

UNIVERSITY OF MINNESOTA

PROFILES IN PAROLE RELEASE AND REVOCATION:

Examining the Legal Framework in the United States

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PROFILES IN PAROLE RELEASE AND REVOCATION:

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Vermont

By

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In contrast to many of the parole profiles already posted, in-state experts did not review this document. We encourage readers to use this profile as an informative guide, but to exercise caution in relying solely on the description of the parole process in Vermont without checking additional sources. We also welcome corrections to the profile.

1. Background; Sentencing System

a. Sentencing Framework

Sentences in Vermont are indeterminate and have both a minimum and a maximum term imposed by the court. Vermont does not have sentencing guidelines or a sentencing commission. Vermont's incarcerated population tripled between 1990 and 2007; the state credits their 2007 Justice Reinvestment Act for reversing (or at least leveling off) this trend.¹

Some form of conditional release has existed in Vermont since 1777 when the power to grant pardons was vested in the governor by the state constitution.² In 1898, the legislature gave the Board of Prison Commissioners the power to grant conditional pardons formerly held only by the governor; three years later, the law was declared unconstitutional.³ It appears that the governor held the power to grant conditional release until 1971, when the Vermont Parole Board was established.⁴

b. Does the State Have a Parole Board or Other Agency with Discretionary Prison Release Authority?

Yes, the Vermont Parole Board.⁵

<http://doc.vermont.gov/about/parole-board>

c. Which Agencies Are Responsible for the Supervision of Released Prisoners?

The Vermont Department of Corrections (DOC) and its Commissioner are responsible for the supervision of parolees as well as facilitating the arrangement of parole interviews.⁶

<http://www.doc.state.vt.us/custody-supervision/field/>

d. Which Agency Has Authority Over Parole Revocation?

The Vermont Parole Board has authority over parole revocation.⁷

2. Parole Release and Other Prison-Release Mechanisms

In Vermont, a felony is any crime for which the maximum sentence term is longer than two years.⁸ In all cases, at sentencing, an offender is given a maximum term of incarceration (including life).⁹ In most cases, they are also given a minimum term of incarceration.¹⁰

a. Parole Release Eligibility Formulas; Degree of Indeterminacy in System

General Rules of Release Eligibility. Inmates become eligible for parole after they have served either their minimum term, or, if no minimum term was set, within twelve months of their initial incarceration.¹¹

Violent Offenders. In Vermont, there are no special rules of eligibility for violent offenders.

Sex Offenders. Inmates convicted of certain sex offenses may not be released until they successfully complete sex offender treatment and programming; this is a form of an indeterminate life sentence.¹²

Life Sentences. Life sentences generally have a minimum term where parole is available. For example, for murder in the second degree, the minimum term is 20 years and the maximum term is life in prison.¹³

Recurring Eligibility after Denial and Exceptions. If parole is denied on first consideration after the initial interview, it will be reviewed again after a subsequent interview. If an inmate is serving a maximum sentence of less than 15 years, the Board reviews the inmate's record every 12 months. If an inmate is serving a maximum sentence of more than 15 years, the Board reviews the inmate's record every two years. The Board will conduct an interview upon written request of an inmate, but only once in a two-year period. The Board will also conduct an interview upon request of the Department of Corrections.¹⁴

b. Good Time, Earned Time, and Other Discounts

Good behavior credit, the only time credit available to Vermont inmates, gives the inmate a 30-day credit against the maximum and minimum sentence for every month in which the inmate demonstrates, "beyond the level normally expected, consistent program performance or meritorious work performance."¹⁵

c. Principles and Criteria for Parole Release Decisions

By statute, the Board must release an inmate if it finds that the inmate is eligible for parole; that there is a reasonable probability that the inmate can be released without detriment to the inmate or community; and that the inmate is willing and capable of fulfilling the obligations of a law-abiding citizen.¹⁶

d. Parole Release Guidelines

The Vermont Parole Board may adopt rules regarding the eligibility for parole.¹⁷ Parole will only be granted in "the best interest of the community and of the inmate."¹⁸ The Board has identified six factors to evaluate whether this interest is met. The factors are: seriousness of the crime committed, danger to the public, the offender's risk of re-offending, any input given by the victim, the offender's parole plan,¹⁹ and the recommendation of the Department of Corrections.

