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**James M. Jeffords Center's  
*Vermont Legislative Research Service***



**Vermont Criminal Sentencing Options**

Alternative sentencing programs were created to deal with the rising number of incarcerated individuals and the subsequent increasing cost of incarceration. "The capacity of the institutions to house safely the full demand for incarceration was exceeded in the late 1990s...the growth has slowed and begun the reverse, but remains in excess of instate capacity."<sup>1</sup> In order to deal with this issue, the Vermont Department of Corrections has implemented programs to allow offenders to serve or reduce their sentence outside of traditional incarceration. One sentencing option is to place offenders in work camps. Another option is field supervision, in which individuals serve their sentence in the community with the general population, through programs such as reentries, preapproved furloughs, supervised community sentences, and parole.<sup>2</sup>

**Work Camps**

The Vermont Offender Work Program (VOWP) is a "self-funded operation, providing offender work and vocational training at no cost to the general fund."<sup>3</sup> Work Camps are a division of the VOWP. The program has shops such as "a print shop, a furniture manufacture and assembly shop, a license plate and sheet metal shop, and smaller correctional industries."<sup>4</sup> The VOWP can only sell products to government agencies and non-profit organizations. All workers are compensated for their work.<sup>5</sup> There are

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<sup>1</sup> Vermont Department of Corrections, "Facts and Figures FY2012," 2012, accessed on April 9, 2013, <http://doc.vermont.gov/about/reports/latest-facts-figures-adobe/view>, p. 3.

<sup>2</sup> Vermont Department of Corrections, "Facts and Figures FY2012." Accessed on April 9, 2013

<sup>3</sup> Vermont Department of Corrections, "Fiscal Year 2014 Governor's Budget Presentation," accessed on April 10, 2013, <http://www.doc.state.vt.us/about/reports/department-of-corrections-budget-documents/fy14-doc-budget-presentation/view?searchterm=doc%20budget%202012>, p. 63

<sup>4</sup> Vermont Department of Corrections, "Fiscal Year 2014 Governor's Budget Presentation," accessed on April 10, 2013, <http://www.doc.state.vt.us/about/reports/department-of-corrections-budget-documents/fy14-doc-budget-presentation/view?searchterm=doc%20budget%202012>, p. 60

<sup>5</sup> Vermont Offender Work Program, "Putting Time to Good Use," accessed April 11, 2013, <http://www.vowp.com/>.

currently two work camps operated in Vermont. One is located in St. Johnsbury,<sup>6</sup> Vermont and is called the Northeast work camp and the other is located in Windsor,<sup>7</sup> Vermont and is called the Southeast work camp. The Northeast work camp has a maximum capacity of 112 inmates. The Southeast work camp has a maximum capacity of 100 inmates.<sup>8</sup> All inmates in work camps are male. Inmates may serve a portion of their sentence in works camps if they are a nonviolent offender.<sup>9</sup> “Of the total stay days, the Work Camp Group spent on average, 155.9 days in work camp, about 34% of their total time in custody.”<sup>10</sup> Work camps have a reduction of term “of up to 30 days in the minimum and maximum terms of confinement for each month during which the inmate demonstrates, beyond the level normally expected, consistent program performance or meritorious work performance.”<sup>11</sup>

### Conditional Reentry

After an offender’s minimum term of sentence is served in a correctional facility, the offender may complete the remainder of their sentence in the community through participation in a reentry program. In the fiscal year 2012, 894 offenders participated in a reentry program, which was a decrease from the 933 participants in 2011 and an increase from the 700 participants in 2002. Offenders in reentry programs made up about 8.3% of the total incarcerated population in 2012.<sup>12</sup>

Continued supervision while in the community is dependent on the progress made by the offender and how well they abide by the terms and conditions set by the department. A reentry plan will be designed before the offender’s release based on a screening process. If necessary, the department will “assess each felony drug and property offender for substance abuse treatment needs using an assessment tool designed to assess the suitability of a broad range of treatment services.”<sup>13</sup> This is done

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<sup>6</sup> Department of Corrections, “Caledonia Community Work Camp,” accessed April 14, 2013, <http://www.doc.state.vt.us/custody-supervision/facilities/fac-pics/ccwc-pic/view>.

