DOC) staff response standards to be used when dealing with non-compliant behavior of offenders supervised in the community.

**PHILOSOPHY**

It is the philosophy of the DOC that offenders shall be held accountable for their actions, while keeping them in the least restrictive environment consistent with public safety and offense severity. There is a continuum of responses that staff can use to address violating behavior. Graduated sanctions are designed to support positive offender change, allow the offender to take responsibility, and to repair the harm caused by their violation. At times, graduated sanctions are insufficient to address offender behavior and the formal violation and/or revocation process is necessary. Furlough revocation should be considered when the DOC believes that an offender’s risk can no longer be controlled in the community.

Effective correctional intervention requires response to offender violation behavior. Responses should combine risk control and risk reduction strategies which provide both a consequence for non-compliant behavior and opportunities to change future behavior. Risk control strategies are directed at deterring future non-compliance by holding offenders accountable through reprimands, warnings, loss of privileges, and, when appropriate, the imposition of more intrusive/restrictive sanctions. Risk reduction strategies are directed at promoting future compliance by assisting the offender through information, education/training, counseling, or treatment to bring about positive changes in the circumstances that lead to the non-compliance.

It is the implementation of multi-dimensional and purposeful interventions that distinguishes supervision from mere monitoring and reporting of offender activities. Research has demonstrated

1 that this combination of risk control and risk reduction strategies is far more effective than selecting  
2 one strategy over the other. The implementation of the appropriate combination in an individual  
3 case is governed by the framework described below.

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5 For moderate to high risk offenders who continue to partake in non-compliant behavior, the Field  
6 Corrections Service Specialists (CSS) may choose to utilize the effective practices in community  
7 supervision with the offender to promote offender change. These interventions are a part of the  
8 ongoing collaborative working relationship between the offender and the Field CSS, and can work  
9 on addressing the underlying criminogenic needs of the offender.

## 10 **AUTHORITY**

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13 28 V.S.A. §§ 2a, 102(b)(1)-(2), 102(c)(1), (5), (8) and (17), 808.

## 14 **REFERENCE**

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17 DOC Policies # 03 *Department Philosophy and Goals*, and #410 *Due Process*; DOC Administrative  
18 Directives #410.01 *Facility Rules and Inmate Discipline*; #410.02 *Violations of FR/CR/PAF*, and  
19 #413.06 *Response to Non-Compliant Behavior of Offenders in the Community*. American  
20 Correctional Association, *Standards for Adult Probation and Parole Field Services*, 3<sup>rd</sup> Edition,  
21 August 1998, Standards 3-3142, 3-3156 and 3-3158. American Probation and Parole Association  
22 Standards. 4<sup>th</sup> Edition, September 2002, Standards, 4-APP-2E-01 and 4-APP-2F-01.

## 23 **POLICY**

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25 The DOC's non-compliant behavior responses encompass the following strategies:

### 26 **1. Graduated Sanctions**

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28 When an offender violates a condition of their supervision, the supervising Field Corrections  
29 Service Specialist (CSS) can choose to pursue a graduated sanction or the formal  
30 revocation/violation process. The purposes of the graduated sanctions system include: (1) enhance  
31 public safety; (2) ensure that the offender accepts responsibility; (3) ensure that the offender is held  
32 accountable for his/her behavior; (4) maximize efficient use of existing staff resources by creating a  
33 process that allows for timely resolution of offender rule infractions; (5) maximize the opportunity  
34 for offender change; (6) ensure that an offender is maintained at the least restrictive level of  
35 supervision consistent with public safety; (7) follow best practices by allowing offenders to address  
36 their behavior in the community instead of incarceration; and (8) ensure responses to behavior are  
37 progressive in nature or match the seriousness of the behavior. Through the application of  
38 graduated sanctions supervising Field CSS staff can respond to the violating behavior, while  
39 continuing the offender on community supervision.

### 40 **2. Unauthorized Absence from Furlough**

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42 As part of supervision conditions offenders on furlough regularly meet with their Field CSS, have  
43 curfew restrictions, and may have schedule restrictions. When an offender is unable to be located,  
44 or attempts to evade or elude supervision (i.e. moves without notifying the DOC); then the DOC  
45 considers then to have an unauthorized absence. This absence results in the offender being placed

1 on “escape status” and the DOC, in coordination with law enforcement’s pursuit to bring the  
2 offender back into custody.

### 3 **3. Furlough Revocation/Formal Violation**

4 It is the policy of the DOC that alleged offender violations are responded to appropriately. This  
5 includes a determination of how the alleged offender behavior/violation relates to their risk, and the  
6 DOC’s ability to manage that risk safely in the community.

7 When a violation occurs, which is risk related, and the DOC determines that the offender’s risk  
8 cannot be currently managed in the community, the offender is lodged in a correctional facility or  
9 brought before the Parole Board/Court.

10 As part of the furlough revocation process the DOC ensures that offender’s due process rights are  
11 upheld through an administrative hearing.

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### 13 **4. Emergency Arrests and Returns**

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15 The DOC employs emergency arrests as needed when a non-compliant offender who is under DOC  
16 supervision, is violation of a condition, and:

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a. poses a danger to others,

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b. the community,

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c. poses a threat to abscond, or

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d. when other methods to control non-compliance are not suitable.

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### 22 **5. Probable Cause Hearings for Offenders Supervised by ICAOS**

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24 Preliminary probable cause (PPC) hearings are held by the DOC, when a violation is alleged, and  
25 the offender is subject to retaking, for those offenders on probation or parole who are supervised by  
26 the DOC under the Interstate Commission for Adult Offenders Supervision (ICAOS).

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28 The DOC ensures that a PPC hearing is held to determine whether or not there is probable cause to  
29 believe that a parolee or probationer who is supervised in Vermont under ICAOS has violated  
30 parole or probation conditions.