The Department of Corrections will recommend offenders serving a sentence in a correctional facility for parole at the time of their minimum sentence if they meet these criteria:

- i. Score moderate or lower on the DOC's risk assessment;
- ii. Is in compliance with their case plan (see definition of case plan compliant);
- iii. Has made successful progress in treatment, if required; and
- iv. Has exhibited appropriate institutional behavior that includes no convictions for any Major "A" disciplinary infraction or any disciplinary infraction (major or minor) which was the result of violence against persons or the destruction of property in the preceding twelve (12) months.²⁰

There are many other factors that the Board considers in parole determinations, such as prior criminal history or history of deviant behavior, substance abuse and treatment outcomes, education and job skills, emotional and mental stability, and "other factors involved that relate to public safety or the inmate's needs."²¹

e. Risk and Needs Assessment Tools

The Board utilizes a risk assessment tool based in large part on the LSI-R tool (Level of Supervision Inventory-Revised). The tool is titled the “Vermont Parole Board Risk Instrument.” It considers seven static factors such as the seriousness of the crime, chemical dependency and prior criminal convictions. It also considers six dynamic factors, including marital status, custody security level and the completeness of the release plan.²²

Transparency. The risk instrument used by the Vermont Parole Board is not easily accessible to the public; there is little available data on how, why, and when it is used.

f. Medical or Compassionate Release

Any inmate who is serving a sentence and who is “diagnosed as having a terminal or serious medical condition so as to render the inmate unlikely to be physically capable of presenting a danger to society, may be released on medical parole.”²³ The Department of Corrections must notify the Board if they receive medical information that includes such a diagnosis. Medical release may be rescinded at any time. “An offender who has been granted a medical parole will be under the same kind and degree of field supervision as any other parolee unless the Board waives supervision requirements.”²⁴

g. Executive Clemency Power

“The Governor shall have power to grant pardons and remit fines in all cases whatsoever, except in treason in which the Governor shall have power to grant reprieves, but not to pardon, until after the end of the next session of the General Assembly; and except in cases of impeachment, in which the Governor shall not grant reprieve or pardon, and there shall be no remission, or mitigation of punishment, but by act of legislation.”²⁵ The Board may serve as an advisor to the Governor when he or she acts in this capacity.²⁶

h. Emergency Release for Prison Crowding

Vermont does not have an emergency release provision permitting the Board, Department of Corrections or Governor to release prisoners.

3. Parole Release Hearing Process

a. Format of Release Hearings

Prior to the time that an inmate is first eligible for parole, the Board must conduct an in-person interview.²⁷ At the interview, the Board may consider “all pertinent information regarding an inmate” in making its decision, including both testimony and written materials.²⁸ An “interview” means “an appearance by the inmate at a meeting of the parole board.”²⁹

All hearings must be conducted by at least three Board members, and decisions must be made by a majority of the members conducting the hearing.³⁰

b. Information Before the Board: Factors the Board May Consider

“No later than 10 days prior to the scheduled date of the parole interview and review proceedings, the Department of Corrections staff shall submit to the Parole Board members and Director, a report prepared in a format determined by the Board (commonly referred to as a “parole packet”), containing the following information:³¹

1. Identifying information – name, date of birth, crime(s), residence, sentence information,
2. Including minimum and maximum sentence terms, and date sentence began.
3. Recommendation of the Department of Corrections.
4. Dates of prior board appearances, action taken, and any special Board notations.
5. Number of times previously on probation, parole, or another form of community supervision, including prior revocations.
6. List of disciplinary actions while incarcerated or on community supervision.
7. Details of the offense, including the facts and circumstances of the offense as it actually occurred and the details of any plea negotiations.
8. Personal history, including marital status, employment history, educational history, proposed Parole Plan and other relevant information.
9. Summary of any assessments.
10. Summary and history of the offender’s participation in treatment programs, including completion summaries, termination summaries or progress reports.
11. Dates victim notification was sent by certified mail and dates of return receipt, as well as comments received from the victim(s), or evidence of victim’s denial to comment.
12. Central Office case staffing for sex offenses and treatment provider recommendation.