<sup>7</sup> Department of Corrections, “Southeast State Correctional Facility – Windsor,” accessed April 14, 2013, <http://doc.vermont.gov/custody-supervision/facilities/sescf>.

<sup>8</sup> Vermont Department of Corrections, “Facts and Figures FY 2012.”

<sup>9</sup> Public Institutions and Corrections; Supervision of Adult Inmates at the Correctional Facilities, *Creation of work camps; intent*, §817, accessed on April 10, 2013, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=011&Section=00817>.

<sup>10</sup> Vermont Center for Justice Research, “Vermont Department of Corrections Work Camp Outcome Evaluation,” accessed April 12, 2013, [http://www.vcjr.org/reports/reportscrimjust/reports/workcamp\\_files/Work%20Camp%20Final.pdf](http://www.vcjr.org/reports/reportscrimjust/reports/workcamp_files/Work%20Camp%20Final.pdf), p. 3.

<sup>11</sup> Public Institutions and Corrections; Supervision of Adult Inmates at the Correctional Facilities, *Work Camps; reduction of term*, §811, accessed on April 10, 2013, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=011&Section=00811>.

<sup>12</sup> Vermont Department of Corrections, “Facts and Figures FY2012.”

<sup>13</sup> Public Institutions and Corrections: Supervision of Adult Inmates at the Correctional Facilities, *Conditional reentry*, §723, accessed on April 4, 2013, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=011&Section=00723>.

in attempt to create connections to the needed services before the offender is released into the community so they are able to immediately start receiving services.<sup>14</sup>

The programs found necessary for the offender will be included in the terms and conditions of the reentry program with the intention of reducing the chance that the offender will commit another crime and to increase the chance of progress and success in the reintegration process.<sup>15</sup>

### **Reintegration Furlough**

An offender may be granted a reintegration furlough by the department to “continue the process of reintegration initiated in a correctional facility.”<sup>16</sup> A furlough is considered a good option for offenders because it prepares them to successfully rejoin the community after they have been incarcerated. Upon continuing the reintegration outside the correctional facility, the offender will be placed on conditional reentry status by the department and will have to abide by those conditions.<sup>17</sup>

If an offender commits an “eligible misdemeanor” as defined in 28 VSA §808d, he is not considered a high risk to society and may be furloughed at any point during his incarceration. If eligible, and with the consent of the commissioner, an offender may be furloughed for up to 180 days before the end of their minimum sentence. If an offender’s sentence is less than 365 days, he must be incarcerated for at least one-half of his minimum term. Offenders are “eligible to earn five days toward reintegration furlough, to be applied prior to the expiration of the offender’s minimum term, for each month served in the correctional facility...[during which he] has obeyed all rules and regulations of the facility.”<sup>18</sup>

### **Supervised Community Sentence**

One sentencing option offered in Vermont is a supervised community sentence, which is a program that gives offenders the opportunity to serve part or all of their sentence in

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<sup>14</sup> Public Institutions and Corrections: Supervision of Adult Inmates at the Correctional Facilities, *Conditional reentry*, §723.

<sup>15</sup> Public Institutions and Corrections: Supervision of Adult Inmates at the Correctional Facilities, *Terms and conditions of conditional reentry*, § 724, accessed on April 4, 2013, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=011&Section=00724>.

<sup>16</sup> Public Institutions and Corrections: Supervision of Adult Inmates at the Correctional Facilities, *Furloughs granted to offenders*, §808, accessed on April 4, 2013, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=011&Section=00808>.