The Board may also receive information from sources other than the Department of Corrections and shall consider such information to the extent and with such weight as the Board deems appropriate.³²

c. Prisoners' Procedural Rights

The inmate has a right to see any such information considered by the Board seven days before the hearing.³³

The Board is mandated to permit and consider testimony from the offender and the offender's immediate family, Department of Corrections' personnel, legal counsel for the Board, Board staff,³⁴ and interpreters.³⁵ All other testimony is permitted at the discretion of the Board. All other people attending the hearing may only serve as observers, unless the Board elects to hear their testimony.

There is no requirement that counsel be present or provided for the inmate.

d. Victims and Other Participants

Victims must be notified of any parole eligibility hearing at least 30 days prior to the hearing.³⁶ The victim may testify in person or in writing, and the inmate cannot be present for any testimony, unless the victim permits it. Victim impact is a mandatory factor in the Board's considerations, including the emotional impact.

There is no mandated notification of the prosecuting attorney, law enforcement or judge. However, any individual may request notification and will then be notified within 30 days prior to the hearing.³⁷ If they do choose to provide comments, the Board will consider comments from the prosecutor's office, the Office of the Attorney's General, the judiciary or other criminal justice agency. The Board also publishes its schedule of hearings on its website, at <http://www.doc.state.vt.us/about/parole-board/tentative-parole-board-schedule>.

e. Burden of Proof or Standards of Persuasion

The Board is not bound by the rules of evidence, and will consider any information that is not cumulative, repetitive, irrelevant or inherently unreliable. There is no formal evidentiary standard at the initial parole hearing.³⁸

f. Possible Outcomes at Parole Release Hearings; Form of Decisions

After the hearing, Board members discuss the information presented to them concerning the matter before them. After all Board members are heard, the Board votes in open session. The Board's decision must be made within 30 days of the hearing.³⁹

Written notice of the decision must be given to the inmate. If the Board denies parole, it must state the reasons for denial in writing and "may make suggestions to the offender for improving his or her chances for being granted parole in the future," although "compliance with these recommendations does not give rise to any expectation or promise that parole will be granted in the future."⁴⁰

If parole is granted, the Board must state in writing what conditions the inmate is to adhere to in order to remain under supervised release. The Board may also continue a matter if it does not have enough information to reach a reasoned and rational decision.⁴¹

g. Administrative or Judicial Review of Parole Denial

All decisions of the Board are final and subject to limited administrative review. An inmate, their attorney, or a parole officer may request reconsideration of a prior decision regarding parole. The request must include a detailed explanation of what action the offender or parole officer is seeking, and specific grounds for the request. Offender family circumstances and other personal problems are not grounds for this type of relief. However, new evidence that was not available at the time of the proceeding may prompt reconsideration.⁴²

If a Supervising Parole Officer requests reconsideration, the Parole Board will review the request at their monthly staff meeting and vote on the request. If the majority of the Board agrees to reconsideration, a hearing will be scheduled.⁴³

Offender reconsideration requests must be received within 30 days of a proceeding. Reconsideration must be approved by at least three members of the Board. At least three members of the Board must agree with the proposed changes, or any modification of a previous decision.⁴⁴

h. Rescission of Parole Release Dates

A decision to grant parole may be rescinded by the Board at any time before the offender signs a parole agreement.⁴⁶ This can be based on the offender (or another person acting on the offender's behalf) presenting false or misleading information, new information, a violation of the law or of institutional law, or an escape.

4. Supervision Practices

Supervision rate

In 2016, there were 185 parolees per 100,000 adult residents. This is lower than the 50-state average of 303 parolees per 100,000 adults.⁴⁷

a. Purposes of Supervision

The Board has discretion to set the conditions of post-release supervision "as it deems appropriate." The purpose of the conditions is to "to protect the victim, potential victims, and the public, and to reduce the risk of reoffense."⁴⁸

b. Are All or Only Some Releasees Placed on Supervision?

All releasees are initially placed on supervision as a standard condition of parole.⁴⁹ There are five levels of supervision. All sex offenders are initially assigned to supervision level five, and all domestic violence offenders are initially assigned to supervision level three or above.

c. Length of Supervision Term

Maximum supervision terms. Post-release supervision continues until the Board either determines that termination is "warranted by the conduct of the parolee and the ends of justice," or upon the completion of the parolee's maximum sentence, if they have not absconded during their term of parole. For parolees serving life sentences, supervision cannot be terminated until at least 15 years of their sentence has elapsed.⁵⁰

Early termination. "The Parole Board may terminate a parolee's period of parole supervision before their predetermined maximum term of parole has expired pursuant to a hearing. As a general rule, the Board may not allow hearings for early termination requests that are more than six months prior to a parolee's predetermined maximum

term of parole supervision." The Board must determine that there is sufficient good cause and a high probability of continued lawful behavior by the parolee as documented in the supervising parole officer's request. Early termination will not be considered if a parolee has unresolved parole violation(s), or criminal charge(s).⁵¹

d. Conditions of Supervision

There are four general conditions of parole, including that a parolee "may not act as an informant for any Law Enforcement official."⁵² The general conditions state the following:

1. You shall not violate any law(s) or court orders, and you shall notify your Parole Officer within 24 hours of any Law Enforcement contact. You may not act as an informant for any Law Enforcement official.
2. You shall not purchase, possess, or handle firearms and/or ammunition.
3. You shall notify your Parole Officer regarding any changes in your work or residence, report to your Parole Officer as directed by telephone or in person, and permit your Parole Officer or authorized DOC employee to visit you and/or conduct reasonable searches at your residence or elsewhere.
4. You shall not leave the state without permission from your Parole Officer.⁵³

Special conditions of parole may include (for example) participation in treatment programs, restrictions on alcohol use, drug and alcohol testing, curfew, restrictions on association, and restrictions on driving. There are also many potential conditions limiting access to computers or granting a parole officer access to all electronic media, mail covers, subscription services, and credit card statements.⁵⁴ The Board has discretion to set other conditions.⁵⁵

Modification. A condition of parole supervision may be modified by the Board when the modification will improve the opportunity for the parolee to fulfill the obligations of a law-abiding citizen, represent the best interest of the community, and not be detrimental or jeopardize public safety.⁵⁶ A Board hearing must be held that includes the parolee, who must be given the opportunity to testify, as well as a representative of the Department of Corrections.⁵⁷

Sex Offenders. There are special conditions imposed on sex offenders, including potential additional reporting and registration.⁵⁸

e. Fees and Other Financial Sanctions

Parole Supervision Fees: A supervision fee of \$30 per month is levied against all parolees.⁵⁹

Payments for Drug and Alcohol Testing and Treatment: There do not appear to be any payments required for this type of testing.

Restitution: "Restitution shall be included as a condition of parole if the original sentence order requires restitution and specifies a dollar amount. An order of restitution by the Board shall be included as part of the parole agreement signed by the inmate." However, "an offender may not be charged with a violation of parole for non-payment of restitution."⁶⁰

Child Support: A standard condition of parole is to commit no act punishable by law, including violation of court orders.⁶¹ This may include child support orders.

Other financial obligations: Parolees are required to reimburse the state for any extradition costs.⁶²

Incentives: reduction of economic sanctions: Parolees do not need to make a supervision payment if placed on low-supervision "administrative parole" by the Board.⁶³

Criteria for non-payment: There are some exceptions to fee collection for those whose sole source of income is through social security programs, Vermont's Aged, Blind, or Disabled Program, or the Reach-Up Program (another form of public assistance).⁶⁴ There are also exceptions for parolees currently supervised in another state, in residential treatment, or incarcerated. The Department of Corrections will "employ an array of non-incarcerative strategies to encourage payment of supervision fees, including tax set-off."⁶⁵

5. Parole Revocation

Parole Revocation Proceedings

In 2016, there was no data on adults exiting parole in Vermont.⁶⁶

Absconders

This statistic is not published by the Vermont Department of Corrections.⁶⁷

a. Principles and Criteria of "When to Revoke"