<sup>17</sup> Public Institutions and Corrections: Supervision of Adult Inmates at the Correctional Facilities, *Furloughs granted to offenders*, § 808.

<sup>18</sup> Vermont Department of Corrections, "Final Adopted APA Rule #11-043: DOC Policy #372: Granting Reintegration Furlough," last modified November 12, 2011, accessed April 12, 2013 <http://doc.vermont.gov/about/policies/rpd/correctional-services-301-550/371-375-programs-classification-and-case-planning/policy-372-granting-reintegration-furlough>.

the community.<sup>19</sup> Each day served in a supervised community sentence counts as one day served of the offender's term of sentence.<sup>20</sup> The purpose of this sentencing option is to "encourage the offender to lead a law-abiding life or assist the offender to do so, and to reasonably assure the safety of the community, repayment of any restitution and performance of service to the community in compensation for the criminal act itself."<sup>21</sup> The Commissioner of the Vermont Department of Corrections is responsible for recommending that an offender serve a supervised community sentence and create a plan that outlines the conditions of each individual sentence, consistent with the objectives of the supervised community sentence program.<sup>22</sup>

In 2012, the average daily population serving intermediate sanctions, which is a combination of supervised community sentences and preapproved furloughs, was 1,088, which shows an increase from 1,076 in 2011 and 637 in 2002. Those serving intermediate sanctions accounted for about 10.1% of the corrections population in 2012.<sup>23</sup>

Should an offender commit a crime or violate the conditions of his plan while serving a supervised community sentence, the individual may be required to serve the remainder of his sentence in a correctional facility.<sup>24</sup> Aside from sending the offender into typical incarceration, in the case of a violation, the parole board may continue the offender's current plan, the commissioner may change the conditions of the plan, or there may be a conference with the individual to discuss the conditions of the plan and reiterate the importance of complying with them.<sup>25</sup>

## Conclusion

Sentence reduction has been implemented to try and alleviate the growing problem of prison overcrowding in Vermont. A variety of different programs have been created for

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<sup>19</sup> Public Institutions and Corrections: Supervised Community Sentence, *Definitions*, §351, accessed on April 3, 2013, <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=006&Section=00351>.

<sup>20</sup> Public Institutions and Corrections: Supervised Community Sentence, *Reduction of term*, §361, accessed on April 3, 2013,

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=006&Section=00361>.

<sup>21</sup> Public Institutions and Corrections: Supervised Community Sentence, *Supervised Community Sentence*, §352c, accessed on April 3, 2013,

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=006&Section=00352>.

<sup>22</sup> Public Institutions and Corrections: Supervised Community Sentence, *Supervised Community Sentence*, §352b-d, accessed on April 3, 2013,

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=006&Section=00352>.

<sup>23</sup> Vermont Department of Corrections, "Facts and Figures FY2012."

<sup>24</sup> Public Institutions and Corrections: Supervised Community Sentence, *Authority of the parole board*, §371, accessed on April 3, 2013,

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=006&Section=00371>.

<sup>25</sup> Public Institutions and Corrections: Supervised Community Sentence, *Alternatives upon violation*, §372, accessed on April 3, 2013,

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=28&Chapter=006&Section=00372>.

this purpose. These programs include work camps, supervised community sentence, conditional reentry, and the reintegration furlough. Work camps are the only programs which allow offenders to gain reductions on their sentence, while all other programs allow them to serve the remainder of their sentence outside the correctional facility. These programs offer offenders the opportunity to reduce their incarceration and make their transition back into society smoother and more successful.

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This report was completed on April 12, 2013 by Nick Ingersoll, Hannah Harrington, and Abigail Pfister under the supervision of Program Specialist Kate Fournier and Professor Anthony Gierzynski in response to a request from Representative Suzi Wizowaty.

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Disclaimer: This report has been compiled by undergraduate students at the University of Vermont under the supervision of Professor Anthony Gierzynski. The material contained in the report does not reflect the official policy of the University of Vermont.