If an allegation of a violation of parole is proven by substantial evidence, the Parole Board may revoke parole.⁶⁸

"It is the policy of the Vermont Parole Board to provide timely, fair, and impartial hearings that comport with due process to those parolees who are, while on parole, alleged to have violated the terms and conditions of their parole, while protecting the public and the integrity of the parole system. The Board will accomplish this by making reasoned and rational violation decisions that are based upon good and sufficient information."⁶⁹

As noted in a 2009 Minnesota report comparing state parole practices, Vermont has "provided parole boards with broad discretion to return violators to incarceration status with minimal restrictions."⁷⁰

b. Revocation Guidelines

There are no currently published revocation guidelines in Vermont.

c. Risk and Needs Assessment Tools

The Board may use the Vermont Parole Board Risk Instrument in assessing the appropriateness of revocation.

d. Preliminary and Final Revocation Procedures

Reprimand Proceedings. In lieu of initiating formal violation proceedings, a supervising parole officer may request that the Parole Board deliver a verbal reprimand to a parolee who has exhibited conduct in violation of his or her parole conditions. In such instances, a parole officer must submit approved documentation to Parole Board

staff. A hearing must be scheduled involving both the supervising officer and parolee at which time the Board will deliver a formal reprimand to the parolee, or request that the supervising parole officer initiate formal violation proceedings.⁷¹

Arrest or Summons. Any designated correctional officer may arrest a parolee without a warrant if they have probable cause to believe that the parolee has violated a condition of his or her parole.⁷² The Board can also issue an arrest warrant or, if appropriate, a notice to appear. If a parole officer believes that a formal revocation hearing is not warranted by the violation, they may submit a report and request to the Board to issue a warning to the parolee.

Preliminary hearing. In a formal revocation proceeding, the preliminary hearing will be conducted by a single member of the Board or the Board Director acting as a Hearing Officer. No preliminary hearing can take place without written notice by the Department of Corrections to the parolee. The hearing must be open to the public and recorded, and can be conducted in person, by telephone, or by video conference. The Hearing Officer must determine if probable cause exists to believe that the parolee has committed a violation of his or her parole. If a violation is found, the Hearing Officer may continue incarceration, no more than 30 days from the time of arrest, pending a final hearing.⁷³

Final Hearings. The final revocation hearing is conducted by at least three members of the Board. The supervising parole officer or other DOC representative must present proof that supports the alleged violation. However, the Board is not bound by the strict rules of evidence, and may consider hearsay evidence, affidavits, letters, and other written documents. The hearing must be conducted as an open session and an audio recording must be made of any portion in which the Board receives evidence or announces its decision.⁷⁴

e. Offenders' Procedural Rights

"No Final Parole Violation Hearing shall be conducted until the parolee has been given written notice of the hearing by the Department of Corrections. This notice shall contain the date, time and location of the hearing, the charges being brought against the parolee, and a statement advising the parolee that he or she has a right to be represented by counsel and that counsel shall be provided to represent him or her if he or she cannot afford to hire counsel."⁷⁵

Vermont appoints counsel at parole hearings to those who request it, including those who cannot afford legal representation.⁷⁶ The parolee is entitled to hear all information presented, unless that information would present a danger to a witness.⁷⁷

f. Victim and Other Participants

The victim may be notified of a revocation procedure through the same process as is used in the initial hearing. There is no requirement that the initial prosecutor, law enforcement or judge be notified. All revocation hearings are open to the public and revocation hearings schedules are published on the Board's website. There is, however, no specific requirement that the public or media be notified. Any member of the public can also sign up to receive notifications about parole hearings.

g. Burden of Proof or Standards of Persuasion

The Board must determine by a preponderance of the evidence that the parolee has violated the conditions of parole.⁷⁸

Revocation may occur if the Board has found that the Parolee has violated terms and conditions of parole, and a majority of the Board votes based on this finding to revoke parole.

h. Revocation and Other Sanctions

"If the Board determines in the first phase of deliberation that the parolee did violate one or more conditions of parole, the Parole Board must choose from the following decisional options by majority vote in open session:"⁷⁹

1. Reinstate the parolee on parole with a warning, a reprimand, a requirement for additional or modified parole conditions or any combination thereof.
2. Revoke parole.
3. Enter such other order as the Board deems necessary or desirable and does not conflict with the Board's authority.
4. An incarcerative disposition of no more than 30 days.

If parole is revoked, parolees are entitled to credit against their sentence for the time served on supervised release.

i. Issuing Parole Revocation Decisions

After the Board deliberates and reaches a final decision, the Board must enter a written order that sets forth the evidence supporting the Board's decision and its reasoning.⁸⁰

j. Administrative or Judicial Review of Parole Revocation Decisions

The same type of administrative review is available for revocation decisions as is available for initial release decisions. A request for reconsideration of a prior decision regarding parole may be made in writing by an offender, their attorney, or an offender's supervising parole officer.

Decisions of the Board are not subject to judicial review, except to determine whether the decision was contrary to the provisions of the parole statute or unconstitutional.⁸¹ The Board must meet basic due process requirements when making the decision to revoke parole.⁸²

k. Re-Release Following Revocation

"An inmate who has been re-confined following parole may be reparaoled by the Board. No person having been found guilty of more than two violations of parole by the commission of any offense whose maximum term of imprisonment is more than two years or life or which may be punished by death shall be eligible for future parole during the balance of his or her original sentence."⁸³

6. Parole Board; Institutional Attributes

a. Source of Authority and Jurisdiction

The Vermont Parole Board was created by statute⁸⁴ and oversees parole and Supervised Community Sentence release and revocation.⁸⁵

b. Location in Government

The Vermont Parole Board is an autonomous agency supported by the agency of Human Services.⁸⁶

c. Purpose (Vision/Principles/Rationale)

"The Vermont Parole Board as an independent entity that considers eligible offenders for parole, rendering just decisions by balancing victim needs, the risk to public safety, while promoting offender accountability and success."⁸⁷

The Parole Board also has a Code of Ethics that is meant to "supplement the ethical standards" that are required of all state employees. For example, Board members must "be professional and respectful to those involved in all matters that come before the Board, including the offenders, victims, and those who support or oppose an offender's release."⁸⁸

d. Appointment and Qualifications for Board Members

Board members are appointed by the governor with the "advice and consent" of the senate.⁸⁹

Qualifications. Where possible, the governor must appoint "persons who have knowledge of and experience in correctional treatment, crime prevention or human relations, and shall give consideration, as far as practicable, to geographic representation of the state."⁹⁰

e. Tenure and Number of Board Members, Ease of Removal

The Board consists of five members and two alternates. Members serve three years, and there is no limitation on re-appointment. By statute, these terms are staggered so that no more than three board members' terms expire in the same year.⁹¹

f. Training and Continuing Education

"Parole board members continue to participate in training on various issues relating to parole consideration."⁹²

g. Workload

There were 1,513 parole interviews, with 587 paroles granted in 2013.⁹³ There were 269 parole violation hearings in 2014.⁹⁴

h. Reporting and Accountability of Parole Board

The Department of Corrections produces annual facts and figures that include parole outcomes.⁹⁵

END NOTES

- ¹ Vt. Dep't of Corr., *Annual Report FY 2015*, at 4, 30 (2015), <http://www.doc.state.vt.us/about/reports/fy15-doc-annual-report/view>.
- ² Vt. Const. Ch. II, § 20.
- ³ *In re Conditional Discharge of Convicts*, 51 A. 10, 15 (Vt. 1901).
- ⁴ See, e.g., 1971 Vt. Acts & Resolves no. 199 § 20; *In re St. Amour*, 255 A.2d 667, 669 (Vt. 1969).
- ⁵ See Vt. Stat. Ann. tit. 28, §§ 401, 451.
- ⁶ *Id.* § 403.
- ⁷ *Id.* § 552.
- ⁸ Vt. Stat. Ann. tit. 13, § 1.
- ⁹ *Id.* § 7031.
- ¹⁰ *Id.*
- ¹¹ Vt. Stat. Ann. tit. 28, § 501.
- ¹² Vt. Stat. Ann. tit. 13 § 3271 ("unless the department determines that the person poses a sufficiently low risk of re-offense to protect the community or that a program can be implemented which adequately supervises the person and addresses any risk the person may pose to the community").
- ¹³ *Id.* § 2303 (aggravating or mitigating factors can increase or decrease the minimum term).
- ¹⁴ Vt. Stat. Ann. tit. 28 § 502.
- ¹⁵ *Id.* § 811.
- ¹⁶ *Id.* § 502a(b).
- ¹⁷ *Id.* § 503.
- ¹⁸ Vt. Stat. Ann. Tit. 28 § 502a(c).
- ¹⁹ Including housing, employment, and need for treatment and follow-up resources. See Vt. Dep't of Corr., *Vermont Parole Board Manual* 18 (Oct. 16, 2017), <http://www.doc.state.vt.us/about/parole-board/vermont-parole-board-manual/view> (hereinafter "Parole Board Manual").
- ²⁰ State of Vt. Agency of Human Serv. Dep't of Corr. *Parole Reviews and Recommendations* #371.25 (Sept. 30, 2013), <http://doc.vermont.gov/about/policies/rpd/correctional-services-301-550/371-375-programs-classification-and-case-planning/371-25-parole-reviews-and-recommendations-1>.
- ²¹ See Parole Board Manual, *supra* note 19. See also Vt. Dep't. of Corr., *Annual Report FY 2015* (2015), <http://www.doc.state.vt.us/about/reports/fy15-doc-annual-report/view>.
- ²² See Parole Board Handout to Vermont Legislature ("Handout"), (2014), <http://legislature.vermont.gov/assets/Documents/2014/WorkGroups/House%20Corrections%20and%20Institutions/Corrections%20Issues/W-Dean%20George~Vermont%20Parole%20Board%20Handouts~1-22-2014.pdf>. See Vt. Dept. of Corr., *Facts and Figures FY 2014*, 161–62 (2014), <http://www.doc.state.vt.us/about/reports/ff-archive/facts-figures-fy2014/view> (In addition, the Department of Corrections uses the LSI-R to monitor risk among its population, and its results are published as part of the annual report by the Department of Corrections).
- ²³ Vt. Stat. Ann. tit. 28 § 502a(d).
- ²⁴ Parole Board Manual, *supra* note 19, at p. 30.
- ²⁵ Vt. Const. Ch. II, § 20.
- ²⁶ Parole Board Manual, *supra* note 19, at 10.
- ²⁷ Vt. Stat. Ann. tit. 28 § 502(a).
- ²⁸ *Id.*
- ²⁹ *Id.* § 402.
- ³⁰ *Id.* § 451(b).
- ³¹ Parole Board Manual, *supra* note 19, at 12.
- ³² *Id.* at 13.
- ³³ *Id.* at 14 (certain exceptions are made for sensitive materials such as diagnostic information for a witness, information revealing a source when the source was given a promise of confidentiality and where there is reasonable cause to believe that the information, if disclosed, may result in the harm of any person).
- ³⁴ *Id.* As deemed necessary by the board.
- ³⁵ *Id.* As deemed necessary by the board.
- ³⁶ Vt. Stat. Ann. tit. 28, § 507.
- ³⁷ *Id.* § 403(5).
- ³⁸ Parole Board Manual, *supra* note 19, at 16.
- ³⁹ *Id.* at 18.
- ⁴⁰ *Id.* at 19–20.
- ⁴¹ *Id.* at 19.
- ⁴² *Id.* at 41.
- ⁴³ *Id.* at 42.
- ⁴⁴ *Id.*
- ⁴⁵ *Id.* at 41.
- ⁴⁶ *Id.* at 50.
- ⁴⁷ Danielle Kaebler, Bureau of Just. Stat., *Probation and Parole in the United States*, 2016 18–19 (Appendix Table 5) (Apr. 2018), <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>
- ⁴⁸ Vt. Stat. Ann. tit. 28, § 502b.
- ⁴⁹ State of Vt. Agency of Human Serv. Dep't of Corr., *Risk Management Field—Supervision #430.10*, (June 1, 2012), <http://www.doc.state.vt.us/about/policies/rpd/correctional-services-301-550/401-500-programs-security-and-supervision/430-10-risk-management-supervision-field>.
- ⁵⁰ Vt. Stat. Ann. tit. 28, § 506.
- ⁵¹ Parole Board Manual, *supra* note 19, at 29.
- ⁵² Parole Board Manual, *supra* note 19, at 22.
- ⁵³ *Id.*
- ⁵⁴ Vt. Stat. Ann. tit. 28, § 502b(a).
- ⁵⁵ Parole Board Manual, *supra* note 19, at 22–25.
- ⁵⁶ *Id.* at 28.
- ⁵⁷ *Id.*
- ⁵⁸ Vt. Stat. Ann. tit. 13 § 5404.
- ⁵⁹ Vt. Stat. Ann. tit. 28, § 102(c)(14) (2017).
- ⁶⁰ Parole Board Manual, *supra* note 19, at 25.
- ⁶¹ *Id.* at 22.
- ⁶² *Id.* at 27.
- ⁶³ 13–130–018 Vt. Code R. § 5 (2018).
- ⁶⁴ *Id.*; See also Vt. Dept. For Children and Families, *Reach Up*, <http://dcf.vermont.gov/benefits/reachup> (last visited Apr. 13, 2018).
- ⁶⁵ 13–130–018 Vt. Code R. § 6 (2018).
- ⁶⁶ Kaebler, *supra* note 47 at 22–23 (Appendix Table 7).
- ⁶⁷ See Vt. Dept. of Corr., *supra* note 22, at 154. The DOC publishes a statistic on escapes from field supervision (which perhaps includes probation, parole, and other forms of supervision); there were 82 total in 2014.
- ⁶⁸ Vt. Stat. Ann. tit. 28, § 552 (2017).
- ⁶⁹ Parole Board Manual, *supra* note 19, at 31.
- ⁷⁰ Minn. Dep't of Corr., *Review of Guidelines for Revocation of Parole and Supervised Release*, 20–21 (Mar. 2009), https://mn.gov/doc/assets/ReviewofGuidelinesforParole-ReleaseRevocation2009Report_002_tcm1089-276045.pdf.
- ⁷¹ Parole Board Manual, *supra* note 19, at 31.
- ⁷² Vt. Stat. Ann. tit. 28, § 551(c) (2017).
- ⁷³ Parole Board Manual, *supra* note 19, at 32–33.
- ⁷⁴ *Id.* at 33–34.
- ⁷⁵ *Id.* at 33.
- ⁷⁶ *Id.*
- ⁷⁷ *Id.* at 34.
- ⁷⁸ See, e.g., *Relation v. Vermont Parole Board*, 660 A.2d 318, 321 (Vt. 1995).
- ⁷⁹ Parole Board Manual, *supra* note 19, at 35.
- ⁸⁰ *Id.*
- ⁸¹ Vt. Stat. Ann. tit. 28, § 454 (2017). See also *State v. Whitchurch*, 577 A.2d 690 (Vt. 1990).
- ⁸² *Rodríguez v. Pallito*, 93 A.3d 102, 108–09 (Vt. 2014).
- ⁸³ Vt. Stat. Ann. tit. 28, § 553 (2017).
- ⁸⁴ *Id.* § 451.
- ⁸⁵ Vt. Dep't of Corr., *About the Parole Board*, <http://www.doc.state.vt.us/about/parole-board/about-the-parole-board/> (last visited Apr. 13, 2018).
- ⁸⁶ See, e.g. Vt. Stat. Ann. tit. 28, § 456 (2017).
- ⁸⁷ Parole Board Manual, *supra* note 19, at 1.
- ⁸⁸ *Id.* at 6.
- ⁸⁹ Vt. Stat. Ann. tit. 28, § 451(a) (2017).
- ⁹⁰ *Id.*
- ⁹¹ *Id.*
- ⁹² Handout, *supra* note 22, at 4.
- ⁹³ Vt. Dept. of Corr., *supra* note 22, at 82.
- ⁹⁴ *Id.* at 84.
- ⁹⁵ *Id.*